



Competition Law Newsletter

Saraf and Partners is delighted to share with you the latest edition of the Firm's Competition Law Newsletter, titled '**Critical Competition**' (November 2025).

This edition offers a comprehensive update on the developments in the field of Competition Law in India over the last month, i.e., October 2025. We invite all our valued readers to peruse this newsletter and gain valuable insights into the current state of the law.

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...and more



ENFORCEMENT ORDERS

1. THE NCLAT DISMISSED AN APPEAL AGAINST VIFOR INTERNATIONAL (AG)

The National Company Law Appellate Tribunal (**NCLAT**) by way of an order dated 30.10.2025, dismissed an appeal filed by Mr. Swapan Dey (**Appellant**) challenging the CCI's order dated 25.10.2022, concerning alleged anti-competitive conduct and abuse of dominance by Vifor International (AG) (**OP**) in relation to Ferric Carboxymaltose (**FCM**) injections used for treating Iron Deficiency Anaemia (**IDA**).

The appellant, CEO of a hospital providing free dialysis services under the Pradhan Mantri National Dialysis Programme, alleged that the OP, through its patent and licensing arrangements with Emcure Pharmaceutical Limited (**Emcure**) and Lupin Ltd. (**Lupin**), had limited production and restricted accessibility of FCM in violation of Sections 3 and 4 of the Competition Act, 2002 (**Competition Act**). The CCI, after examining the issue observed that OP's licensing arrangements with Emcure and Lupin reflected a legitimate exercise of patent rights rather than an attempt to foreclose competition since both licensees operated independently, and their agreements did not confer pricing control or impose restrictive conditions that could hinder market access. Additionally, the CCI found no evidence of exclusionary intent and noted that the patent was due to expire in 2023, after which the FCM would be open to generic manufacture. It also clarified that differences in pricing between government procurement and private sales were based on reasonable factors such as purchase volume and purpose and therefore did not amount to discriminatory conduct. Lastly, it reaffirmed that a patentee's freedom to choose its

trading partners could not, by itself, constitute abuse of dominance.

The NCLAT upheld the CCI's findings, and also held that the CCI lacked jurisdiction to examine alleged abuse arising from exercise of patent rights. Relying on the Delhi High Court's judgment in *Telefonaktiebolaget LM Ericsson (PUBL) v. CCI* and as affirmed by the Supreme Court in a Special Leave Petition, the NCLAT reiterated that the Patents Act, being a special and later enactment, constitutes a self-contained code governing licensing and use of patent rights, and therefore overrides the general provisions of the Competition Act. Consequently, the appeal was dismissed.

2. THE CCI DISMISSED AN INFORMATION FILED AGAINST ALPHABET INC.

The CCI dismissed an information filed by Liberty Infospace Pvt. Ltd. (**Informant**) against Alphabet Inc., Google LLC, and Google India Pvt. Ltd. (collectively referred to as '**Google**') alleging abuse of dominant position under Section 4 of the Act in relation to the termination of the Informant's developer account on Google Play Store without prior notice or reasons being disclosed.

It was alleged that the unilateral termination of the Informant's developer account for its EasyDo Tasks-HRMS Payroll AI app, without assigning any reason, constituted an abuse of dominance and denial of market access. The Informant contended that Google's Google Play Developer Distribution Agreement (**GPDDA**), Google Play Developer Program Policies (**GPDPP**), and Enforcement Policy were arbitrary, one-sided, and discriminatory towards small developers, as they permitted

unilateral termination without notice, lacked transparency on what constituted a “related account,” and relied on automated enforcement without consistent human review, thereby amounting to unfair and discriminatory conduct. The Informant sought reinstatement of its developer account and modification of these policies.

Google, in its response, submitted that the account was terminated in accordance with its Relation Ban Policy under the Enforcement Policy, as the Informant’s account was linked to a previously terminated developer account for serious policy violations. It argued that the termination followed transparent, consistently applied global policies including automated and human review mechanisms to ensure fairness and user safety. Google further contended that similar issues had already been examined in prior CCI decisions, i.e., *Case No. 39 of 2018 titled Umar Javeed and Others v. Google LLC and Others* (**‘Google Play Case’**), and *Case No. 07 of 2020, 14 of 2021 and 35 of 2021 titled XYZ (Confidential) v. Alphabet Inc and Others* (**‘Alphabet Case’**) in which the CCI had found no contravention of the Competition Act.

