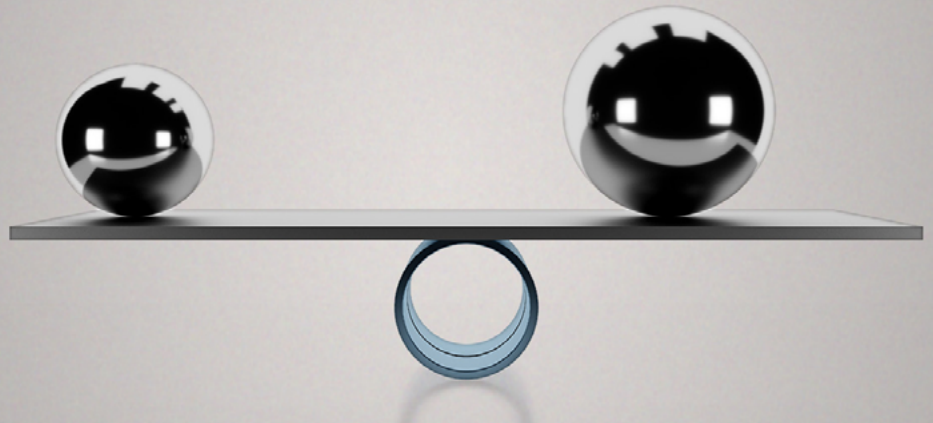


February 2026



Indian Competition Law Roundup – December 2025 and January 2026

In this Roundup, we highlight some important developments in Indian competition law in December 2025 and January 2026.

In summary:

- A division bench of the Kerala High Court dismissed JioStar India Private Limited's appeal challenging the Competition Commission of India's (CCI) order directing an investigation into allegations that JioStar abused its dominant position in Kerala's television broadcasting market. The Supreme Court of India subsequently refused to interfere with the division bench's judgment.
- The National Company Law Appellate Tribunal (NCLAT) allowed the Tamil Nadu Power Producers Association's appeal, remanding abuse of dominance allegations against Chettinad International Coal Terminal Private Limited to the CCI for fresh consideration.
- The NCLAT dismissed appeals by Apaar Infratech Private Limited and Karnataka Power Corporation Ltd. challenging the CCI's closure orders which had rejected abuse of dominance and bid rigging allegations against Maharashtra State Road Development Corporation Limited and others.
- The CCI closed an information filed against various technology platforms (including Apple, Amazon, Flipkart, Google) for alleged anti-competitive conduct, finding the allegations vague and unsupported by evidence.
- The NCLAT dismissed an appeal by Klassy Enterprises in relation to bid-rigging in tenders for sewing machines, upholding the CCI's penalty of INR 10,00,000 (approx. USD 11,000).
- The CCI held KKK Mills and Sankeshwar Synthetics Pvt. Ltd. liable for bid-rigging in defence tenders, though no monetary penalty was imposed in light of mitigating factors.
- The CCI imposed a penalty of INR 50,00,000 (approx. USD 55,000) on Allcargo Logistics Limited for consummating a notifiable transaction without prior notification to, and approval from, the CCI.

Abuse of Dominance

Kerala High Court dismisses JioStar's appeal; Supreme Court concurs

On 3 December 2025, a division bench of the Kerala High Court dismissed JioStar India Private Limited's (**JioStar**) appeal against the judgment of the single judge bench, which had dismissed JioStar's challenge to the CCI's order directing an investigation by the Director General (**DG**) under the Competition Act, 2002 (**Competition Act**).¹

The investigation was directed pursuant to an information filed by Asianet Digital Network Private Limited, which alleged that JioStar had abused its dominant position by favouring Kerala Communicators Cable Limited, one of the multi-system operators, in pricing of channels. JioStar argued that the Telecom Regulatory Authority of India (**TRAI**), being a sectoral regulator, excludes the CCI's jurisdiction in this matter.

The division bench held that where allegations relate to anti-competitive agreements or abuse of dominance under Sections 3 and 4 of the Competition Act, the CCI retains jurisdiction to investigate, even in regulated sectors. The presence of sectoral regulation does not impliedly repeal or eclipse the Competition Act. The division bench held that the DG investigation should proceed, and all jurisdictional and substantive objections should be decided by the CCI after consideration of the DG's report, in a separate, reasoned order.

On 27 January 2026, the Supreme Court of India dismissed JioStar's appeal and refused to interfere with the division bench's judgment.²

¹ *JioStar India Private Limited v. Competition Commission of India & Ors.*, High Court of Kerala, W.A. No. 1551 of 2025 (3 December 2025).

