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## **Judicial Intervention in Cartel Regulation in India: A Critical Analysis of Evolving Jurisprudence and Enforcement Paradigms**

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### **Abstract**

Anti-competitive practices, particularly cartels, represent the most severe infringement of competition law, causing appreciable adverse effects on market efficiency, consumer welfare, and economic growth. The Competition Act, 2002, established the Competition Commission of India (CCI) as a specialized regulator to combat such practices. However, the effectiveness of this regulatory framework is significantly mediated by judicial oversight. This paper critically examines the evolving role of the Indian judiciary in shaping cartel regulation through an analysis of landmark judicial pronouncements. It explores the interplay between the CCI's enforcement powers and judicial review, focusing on pivotal cases across the cement, maritime shipping, beer, and LPG cylinder industries. The paper evaluates judicial approaches to evidentiary standards—including the adoption of the 'parallelism-plus' doctrine—the treatment of hybrid cartels such as hub-and-spoke arrangements, the proportionality of penalties, and the scope of the CCI's jurisdiction vis-à-vis other sectoral laws. It further assesses the impact of judicial decisions on the leniency program and dawn raid operations. The findings reveal a dynamic judicial stance that both strengthens and constrains the regulator, oscillating between deference to the CCI's expertise and the imposition of rigorous procedural and substantive checks. The paper concludes by offering recommendations to harmonize judicial and regulatory approaches to foster a more predictable, efficient, and globally aligned competition law regime in India.

**Keywords:** Competition Law; Cartel Regulation; Judicial Review; Competition Commission of India; Indian Jurisprudence; Bluebook Citation

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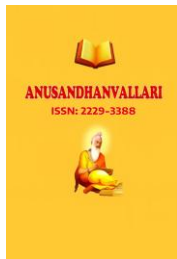
### **1. Introduction: The Constitutional And Economic Imperative For Competition Law**

#### ***1.1. Constitutional Foundations***

The framers of the Indian Constitution were acutely aware of the dangers posed by the concentration of economic power in private hands. This concern found explicit expression in the Directive Principles of State Policy, specifically Article 39(b) and (c), which mandate the State to direct its policy towards securing that the ownership and control of material resources are distributed to subserve the common good, and that the economic system does not result in the concentration of wealth and means of production to the common detriment.<sup>1</sup> While not justiciable, these principles provide a constitutional lodestar for economic legislation, including competition law. The Competition Act, 2002, can be viewed as a statutory embodiment of these constitutional aspirations, seeking to foster a market order that is both efficient and equitable.

#### ***1.2. Economic Liberalization and the Need for a New Legal Framework***

The economic crisis of 1991 precipitated a paradigm shift in India's economic policy. The New Economic Policy dismantled the license-permit-quota raj, reducing government control and opening the economy to global competition. This transition from a state-dominated, monopolistic structure to a market-driven economy exposed the inadequacies of the Monopolies and Restrictive Trade Practices (MRTP) Act, 1969. The MRTP Act was primarily focused on controlling monopolies and was reactive in nature, lacking the



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tools to proactively foster competition.<sup>2</sup> The Raghavan Committee Report (1999) recommended a modern competition law aligned with global best practices, leading to the enactment of the Competition Act, 2002, and the establishment of the Competition Commission of India (CCI).<sup>3</sup>

### ***1.3. The Nature and Harm of Cartels***

Cartels, defined under Section 2(c) of the Act as associations of producers, sellers, distributors, traders, or service providers that limit, control, or attempt to control production, distribution, sale, or price, represent the most pernicious form of anti-competitive behavior.<sup>4</sup> They are essentially agreements among competitors to coordinate conduct, thereby substituting competition with cooperation. Economic theory and empirical evidence demonstrate that cartels lead to higher prices, reduced output, allocative inefficiency, diminished consumer choice, and a chilling effect on innovation.<sup>5</sup> The Organisation for Economic Co-operation and Development (OECD) has consistently identified cartel enforcement as a priority for competition authorities globally due to the significant harm they inflict on consumer welfare and economic productivity.<sup>6</sup>

### ***1.4. Research Questions and Scope***

This paper undertakes a doctrinal analysis of judicial pronouncements to address the following core questions:

How has judicial review shaped the evidentiary standards for establishing cartel conduct under the Competition Act, 2002, particularly in the absence of direct evidence?