The CCI, relying on its findings in the Google Play Case and Alphabet Case, delineated the relevant market as “*the market for app stores for Android OS in India*” and held that Google is dominant in that market. However, it rejected the Informant’s allegation that Google’s policies were arbitrary or discriminatory, observing that the GPDDA, GPDPP, and Enforcement Policy are standard form contracts applied uniformly to all developers, which is a common industry practice, and that these policies had already been examined in previous cases without any finding of contravention. Accordingly, the CCI concluded that no prima facie case of abuse of dominance under Section 4 of the Competition Act was made out against

Google and therefore, directed the closure of the matter under Section 26(2) of the Competition Act. Consequently, the CCI also dismissed the application filed by the Informant under Section 33 of the Competition Act for interim relief of reinstatement of the Informant’s account.

3. THE CCI DISMISSED AN INFORMATION FILED AGAINST BHARAT SANCHAR NIGAM LIMITED

The CCI dismissed an information filed by M/s. C.C.L. Optoelectronics Pvt. Ltd. (**Informant**) against M/s. Bharat Sanchar Nigam Ltd. (**OP**) alleging contravention of Section 4 of the Competition Act in relation to the imposition of contradictory and discriminatory tender conditions and favouring selected bidders in a procurement tender for the supply of 2,00,000 units of Splice Closure for Optical Fiber Cables.

The Informant participated in a tender floated by the OP for the supply of 2,00,000 units of Splice Closures for Optical Fiber Cables. It submitted that, being registered as a Micro and Small Enterprise (**MSME**), it was entitled to exemption from the prescribed turnover and experience requirements for tender participation under the MSME Rules. However, despite furnishing the requisite Udyam Certificate and supporting documents, the OP disqualified the Informant from the bidding process. The Informant alleged that the OP had deliberately incorporated contradictory and inconsistent terms and conditions in the Tender Document with the ulterior objective of favouring select bidders and excluding it from effective competition, thereby abusing its dominant position in contravention of Section 4 of the Competition Act. Alongside the prayer under Section 27 of the Competition Act, the Informant also sought relief under Section 33 of the Competition Act, *inter alia*, from proceeding with the

bidding process and restraining the OP from procurement till the Information is adjudicated upon.

The CCI delineated the relevant market as “Market for Telecommunication Services in India” and observed that the OP held only 2.09% market share compared to Reliance Jio Infocomm Ltd. (40.07%), Bharti Airtel Ltd. (32.01%), and Vodafone Idea Ltd. (14.37%), and therefore did not hold a dominant position within the meaning of Section 4 of the Competition Act. The CCI noted that the Informant was disqualified for non-fulfilment of the Past Performance Criteria (30,000 SJs) instead of the ‘Bidder Turnover Criteria’ and ‘Experience Criteria’, as alleged by the Informant. It was also observed that the Informant had not given any representation on the Government e-Marketplace representation window within the prescribed timeline. The CCI held that mere dissatisfaction with tender terms or bid rejection cannot establish abuse of dominance, and that the Informant’s allegations regarding tender conditions related to procurement policy do not fall within the purview of the Competition Act. Accordingly, the CCI held that no prima facie case of contravention of Section 4 was made out and directed closure of the matter under Section 26(2) of the Competition Act, and disposal of the application under Section 33 of the Competition Act.

4. THE CCI DISMISSED AN INFORMATION FILED AGAINST NESTLE INDIA LIMITED

The CCI dismissed an information filed by Mr. Sarvesh M. Kolumbkar (**Informant**) against M/s. Nestle India Limited (**OP**), which is involved, inter alia, in the manufacturing of

Maggi Sauce, alleging contravention of Section 4 of the Competition Act in relation to the OP adopting a highly objectionable production process and affixing false labels on its Maggi Sauce bottles.

It was alleged that OP had been using a dirty water extraction pump from an under-construction site for the production of Maggi Sauce and was putting false labels on the Maggi Sauce bottles, thereby cheating Indian consumers and denying their right to clean, healthy and hygienic food. The Informant contended that this highly objectionable production process violated the provisions of the Food Safety and Standards Act, 2006 and the rules and regulations framed thereunder, constituting an abuse of dominant position under Section 4 of the Competition Act. The Informant also sought interim relief under Section 33 of the Competition Act requesting the CCI to scrutinise and investigate the alleged Maggi Sauce scam and bar all certification bodies from giving further certificates.

The CCI observed that the allegations raised by the Informant primarily relate to violations of food, health, and safety standards and do not fall within the ambit of the Competition Act. Accordingly, the CCI concluded that there was no competition issue arising out of the present case and directed that the matter be closed forthwith under the provisions of Section 26(2) of the Competition Act. Consequently, no case for grant of interim reliefs as sought under Section 33 of the Competition Act arose and the same was also rejected, disposing of the Interlocutory Application.