² *JioStar India Private Limited v Competition Commission of India Ors.*, Supreme Court of India, SLP(C) No. 2867/2026 (27 January 2026).



Competition Matters

NCLAT directs CCI to reconsider allegations against coal terminal operators

On 21 January 2026, the NCLAT allowed the appeal filed by the Tamil Nadu Power Producers Association (**TNPPA**) against the CCI's order which closed its case against Chettinad International Coal Terminal Private Limited (**CICTPL**) and Kamarajar Port Limited (**KPL**) for contravention of Section 4 of the Competition Act, following multiple DG investigations.³

TNPPA filed an information with the CCI alleging that CICTPL, as the only commercially viable option for coal handling in the region, sharply increased handling charges and imposed additional "Coordination and Liaison Charges" through third-party entities allegedly linked to CICTPL.

The NCLAT undertook a detailed examination of the record and found that the CCI had erred in its analysis of the evidence. On the issue of market definition, the NCLAT emphasised that the relevant market is the "area of effective competition" within which the enterprise operates, and where its ability to control prices or restrict competition can be assessed. On dominance, the NCLAT held that CICTPL was the only effective provider of common user coal terminal services in the relevant market. The NCLAT also noted that volumes continued to increase despite significant price hikes, indicating users' inability to switch and the absence of effective competitive constraints. With respect to abuse, the NCLAT noted that both the DG's supplementary report and the CCI's own analysis had effectively found the additional charges to be mandatory, and the imposition of those charges constituted abuse of dominance, contrary to the CCI's characterisation of the conduct as merely 'opportunistic'.

Thus, the NCLAT set aside the CCI's order closing the case and remanded the matter back to the CCI for fresh consideration.

NCLAT dismisses Apaar Infratech's appeal in bid-rigging case closure

On 20 January 2026, the NCLAT dismissed the appeal filed by Apaar Infratech Private Limited against the CCI's order under Section 26(2) of the Competition Act.⁴ In its order, the CCI had held that no *prima facie* case of contravention of Sections 3 and 4 of the Competition Act was made out against Maharashtra State Road Development Corporation Limited and others in relation to allegations of abuse of dominance and bid-rigging.

The NCLAT dismissed the appeal. Importantly, the NCLAT held that entities that are part of the same group cannot be said to be in violation of Section 3(3) of the Competition Act, and entities engaged in a vertical relationship cannot form a cartel. The NCLAT

also reaffirmed the CCI's conclusion that it has no jurisdiction over the unfair and discriminatory conduct of a non-dominant enterprise.

NCLAT dismisses Karnataka Power Corporation's appeal in dominance case closure

On 13 January 2026, the NCLAT dismissed Karnataka Power Corporation Ltd.'s (**KPCL**) appeal against the CCI's order passed under Section 26(2) of the Competition Act, which held that no *prima facie* case was made out against Singareni Collieries Company Ltd. (**SCCL**) for abuse of dominance in the market for the "production and sale of non-coking coal to thermal power generators in India".⁵

KPCL contended before the NCLAT that the CCI had passed its order without issuing notice to it, or granting a hearing, thereby violating principles of natural justice. The NCLAT observed that no notice is required to be issued to the informant where the CCI forms an opinion that no *prima facie* case exists. The NCLAT held that the CCI had appropriately balanced statutory requirements with principles of natural justice, and passed an appropriately reasoned order.

CCI closes information against technology platforms

On 5 January 2026, the CCI passed an order under Section 26(2) of the Competition Act, closing an information filed by Preeti Kodwani against 23 parties, including Sundar Pichai, Apple LLC, Amazon Seller Services Pvt. Ltd., Flipkart Internet Pvt. Ltd., and Wix.com Ltd.⁶

The information alleged that dominant digital players and their associated artificial intelligence / ad-serving systems unfairly restricted the informant's market access and diverted commercial opportunities to the informant's competitors, resulting in an appreciable adverse effect on competition in India's digital services market.

The CCI noted that the allegations were vague, broad, and devoid of the requisite particulars. The nature of the alleged contraventions had not been clearly articulated, the specific role and conduct of each of the 23 parties was not set out, and the evidence furnished in the form of screenshots was largely illegible and incapable of proper scrutiny. Accordingly, the CCI found no *prima facie* case of contravention of Sections 3 or 4 of the Competition Act and closed the matter.