What is the judicial approach to emerging forms of collusion, such as hub-and-spoke cartels, and how does it align with evolving global antitrust jurisprudence?

How have courts interpreted the principles of proportionality in penalty imposition, particularly regarding the contentious issue of ‘relevant turnover’?

What is the impact of judicial intervention on the procedural aspects of CCI’s investigations, including the leniency program, interim orders, and the confidentiality of prima facie findings?

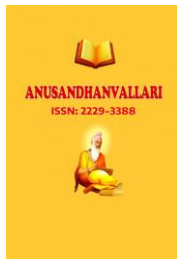
The scope is confined to an analysis of key Supreme Court and High Court judgments that have significantly influenced cartel enforcement in India since the full enforcement of the Competition Act in 2009.

## **2. Regulatory Architecture And The Role Of Judicial Review**

### ***2.1. The Competition Act, 2002: Key Provisions***

The Competition Act, 2002, establishes a comprehensive framework for regulating anti-competitive conduct. Section 3 prohibits anti-competitive agreements, with a critical distinction between horizontal and vertical agreements. Horizontal agreements (between competitors) under Section 3(3) are presumed to have an “appreciable adverse effect on competition” (AAEC), while vertical agreements under Section 3(4) are examined under a rule of reason.<sup>7</sup> This presumption in the case of cartels—including price-fixing, bid-rigging, market allocation, and output restrictions—shifts the burden of proof onto the accused, reflecting the inherent harmfulness of such conduct.

The CCI, as the regulatory authority, exercises powers under Section 26 to conduct suo motu inquiries or upon receipt of information. The Director General (DG) acts as the investigative arm, conducting searches and seizures (dawn raids) under Section 41(3) of the Act. Following investigation, the CCI may pass final orders



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under Section 27, imposing penalties, issuing cease-and-desist orders, and ordering modifications to agreements.<sup>8</sup>

### ***2.2. The Leniency Program: A Critical Enforcement Tool***

The Competition Commission of India (Lesser Penalty) Regulations, 2009, establish a leniency program designed to destabilize cartels by incentivizing self-reporting. The first applicant providing sufficient information enabling the CCI to form a prima facie opinion may receive a 100% reduction in penalty. Subsequent applicants may receive reductions of up to 50% and 30%, respectively.<sup>9</sup> The program has been instrumental in uncovering several high-profile cartels, including those in the beer, shipping, and banking sectors.

### ***2.3. Appellate Framework and Judicial Review***

Decisions of the CCI are appealable to the National Company Law Appellate Tribunal (NCLAT) under Section 53B, with further appeals to the Supreme Court of India under Section 53T.<sup>10</sup> This appellate structure positions the judiciary as a crucial check on the CCI's administrative discretion. Judicial review in competition matters extends beyond mere procedural irregularities; it encompasses the interpretation of statutory provisions, the assessment of evidentiary sufficiency, the evaluation of economic reasoning, and the application of penalty principles. The judiciary has thus become a co-architect of competition jurisprudence, often shaping the substantive contours of the law.

## **3. Judicial Scrutiny Of Cartel Determination: Evidentiary Standards And Jurisdictional Boundaries**

### ***3.1. Evidentiary Challenges and the 'Parallelism-Plus' Doctrine***

Cartels are inherently clandestine. Direct evidence such as signed agreements or recorded discussions is rarely available. Competition authorities worldwide, therefore, rely on circumstantial evidence and economic analysis. The Indian judiciary has consistently endorsed this approach, drawing from European Union jurisprudence.