5. THE CCI DISMISSED AN INFORMATION FILED AGAINST KARATE INDIA ORGANISATION

The CCI dismissed an information filed by Mr. Adikessavaperoumal Baskar Sinouvassane (**Informant**), a world level Karate referee, against Karate India Organisation (**OP**), a company registered under the Companies Act, 2013 and engaged in regulating and developing the sport of Karate in India, alleging contravention of the provision of the Competition Act.

It was alleged that OP got itself registered with the word “India” without obtaining the required “No Objection Certificate” from the Government of India in violation of Section 4(3) of the Companies Act, and violated an order dated 16.10.2018 of the Ministry of Youth Affairs and Sports prohibiting unrecognised federations from using the words “India/Indian” in their name or conducting national championships. It was further alleged that, by using its Certificate of

Incorporation, the OP misrepresented itself before the World Karate Federation and obtained affiliation as a de facto national body, conducted national championships, selected Indian teams, and collected money from athletes without authorization from the Ministry of Youth Affairs and Sports. The Informant sought relief against the OP, *inter alia*, including direction to remove the word ‘India’ from its name.

The CCI observed that the allegations raised by the Informant primarily pertained to contravention of either the provisions of the Companies Act or the orders/directives of the Ministry of Youth Affairs and Sports, and that none of the allegations pertained to violation of the provisions of the Competition Act. The CCI held that since the subject matter of the allegations was not related to competition issues, no prima facie case of contravention of the provisions of the Competition Act was made out against the OP and accordingly, directed to close the matter under Section 26(2) of the Competition Act.

COMBINATION ORDERS

1. THE CCI APPROVED THE PROPOSED ACQUISITION OF CERTAIN ASSETS BY JONGSONG INVESTMENTS PTE. LTD.

The CCI approved the proposed acquisition of (a) 20% of the equity share capital of Adamas Asset Holdings Pte. Ltd., RGIP Holdings Pte. Ltd., Vikhroli Holdings Pte. Ltd. and Airoli Holdings Pte. Ltd. (collectively referred to as **Targets 1**) and 40% of the equity share capital of Bangalore Asset 2 Pte. Ltd. And Bangalore Asset 3 Pte. Ltd. (collectively referred to as **Targets 2**) by Jongsong Investments Pte. Ltd. (**Acquirer 1**) and (b) 40% of the equity share capital of Targets 2 by Ivanhoe Cambridge Singapore Investments II Pte. Ltd (**Acquirer 2**). Acquirer 1 is an indirect wholly owned subsidiary of Temasek Holdings (Private) Limited engaged in business of investment holding. Acquirer 2 is a wholly owned indirect subsidiary of Ivanhoe Cambridge Inc., the real estate subsidiary of a Canadian institutional fund manager, i.e., Caisse de dépôt et placement du Québec. Targets 1 are entities incorporated in Singapore that are primarily engaged in investment holding activities, including in the real estate sector in India. Targets 2 are entities incorporated in Singapore that hold investments in the real estate sector in India.

2. THE CCI APPROVED THE PROPOSED ACQUISITION OF ONE OF THE BUSINESSES OF PERNOD RICARD INDIA PRIVATE LIMITED BY TILAKNAGAR INDUSTRIES LIMITED

The CCI approved the proposed acquisition of Pernod Ricard India Private Limited's business of production, bottling, marketing and sale of alcoholic and other beverages under the Imperial Brands (**Target Business**) by Tilaknagar Industries Limited (**Acquirer**). The Acquirer is an established player in the Indian made foreign liquor segment and has a wide range of spirit products across

segments (brandy, rum, whisky, gin and vodka).

3. THE CCI APPROVED THE PROPOSED ACQUISITION OF THRIVENI PELLET PRIVATE LIMITED BY LLOYDS METALS AND ENERGY LIMITED

The CCI approved the proposed acquisition of 49.99% of the equity share capital of Thriveni Pellets Private Limited (Target) by Lloyds Metals and Energy Limited (Acquirer) through the following steps: (i) acquisition of 49% by Acquirer from Adler Industrial Services Private Limited; and (ii) acquisition of 0.99% by Acquirer from Thriveni Earthmovers Private Limited. The Acquirer is an iron ore mining company engaged in business activities that include iron ore mining, direct reduced iron production, generation of captive power and pellet trading. The Target, a wholly owned subsidiary of Brahmani River Pellets Limited, is engaged in the business of sale of iron ore pellets in India.

