



# COMPETITION LAW NEWSLETTER

## CONTENTS

- Competition Commission of India, investigates into DHL, UPS and FEDEX for alleged anti trust practices 1

---

- CCI says Minda-pricol deal likely to raise competition concerns 1

---

- CCI refuses to investigate PVR for alleged abuse of dominant position in market 2

---

- CCI has issued a query to Religare Enterprises, seeking details about the corporate involvement of the Burman family 2

---

- Sc to hear Google’s plea against CCI fine of Rs 1,337.76 Crore on April 30 2

---

- CCI dismisses Allegation against Ola & Others 3

---

- Combination Orders 3

**Prepared for PAFI by:**  
 Gautam Shahi, Partner  
 Ruchika Sidhwani, Principal Associate  
 Dua Associates

## Competition Commission of India, investigates into DHL, UPS and FEDEX for alleged anti trust practices

The Competition Commission of India (CCI) has initiated investigation against domestic units of global delivery companies, including DHL, UPS, and FedEx, for alleged collusion on discounts and tariffs. The inquiry was initiated in October 2022 based on an information filed by Federation of Indian Publishers alleging that DHL, FedEx, UPS, and Dubai’s Aramex, along with some domestic firms, were deciding charges together and controlling customer discounts.



## CCI says Minda-pricol deal likely to raise competition concerns

CCI has raised concerns about Minda’s proposed acquisition of an additional 8.79% stake in Pricol. On January 3, 2024, CCI in its order stated that that prima facie, the proposed combination of Minda and Pricol is likely to result in “an appreciable adverse effect on competition of multiple reasons”. Hence, it planned to inquire further into the matter. The CCI has directed the parties to respond as to why investigation in respect of the proposed combination should not be conducted.



## CCI refuses to investigate PVR for alleged abuse of dominant position in market

The CCI has dismissed a complaint filed by filmmaker Yogesh Pratap Singh against PVR Private Limited, alleging that the company abused its dominant position by favouring films from large production houses over independent ones, creating barriers for independent films and potentially anti-competitive behaviour. In his information, Mr. Singh has also raised concerns about PVR's vertical integration into film production, distribution, and exhibition.

Refusing to intervene, the CCI concluded that Mr. Singh had failed to produce any evidence in support of his allegations. CCI also held that, 'Commercial wisdom of the exhibitors is largely governed by consumer demand and unless harm to competition is apparent, any intervention will only lead to undesirable consequences by taking away the autonomy of such undertaking and substituting the decision of such entity by the decision of the regulator.'



## CCI has issued a query to Religare Enterprises, seeking details about the corporate involvement of the Burman family

Religare Enterprises (Religare) has been questioned by the CCI about the Burman family's potential merger, management involvement, or board representation. The CCI has directed Religare to submit details of correspondence between the Burmans and Religare from October 2017 to September 2023.

CCI has alleged that the Burmans failed to disclose their initial acquisition of Religare

shares and are now seeking authorization for their intended acquisition of a 5% stake through secondary market transactions. They are also proposing an open offer to acquire an additional 26% from the company's public shareholders. The Burmans' actions, including initial share acquisitions, planned stake purchases, and an open offer, suggest an intention to gain control of the financial services unit.



## SC to hear Google's plea against CCI fine of Rs 1,337.76 Crore on April 30

The Supreme Court will begin hearing Google's appeal against the National Company Law Appellate Tribunal's (NCLAT) decision to uphold a Rs 1,337.76 crore penalty by the CCI for abusing its dominant

position. The hearing has been pushed due to the constitution of various Constitution benches, and both sides will take four days to argue the case.

The CCI penalised Google in October 2022 for practices related to Android devices and asked it to pay Rs 1,337.76 crore. Google was given three months to comply, but the NCLAT asked for 10% of the amount in three weeks. The case was

sent back to NCLAT for final order, which upheld the penalty in March 2023 but set aside four directions. Both Google and CCI have challenged the order.



## CCI dismisses allegation against Ola & Others

The CCI has dismissed an Information against electric two-wheeler makers Ola Electric, Hero Motocorp's Vida, TVS Motors and Ather. The Information, filed by an anonymous person had alleged that they were abusing their dominance position by indulging in under-pricing to avail FAME -II subsidy.

The CCI, vide its order dated January 23, 2024, noted that there appears to be "no single player which is able to exert market power in its favour or appears to demonstrate a position of strength to operate independently of market forces." Hence, none of the accused entities enjoyed dominant position and therefore the question of violation of section 4 does not arise.



## Combination Orders

The CCI has approved multiple separate combination proposals involving investments by marquee investors such as Goldman Sachs, Naspers, Temasek and CDPQ in PharmEasy owner API Holdings Ltd.

- The CCI has approved the acquisition of approximately 38 per cent of share capital of MG Motor Pvt Ltd by JSW Ventures Singapore Pte Ltd.
- The CCI has approved 100% acquisition of Wistron Infocomm Manufacturing (India) Private Limited by Tata Electronics Private Limited.

- The CCI has approved the proposed merger of Fincare Small Finance Bank Limited into and with AU Small Finance Bank.
- The CCI has approved the acquisition of GVK Power (Goindwal Sahib) Limited by Punjab State Power Corporation Ltd.
- The CCI has approved Seventy Second Investment Company's proposed stake acquisition in Manipal Health Enterprises.
- The CCI has approved IMCD India Pvt Ltd.'s acquisition of an additional 30% equity stake in Signet Excipients.





Public Affairs Forum of India

*Contact us:*

Lakshmi Kanchaan (Ms)

Executive Director

[lakshmi.kanchaan@pafi.in](mailto:lakshmi.kanchaan@pafi.in)

[www.pafi.in](http://www.pafi.in)

**Disclaimer:**

Competition Law Newsletter is prepared by Dua Associates for Public Affairs Forum of India (PAFI). The information and opinions contained in this newsletter have been compiled from sources believed to be reliable and in good faith. While all efforts have been made to compile accurate information, PAFI, or its employees shall not be in any way responsible for any damage that may arise to any person from any inadvertent error in the information or omissions contained in the report.