#### ***3.1.1. The Cement Cartel Case: Builders Association of India v. Cement Manufacturers Association & Ors.***

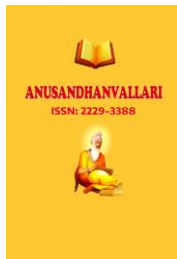
This case represents a watershed in Indian competition law. The CCI investigated allegations of cartelization by eleven cement manufacturers and the Cement Manufacturers Association (CMA). The informant alleged that the respondents had colluded to limit production and fix prices across five zonal markets, resulting in artificial scarcity and abnormal profits.<sup>11</sup>

The CCI's order, upheld on appeal, relied on a constellation of circumstantial evidence:

**Price Parallelism:** The CCI demonstrated high correlation in price movements across manufacturers, particularly during the period of investigation (May 2009 to March 2011), despite variations in input costs.

**Capacity Underutilization:** The manufacturers consistently operated well below installed capacity, contrary to the typical pattern in a growing economy, suggesting coordinated output restrictions.

**Information Exchange:** The CMA served as a platform for the exchange of sensitive commercial information, including production and dispatch data, wholesale and retail prices. The CCI cited the T-Mobile



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Netherlands case,<sup>12</sup> where the European Court of Justice (ECJ) held that the exchange of information in an oligopolistic market restricts competition by increasing predictability and reducing uncertainty.

Plus Factors: The CCI noted that the industry was homogeneous, with high entry barriers, and that there were frequent meetings among executives of the cement companies.

The CCI's adoption of the 'parallelism-plus' approach—requiring additional factors beyond mere parallel conduct—was critical. The Commission observed: "Given the clandestine nature of cartels, circumstantial evidence is of no less value than direct evidence to prove cartelization."<sup>13</sup> This reasoning has been consistently affirmed by the NCLAT and the Supreme Court, establishing a robust evidentiary standard.

### ***3.2. Jurisdictional Boundaries: Patent Rights and Competition Law***

A significant judicial intervention occurred in the context of the intersection between competition law and intellectual property rights. In *Monsanto Holdings Pvt. Ltd. v. CCI*, the Delhi High Court initially held that the CCI lacked jurisdiction to entertain complaints arising from the exercise of patent rights, as such matters fell within the exclusive domain of the Patents Act.<sup>14</sup> This decision threatened to create a significant regulatory gap.

However, on appeal, the Division Bench clarified the position, holding that the CCI has concurrent jurisdiction to examine anti-competitive conduct even in areas governed by sectoral regulators or IP laws. The Court emphasized that the Competition Act is a special legislation dealing with anti-competitive practices and that its jurisdiction is not ousted unless explicitly provided by another statute.<sup>15</sup> This ruling was critical in ensuring that the CCI can address anti-competitive conduct arising from the misuse of patent rights, aligning India with global practice (e.g., the *FTC v. Actavis* principle in the US).<sup>16</sup>

## **4. The Calculus Of Penalties: Proportionality And 'Relevant Turnover'**

### ***4.1. The Excel Crop Care Doctrine***

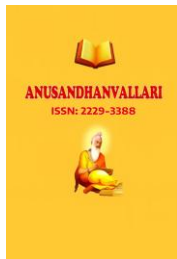
The imposition of penalties under Section 27(b) has been a subject of intense judicial scrutiny. The Supreme Court's judgment in *Excel Crop Care Ltd. v. CCI* established a seminal principle: penalties must be proportionate and should be based on the 'relevant turnover'—that is, the turnover derived from the product or service that was the subject of the contravention—rather than the total turnover of a multi-product company. The Court rejected the CCI's practice of imposing penalties based on the total turnover of multi-product companies, holding that such an approach could be arbitrary and disproportionate.<sup>17</sup>

### ***4.2. The LPG Cylinder Cartel Case: M/s Pankaj Gas Cylinders Ltd. & Ors. v. CCI***

This case provides a nuanced application of the Excel Crop Care principle and reveals the judiciary's insistence on a thorough market-context analysis.