Anti-Competitive Agreements

NCLAT dismisses Klassy Enterprises' appeal in bid-rigging case

On 7 January 2026, the NCLAT dismissed the appeal filed by Klassy Enterprises (**Klassy**) against the CCI's order under Section 27 of the

3 *Tamil Nadu Power Producers Association v. Competition Commission of India & Ors.*, NCLAT, Competition Appeal (AT) No. 05 of 2021 (21 January 2026).

4 *M/s Apaar Infratech Private Limited v. Competition Commission of India & Ors.*, NCLAT, Competition Appeal (AT) No. 56 of 2022 (20 January 2026).

5 *Karnataka Power Corporation Ltd. v. Competition Commission of India & Ors.*, NCLAT, Competition Appeal (AT) No.05/2018 (13 January 2026).

6 *Preeti Kodwani v. Sundar Pichai & Ors.*, CCI, Case No. 36/2025 (5 January 2026).



Competition Matters

Competition Act.⁷ In its order, the CCI had held Klassy and others guilty of anti-competitive conduct and bid-rigging pertaining to a tender for supply of Picofall-cum-Sewing Machines, and had imposed a penalty of INR 10,00,000 (approx. USD 11,000).

The NCLAT upheld the CCI's findings, agreeing that price parallelism with minuscule margins was highly unlikely among independent bidders, and was indicative of coordination. The NCLAT found that the evidence submitted collectively established a meeting of minds, and direct evidence of formation of cartels or bid-rigging is seldom available. On penalty, the NCLAT noted that the penalty of INR 10,00,000 (approx. USD 11,000) was well below 10% of the relevant turnover, and was proportionate to the gravity of the conduct.

CCI finds bid-rigging in defence tenders but imposes no monetary penalty

On 2 January 2026, the CCI held KKK Mills and Sankeshwar Synthetics Pvt. Ltd. liable for bid-rigging in defence tenders for 'Underpant Woollen', following a reference by the Directorate General Ordnance Services.⁸ Two individuals were also found liable under Section 48 of the Competition Act.

The CCI relied on repeated identical bid prices (up to two decimal points) and near-simultaneous bid submissions, together with "plus factors" such as emails, call-data records, and bank transactions evidencing contact and coordination.

While issuing a cease-and-desist direction, the CCI did not impose monetary penalties, citing the inability to ascertain relevant turnover from the records provided; the MSME status and financial position of the parties; and the preventive objectives of the Competition Act. The order cautioned that any recurrence of the conduct would attract aggravated consequences.

⁷ *M/s Klassy Enterprises v. Competition Commission of India & Ors.*, NCLAT, Competition Appeal (AT) No. 33 of 2022 (7 January 2026).

⁸ *CP Cell Master General of Ordnance Service v. M/s KKK Mills & Anr.*, CCI, Case No. 01/2021 (2 January 2026).

⁹ *Allcargo Logistics Limited*, CCI, Ref. No. M&A/2022/11/01(03)/CD (8 January 2026)

Merger Control

CCI imposes penalty on Allcargo for gun jumping

On 8 January 2026, the CCI imposed a penalty of INR 50,00,000 (approx. USD 55,000) under Section 43A of the Competition Act on Allcargo Logistics Limited (**Allcargo**) for consummating a notifiable transaction without prior notification to, and approval from, the CCI.⁹

The proceedings arose from Allcargo's acquisition of the remaining 30% stake in Gati-Kintetsu Express Private Limited (**Gati Express**) from KWE-Kintetsu World Express (S) Pte. Ltd. and KWE Kintetsu Express (India) Private Limited (together, **KWE**), which resulted in Allcargo increasing its shareholding from 70% to 100%.

The CCI formed a *prima facie* view that, prior to the transaction, Gati Express was under joint control of Allcargo and KWE. Since KWE's shareholding exceeded 25%, KWE had the ability to block special resolutions under the Companies Act, 2013. This ability of KWE raised a presumption of 'negative control'. Therefore, pursuant to the transaction, Allcargo's control changed from joint control to sole control, which took the transaction outside the purview of the intra-group exemption. The CCI observed that control includes both *de facto* and *de jure* elements, and that the mere fact that veto rights were not exercised in practice does not negate their existence. All forms and degrees of control constitute 'control' under competition law. The CCI also held that a transaction must be reported if it is notifiable, irrespective of whether it ultimately raises competition concerns.

Since Allcargo consummated the transaction without filing a notice, it contravened the Competition Act and was liable to penalty under Section 43A. Therefore, the CCI imposed a penalty of INR 50,00,000 (approx. USD 55,000) on Allcargo.

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