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EFFECTIVENESS OF THE COMPETITION COMMISSION OF INDIA: ACHIEVEMENTS, CHALLENGES, AND THE WAY FORWARD

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ABSTRACT:

India's move from a controlled economy to a liberalized market system needed a robust foundation for competition regulation in order to control how the market worked and make the economy more efficient. The Competition Act, 2002, which was a big change from the Monopolies and Restrictive Trade Practices Act, 1969, set up the Competition Commission of India (CCI) as the main regulating authority. The Commission's job is to make sure that markets are fair and competitive by blocking agreements that are not fair, controlling the abuse of dominant positions, and keeping an eye on mergers.

This paper critically examines the efficacy of the CCI by analyzing its institutional performance, enforcement techniques, and contributions to the development of Indian competition law doctrine. It looks at important court decisions that have changed how the Competition Act, 2002 is used and understood. These include *Competition Commission of India v. Steel Authority of India Ltd.*, *Excel Crop Care Ltd. v. Competition Commission of India.*, *DLF Ltd. v. Competition Commission of India.*, *Google LLC v. Competition Commission of India.*, and *Bharti Airtel Ltd. v. Competition Commission of India.* The report also talks about some of the CCI's biggest successes, such making merger control more open, enforcing antitrust laws more effectively, and pushing for more competition. However, it points out several problems that make the Commission less effective, such as delays in making decisions, a lack of technical knowledge, constraints on enforcement, and difficulties in regulating new digital markets that have data dominance and network effects. Moreover, jurisdictional overlaps with sectorial regulators continue to hinder effective enforcement and create uncertainty.

The study uses a doctrinal and analytical method to look at how the CCI works by looking at academic literature, statutory provisions, and court decisions. It says that even while the Commission has done a lot to make India more competitive, we still need to build institutions, change procedures, and use new regulatory powers to fix problems in the market. The paper finishes with suggestions for changes that will make the CCI more effective, especially in light of digital economies and global competition trends. These changes will help achieve the goals of consumer welfare, market efficiency, and fair competition.

Key Words: Competition Law, Competition Commission of India, Anti-Competitive Agreements, Abuse of Dominance, Cartelisation, Digital Markets, Consumer Welfare.

BACKGROUND

Before liberalization, India's economic policy was based on the "License Raj," which meant a lot of government control, industrial licensing,

and regulatory limits. During this time, the main goals of economic governance were not to promote competition, but to keep economic power from concentrating and make sure that

resources were shared fairly according to the Constitution. The Monopolies and Restrictive Trade Practices Act, 1969 (MRTP Act) was enacted to fight monopolistic and restrictive trade practices. Even so, the MRTP Act was mostly about structure. Instead of controlling how enterprises acted in the market, it focused on keeping them small and from growing too big. It also didn't deal with emerging anti-competitive behaviors like cartelization, abuse of dominance, and complicated market arrangements, and it didn't have good ways to enforce the rules.

The advent of economic reforms in 1991 changed India's policy direction in a big way. Liberalization, privatization, and globalization got rid of licensing rules, let more private enterprises become engaged, and connected the Indian economy to markets around the world. As competition got tougher, the MRTP Act's flaws became clearer. The present legal framework is inadequate to regulate a dynamic market economy in which more intricate forms of anti-competitive conduct may arise. A modern competition legislation that would not only prevent market distortions but also enhance productivity, innovation, and consumer welfare became essential.

The Indian government set up the Raghavan Committee in 1999 to look at the existing state of competition laws. The Committee proposed a paradigm shift from a control-based regime to a competition-oriented system, aligning with worldwide best practices. It stressed that competition law should focus on encouraging competition instead of just limiting monopolies. In response to these ideas, the Competition Act, 2002, replaced the MRTP Act.

The Competition Act of 2002 gave India a complete set of laws for governing how businesses act in the market. It set up the Competition Commission of India (CCI), an independent government agency that is in charge of watching over mergers and acquisitions, stopping anti-competitive agreements, and keeping an eye on the abuse

of dominant positions. The Act uses a behavioural approach, focusing on how businesses act and how it affects customers and competition, which is different from the old system.