#### ***4.2.1. Facts and CCI Findings***

The CCI initiated suo motu proceedings against 44 LPG cylinder manufacturers for alleged bid-rigging in a tender floated by Indian Oil Corporation Ltd. (IOCL). The CCI found that the bids submitted were identical or near-identical, despite differences in location and cost structures. The Commission concluded that the manufacturers had colluded through the Indian LPG Cylinders Manufacturers Association to manipulate the bidding process, thereby contravening Section 3(3)(d). Penalties were imposed at 10% of average turnover.<sup>18</sup>



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#### *4.2.2. Supreme Court's Reversal*

The Supreme Court, in a landmark judgment, set aside the CCI's findings and the NCLAT's affirmation. The Court's reasoning was multi-faceted:

**Market Structure:** The Court noted that the relevant market was characterized by an oligopsony—a few large buyers (three oil marketing companies) and numerous sellers. In such a market, the buyer (IOCL) exercised significant countervailing power, including through a “watertight” tender policy that dictated terms and often led to narrow price bands.

**Absence of Collusive Gains:** Unlike a classic cartel where members secure supra-competitive profits, all 50 bidders in the tender, including 12 new entrants, were awarded orders. The Court observed that collusion to secure the entire tender for existing members would have logically excluded new entrants, which did not happen.

**Insufficient Inquiry:** The Court criticized the CCI for failing to summon IOCL to explain its tender policy and pricing mechanisms. It held that the CCI's inferences were based on incomplete facts and that the appellants had successfully rebutted the presumption of AAEC by explaining the market realities.

**Limits of Circumstantial Evidence:** The Court emphasized that while circumstantial evidence is permissible, it must be strong enough to exclude reasonable alternative explanations. In this case, the peculiarities of the oligopsony market provided a plausible explanation for similar bid prices.<sup>19</sup>

This judgment stands as a critical reminder that the CCI's reliance on legal presumptions must be grounded in a comprehensive economic and factual analysis. It also underscores the judiciary's role in enforcing proportionality, not only in penalty quantum but also in the substantive finding of infringement.

#### *4.3. Penalty Calculation in Multi-Product Enterprises*

The Excel Crop Care principle has been consistently applied in subsequent cases. In the Maritime Motor Vehicles Transport Cartel, the CCI imposed penalties at 5% of the relevant turnover of each shipping line, calculated based on the revenue from the specific trade routes where cartelization occurred.<sup>20</sup> Similarly, in the Beer Cartel, penalties were determined based on the turnover from the states and union territories where the anti-competitive conduct was established.<sup>21</sup> This approach ensures that penalties are proportionate to the gravity and geographic scope of the infringement, a principle recognized by the OECD and the EU courts.<sup>22</sup>

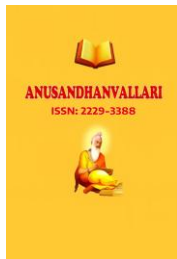
### **5. Emerging Challenges: Hub-And-Spoke Cartels**

#### *5.1. The Concept and Global Context*

A hub-and-spoke cartel involves a vertical player (the ‘hub’), such as a retailer or a platform, facilitating collusion among horizontal competitors (the ‘spokes’). This hybrid arrangement allows competitors to coordinate their conduct without direct communication, often through information exchange or coordinated action orchestrated by the hub. Leading cases globally, such as the Apple e-books case in the US<sup>23</sup> and T-Mobile in the EU,<sup>24</sup> have grappled with the legal characterization and evidentiary standards for such cartels.