4. THE CCI GRANTS DEEMED APPROVAL FOR THE PROPOSED ACQUISITION OF SIEMENS ENERGY INDIA LIMITED (SEIL) BY SIEMENS ENERGY AG (SE AG)

The CCI granted its deemed approval for by Siemens Energy AG's (**SE AG**) proposed acquisition of equity shares of Siemens Energy India Limited (**SEIL**) from Siemens Aktiengesellschaft. SE AG, a public listed company in Germany, is engaged in the business of developing, producing, selling, installing and servicing wind turbines, gas turbines, steam turbines as well as grid technology. SEIL, a public limited company, is engaged in the business activities limited to: (i) acting as an exclusive agent and distributor in India (and certain additional countries) of SE AG products and related services; (ii) manufacturing and supply of SE AG products and providing related services based on

technology licenses provided by SE AG and its affiliates; and (iii) providing certain engineering services (on a captive basis) to SE AG and its affiliates outside India.

5. THE CCI APPROVED THE PROPOSED ACQUISITION OF CLOUD4C SERVICED PTE. LTD. AND CLOUD4C SERVICES PRIVATE LIMITED BY CAPGEMINI SE

The CCI approved the proposed acquisition of 100% shares of Cloud4C Services Pte. Ltd. and Cloud4C Services Private Limited (collectively, referred to as **Targets**) by Capgemini SE (**Acquirer**). The Acquirers and the Targets (hybrid cloud managed services provider) are engaged in the provision of Information Technology/Information Technology enabled Services in India.

6. THE CCI APPROVED THE PROPOSED ACQUISITION OF JAIPRAKASH ASSOCIATES LIMITED BY VEDANTA LIMITED

The CCI approved the proposed acquisition of up to 100% of the equity shareholding of Jaiprakash Associates Limited (**JAL**) by Vedanta Limited (**Acquirer**). The Acquirer, a public company and a subsidiary of Vedanta Resources Limited, is primarily engaged, *inter alia*, in the business of oil and gas, zinc, lead, silver, copper, iron ore, steel, nickel, aluminum and power. JAL, a public company undergoing the Corporate Insolvency Resolution Process under the Insolvency and Bankruptcy Code, 2016, is engaged in diverse business activities including real estate, cement, hospitality, engineering, procurement, and construction contracting. Additionally, certain group companies of JAL are also engaged in power, fertilizer, sports and aviation segments.

7. THE CCI APPROVED THE PROPOSED ACQUISITION OF EDELWEISS ASSET MANAGEMENT LIMITED AND EDELWEISS TRUSTEESHIP COMPANY LIMITED BY SETU AIF TRUST

The CCI approved the proposed acquisition of up to 15% shareholding of Edelweiss Asset Management Limited (**EAML**) and Edelweiss Trusteeship Company Limited (**ETCL**) by Setu AIF Trust (**Acquirer**) along with certain interconnected steps. The Acquirer is a Category II alternative investment fund registered with the Securities and Exchange Board of India (**SEBI**). EAML is an unlisted public company acting as the asset management company of Edelweiss Mutual Fund (**EMF**). ETCL is a company acting as the trustee for EMF.

8. THE CCI APPROVED THE PROPOSED ACQUISITION OF J.B. CHEMICALS & PHARMACEUTICALS LIMITED BY TORRENT PHARMACEUTICALS LIMITED

The CCI approved the proposed acquisition of shareholding of J. B. Chemicals & Pharmaceuticals Limited (**Target**) by the Torrent Pharmaceuticals Limited (**Acquirer**) and the subsequent amalgamation of the Target with the Acquirer, subject to compliance of voluntary modifications offered by the Acquirer and Target. The Acquirer is the flagship company of the Torrent group and is *inter alia* engaged in the business of manufacturing and sale of pharmaceutical formulations (**FDFs**) across therapeutic segments. The Target is *inter alia* engaged in the businesses of manufacturing and marketing of diverse range of FDFs and Active Pharmaceutical Ingredients (**APIs**) along with providing Contract Development and Manufacturing Organisation (**CDMO**) services as well.

MARKET STUDY

CCI RELEASES MARKET STUDY ON ARTIFICIAL INTELLIGENCE AND COMPETITION

The CCI has released the Market Study on Artificial Intelligence and Competition, conducted through the Management Development Institute Society. The study has provided insights on AI markets and ecosystems, identified emerging and potential competition law issues, and reviewed existing and evolving regulatory frameworks governing AI systems, and other relevant aspects.

For any query, you may reach out to [Akshay S Nanda](#), Partner (Competition Law and Personal Data Protection Practice) at Akshayys.Nanda@sarafpartners.com.

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