Since it started working fully in 2009, the CCI has had a big impact on India's competition law. It has dealt with a number of issues in fields such as telecommunications, digital markets, real estate, and pharmaceuticals. The rapid growth of the global economy, notably the rise of digital platforms, data-driven business models, and cross-border transactions, has made it harder to regulate competition. These changes have made the CCI's job harder and more varied, so it's important to see how well it works in the current economy.

RESEARCH PROBLEM

The Competition Act of 2002 created the Competition Commission of India to make sure that India's free market economy has strong institutions that promote fair competition and stop anti-competitive behavior. The Commission has done things to deal with problems like cartelization, misuse of a dominant position, and merger regulation, but people are still apprehensive about how well the Commission is doing its job.

Even with a robust legal foundation, there are still a number of problems with how things are set up and how they work. Some of issues include having too much influence over sectoral regulators, not being able to enforce decisions, having to wait too long for investigations and rulings, and not being able to handle complicated problems that crop up in digital and data-driven markets. The changing nature of market systems, especially the rise of Big Tech platforms, has also brought up new problems that classic competition law tools may not be able to solve.

The main goal of this study is to find out if India's current laws and institutions are good enough to make sure that competition is regulated well. The study aims to investigate any discrepancies

between the Commission's actual performance and the objectives specified in the Competition Act of 2002.

OBJECTIVES OF THE STUDY

The objectives of this study are:

1. To analyse the role and functions of the Competition Commission of India
2. To evaluate the achievements of the CCI in enforcing competition law
3. To examine key judicial decisions shaping competition jurisprudence
4. To identify challenges faced by the Commission
5. To suggest reforms for improving its effectiveness

RESEARCH METHODOLOGY

The current study employs a doctrinal research methodology to analyze legal principles, statutes, and judicial decisions related to Indian competition law. It uses both primary and secondary sources. The Competition Act of 2002, relevant rules, and important decisions from the Supreme Court, High Courts, and the Competition Commission of India are all examples of primary sources. Secondary sources include books, journal articles, committee reports like the Raghavan Committee Report, and publications from groups like the OECD and UNCTAD.

The study uses an analytical and descriptive methodology. The analytical approach evaluates the CCI's effectiveness, achievements, and challenges, whereas the descriptive method elucidates the CCI's institutional function and legislative framework. A case law research is also done to better understand how competition law works in India.

KEY FINDINGS

The study states that the Competition Commission of India has been very important in enforcing competition law in India, especially when it comes to regulating mergers, cartelization, and abuse of dominance. But

concerns including delays in adjudication, problems with enforcement, and disagreements about jurisdiction with other agencies make it less effective. The expansion of digital markets has created new regulatory problems that show how important it is to strengthen institutions and amend the law.

INTRODUCTION

Competition law is an important part of modern economic governance because it makes sure that markets work in a fair, effective, and competitive way. It wants to stop practices that hurt competition, like cartelization, abusing a dominating position, and making agreements that hurt competition, while also improving consumer welfare, innovation, and economic efficiency. In a market where there is a lot of competition, businesses have to keep coming up with new ideas, lowering costs, and improving quality to get clients. Without the right rules in place, firms can do things that limit competition, manipulate market conditions, and put a lot of economic power in the hands of a few people. These distortions hurt consumers and slow down economic growth and development. So, competition law is necessary to keep the balance between government regulation and free market activities.

The evolution of competition law in India is closely associated with the country's economic transformation. Before the 1991 economic reforms, India had a mixed economy in which the government had a lot of control over industry. The Monopolies and Restrictive Trade Practices Act, 1969 (MRTP Act), which aimed to stop monopolistic and restrictive trade practices and stop the concentration of economic power, was the main law at the time. But the MRTP Act was mostly about structure. It focused on how big and fast corporations grew, not on how they acted in the market. It wasn't made to deal with intricate anti-competitive behavior like cartels, abuse of dominance, and modern market structures, and it didn't have enough ways to enforce the rules. Because of

this, the Act's ability to address the needs of a liberalizing economy got worse.