#### *5.2. Indian Jurisprudence and Legislative Amendment*

The Indian judiciary first encountered the concept in *Fx Enterprise Solutions (India) (P) Ltd. v. Hyundai Motor (India) Ltd.*<sup>25</sup> and later in *Samir Agrawal v. ANI Technologies (P) Ltd.* (Ola-Uber case).<sup>26</sup> In the



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latter, the CCI examined whether the taxi aggregators (hubs) facilitated collusion among drivers (spokes) through algorithmic price coordination. While the CCI did not find sufficient evidence of a hub-and-spoke cartel, the cases highlighted the challenges of applying traditional cartel frameworks to platform-based markets.

Recognizing this gap, the Competition (Amendment) Act, 2023, introduced an explanation to Section 3(3), which provides that an enterprise or association not engaged in identical or similar trade shall also be presumed to be part of the agreement if it actively participates in the furtherance of such an agreement.<sup>27</sup> This amendment explicitly brings hub-and-spoke cartels within the ambit of the presumption of AAEC, shifting the burden onto the hub to rebut the presumption.

### ***5.3. Judicial Interpretation Ahead***

The new provision raises several interpretative questions that will inevitably come before the courts:

What constitutes “active participation” by the hub? Does mere provision of a platform count, or is there a requirement of knowing facilitation?

How will the presumption of AAEC be applied to the hub? Does it mean the hub is presumed to have colluded with the spokes, or is the hub itself deemed part of the horizontal agreement?

What is the standard of proof for the hub to rebut the presumption?

The judiciary’s interpretation will be crucial in determining the effectiveness of this amendment. A broad interpretation could deter legitimate platform-based coordination that yields pro-competitive benefits, while a narrow one could render the provision ineffective. Comparative insights from the EU’s \*Case C-74/14 Eturas\*<sup>28</sup> and the US Twombly pleading standards<sup>29</sup> will likely influence Indian courts.

## **6. The Leniency Regime And Procedural Innovations**

### ***6.1. Dawn Raids and Judicial Sanction***

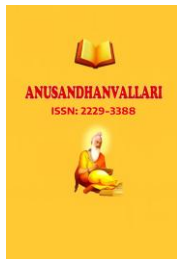
The CCI’s power to conduct dawn raids (unannounced searches and seizures) under Section 41(3) is a critical investigative tool. In the Beer Cartel case, the CCI conducted coordinated dawn raids on the premises of United Breweries, Carlsberg, and SABMiller in October 2018. The raids uncovered extensive evidence of coordination through emails, WhatsApp messages, and text messages, revealing price coordination, supply restrictions, and market sharing.<sup>30</sup>

The judiciary has consistently upheld the CCI’s authority to conduct such raids, provided they are conducted in accordance with the law. The use of digital evidence obtained through these raids has been accepted by the NCLAT and the Supreme Court, reinforcing the legitimacy of this investigative technique.

### ***6.2. Leniency Applications and Judicial Deference***

The leniency program’s success depends on predictability and confidentiality. In the Beer Cartel, AB InBev (then SABMiller) was the first leniency applicant and received 100% penalty reduction. UBL and Carlsberg, which applied after the dawn raids, received reductions of 40% and 20% respectively.<sup>31</sup> The CCI’s discretion in granting these reductions was not disturbed on appeal, demonstrating judicial deference to the regulator’s expertise in evaluating the timing and value of leniency disclosures.

Similarly, in the Maritime Shipping Cartel, NYK Line received 100% reduction as the first applicant, while MOL and NMCC received 50% and 30% reductions as second and third applicants.<sup>32</sup> The judicial



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approach has been to respect the CCI's discretion under the regulations, provided the decisions are reasoned and consistent.

### ***6.3. Confidentiality of Prima Facie Orders***

A procedural issue that has reached the courts is the confidentiality of the CCI's prima facie orders under Section 26(1). By practice, these orders are not published, but they are often leaked to the media, leading to premature reputational damage. The Delhi High Court has been seized of petitions challenging this practice, though the matter remains sub judice. The judiciary may need to balance the CCI's need for operational secrecy with the principles of transparency and natural justice.

## **7. Comparative Perspectives: Learning From Global Jurisdictions**

### ***7.1. United States***

The US antitrust framework, governed by the Sherman Act, treats cartels as per se illegal, without any need to prove market effects.<sup>33</sup> The evidentiary standard is high, requiring proof of a "conscious commitment to a common scheme."<sup>34</sup> Indian law, with its presumption of AAEC under Section 3(3), is closer to the US per se approach for horizontal price-fixing and bid-rigging. However, Indian courts have required the CCI to consider plus factors, akin to the Twombly pleading standard, albeit not as stringent.

### ***7.2. European Union***

The EU follows a structured approach under Article 101 TFEU, where the prohibition is triggered by an object or effect of restricting competition. The European Court of Justice has developed a rich jurisprudence on the use of circumstantial evidence, information exchange, and the concept of concerted practice. Indian courts have explicitly cited EU cases such as Dyestuffs<sup>35</sup> and T-Mobile<sup>36</sup> in adopting similar evidentiary principles. The EU's emphasis on proportionality in fines, as articulated in the Pfizer<sup>37</sup> and Akzo<sup>38</sup> cases, has also influenced Indian jurisprudence on relevant turnover.

### ***7.3. Lessons for India***

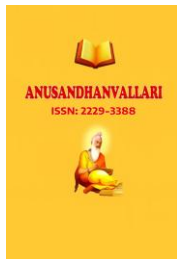
India's competition law regime, while still young, has demonstrated a capacity to integrate global best practices. The adoption of leniency, dawn raids, and the 'parallelism-plus' approach aligns with OECD recommendations.<sup>39</sup> However, the LPG cylinder case underscores the need for the CCI to conduct more rigorous economic analysis, particularly in markets with unique structural features like oligopsony or state-controlled pricing. Strengthening the economic expertise within the CCI and ensuring robust engagement with sectoral realities will enhance the durability of its orders on judicial review.

## **8. Concluding Remarks And Recommendations**

### ***8.1. Synthesis of Findings***

The Indian judiciary has played a transformative role in shaping cartel regulation. Its interventions have:

Refined Evidentiary Standards: By endorsing the 'parallelism-plus' doctrine and reliance on circumstantial evidence, the judiciary has enabled effective enforcement against clandestine cartels.



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Ensured Proportionality: The Excel Crop Care principle has anchored penalty determination to the relevant turnover, safeguarding against disproportionate fines.

Defined Jurisdictional Boundaries: The judiciary has clarified that the CCI has concurrent jurisdiction, preventing regulatory fragmentation.

Strengthened Investigative Tools: Judicial support for leniency and dawn raids has bolstered the CCI's enforcement arsenal.

However, the LPG cylinder judgment serves as a cautionary tale. It demonstrates that judicial review can be exacting, requiring the CCI to conduct a holistic, market-sensitive inquiry that goes beyond superficial indicia of collusion. The judiciary will not hesitate to intervene if the regulator's reasoning is incomplete or if the presumption of AAEC is not adequately supported by market realities.

## ***8.2. Recommendations***

### *8.2.1. Strengthen Economic and Sectoral Expertise within CCI*

To withstand rigorous judicial scrutiny, the CCI should invest in enhancing its economic analysis capabilities. This includes employing more economists, leveraging data analytics tools, and conducting in-depth market studies that can provide a robust foundation for enforcement actions. Sector-specific expertise, particularly in digital markets, is essential.

### *8.2.2. Harmonize Judicial Interpretation*

Given the multiplicity of appeals, a consistent approach across benches of the NCLAT and High Courts is crucial. The Supreme Court should continue to provide clarifying guidance on contentious issues such as the precise definition of relevant turnover in complex multi-product enterprises and the scope of the hub-and-spoke presumption.

### *8.2.3. Develop Clear Guidelines for Digital Markets*

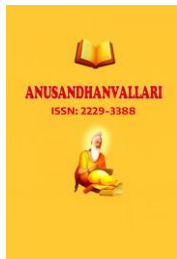
With the rise of platform economies, hub-and-spoke cartels and algorithmic collusion pose new challenges. The CCI should issue guidance notes on how it will apply the new hub-and-spoke provision, including the factors it will consider in assessing "active participation." Such guidance would provide predictability for businesses and reduce litigation.

### *8.2.4. Balance Transparency and Confidentiality in Investigations*

The issue of leaked prima facie orders requires resolution. The CCI should consider a limited publication regime, perhaps redacting sensitive information, to balance the public interest in transparency with the need to protect reputations before a full investigation. Judicial endorsement of such a balanced approach would be beneficial.

### *8.2.5. Foster Deeper Engagement with Global Best Practices*

The CCI and the judiciary should continue to engage with developments in leading competition law jurisdictions. Participation in international networks such as the International Competition Network (ICN) and the OECD can facilitate cross-learning and ensure that Indian jurisprudence remains aligned with evolving global standards.



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### **8.3. Final Thoughts**

The enforcement of competition law in India is at a critical juncture. The CCI has demonstrated a proactive approach to cartel detection, while the judiciary has provided a robust framework of review that has refined the law and ensured fairness. The path forward requires a symbiotic relationship: the CCI must continue to strengthen its economic and procedural rigor, and the judiciary must maintain its role as a principled reviewer, balancing deference to regulatory expertise with the imperatives of natural justice and proportionality. Together, they can ensure that India's competition regime not only punishes anti-competitive conduct but also fosters a dynamic, innovative, and equitable market economy—fulfilling the constitutional vision of subserving the common good.

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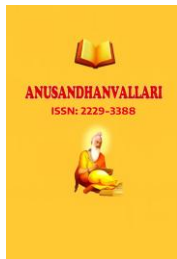
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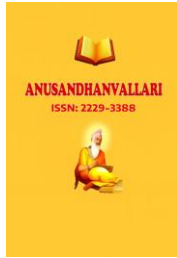
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- [48] In Re: Alleged Cartelization in the Supply of Beer, Case No. 04 of 2018, CCI Order dated 24 September 2021, ¶ 112.
- [49] See OECD, Guidelines on the Procedural Framework for Competition Authorities' Investigations (2019).
- [50] United States v. Apple Inc., 952 F. Supp. 2d 638 (S.D.N.Y. 2013).
- [51] T-Mobile Netherlands BV v. Commission, Case C-8/08, ECLI:EU:C:2009:343.
- [52] Fx Enterprise Solutions (India) (P) Ltd. v. Hyundai Motor (India) Ltd., Case No. 71 of 2012, CCI Order dated 26 September 2017.
- [53] Samir Agrawal v. ANI Technologies Pvt. Ltd., Case No. 37 of 2017, CCI Order dated 18 May 2018.
- [54] Competition Act, 2002, § 3(3), Explanation (as amended by the Competition (Amendment) Act, 2023).
- [55] Eturas UAB v. Lietuvos Respublikos konkurencijos taryba, Case C-74/14, ECLI:EU:C:2016:42.
- [56] Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007).
- [57] In Re: Alleged Cartelization in the Supply of Beer, supra note 21, at ¶¶ 20–30.
- [58] Id. at ¶¶ 115–120.
- [59] In Re: Maritime Motor Vehicles Transport Shipping Lines Cartel, supra note 20, at ¶¶ 95–100.
- [60] 15 U.S.C. § 1 (Sherman Act).
- [61] Twombly, 550 U.S. at 557.
- [62] Dyestuffs (ICI v. Commission), Case 48/69, ECLI:EU:C:1972:70.
- [63] T-Mobile, supra note 24.
- [64] Pfizer Animal Health SA v. Commission, Case T-13/99, ECLI:EU:T:2002:189.
- [65] Akzo Nobel NV v. Commission, Case C-97/08 P, ECLI:EU:C:2009:536.
- [66] OECD, Recommendation of the Council concerning Effective Action against Hard Core Cartels (2019).