India's policy framework changed a lot when the country began to open up its economy in 1991. The goals of the reforms were to limit government interference, encourage private investment, and link the Indian economy to global markets. This change led to the rise of new business models, the entry of global companies into the market, and more competition amongst sectors. Liberalization helped the economy grow, but it also caused new challenges, such as giant firms taking over markets and acting in ways that hurt competition. The MRTP Act's laws weren't enough to deal with these problems, thus a modern competition legislation that follows worldwide best practices was needed.

In response to these changes, the Competition Act of 2002 replaced the MRTP Act and set up a complete system for governing competition in India. The Act's focus on promoting competition instead of just controlling monopolies marked a major change in how economic regulation is done. New rules were put in place to stop anti-competitive agreements, abuse of a dominating position, and the regulation of mergers and acquisitions. One of the most essential parts of the Act was the creation of the Competition Commission of India, an independent government organization that is responsible for making sure the Act is followed.

The Competition Commission of India has a lot of power, such as the power to investigate, make decisions, and give advice. It is in charge of protecting consumers, stopping actions that hurt competition a lot, and keeping the market free. The Commission has had a big effect on how Indian competition law has changed since it became fully functioning in 2009. It has dealt with several cases of cartelization, misuse of a dominant position, and anti-competitive mergers in a number of fields, such as real estate, telecommunications, medicines, and digital markets. Through its decisions, the

Commission has made a big difference in the growth of Indian competition law.

Over the years, the CCI has shown that it is willing to deal with tough competition issues and go after huge companies. It has looked closely at mergers and acquisitions, kept an eye on powerful companies, and punished companies that break the law in cartel proceedings to keep the market from becoming distorted. Its strict enforcement of competition laws has been shown by its decisions in cases involving internet platforms, cement makers, and real estate companies. The Commission has also worked to promote competition by giving advice to government agencies and teaching stakeholders about it in order to create a competitive culture in the country.

But even with these victories, people are still debating how well the Competition Commission of India works. There are a variety of problems that limit the Commission's power and effectiveness. One of the biggest difficulties is that the long delays in litigation and adjudication make the outcomes less effective at stopping people from doing bad things. Also, jurisdictional disagreements between the CCI and industry regulators, such as financial and telecom authorities, make it harder to implement rules and cause confusion. Because of many appeals and delays in the administrative process, it is still hard to carry out sanctions. Another big problem is that digital markets are growing very quickly. Because of technology-driven platforms, data dominance, and network effects, the way markets work has changed. This makes it hard for traditional competition law tools to work in these marketplaces. To solve challenges like algorithmic pricing, data monopolies, and platform control, we need new laws and more technological knowledge. Even while the current design is very thorough, it might not be ready to deal with these new problems.

In light of these changes, we need to carefully look at how well the Competition Commission of India has done its job under the Competition

Act of 2002. This means looking at how well it works as an organization, looking at its most important decisions, and figuring out what problems it has in the current economic situation. The current study aims to ascertain the Commission's effectiveness in promoting fair competition and protecting consumer interests, as well as to examine the need for modifications to enhance its operations. Consequently, the enactment of competition legislation in India represents a significant advancement in ensuring a fair and efficient market economy. Even though the CCI has made great progress in enforcing competition legislation, markets today are always changing, so they need to keep adapting and getting better. A rigorous evaluation of the effectiveness of competition policy is necessary to ensure that its objectives are consistently achieved throughout time.

LITERATURE REVIEW

Scholars, policymakers, and foreign organizations have engaged in substantial discourse regarding the development and effectiveness of Indian competition legislation, particularly the role of the Competition Commission of India. The material now available articulates both appreciation for the progress made and criticism on the persistent challenges in regulation and enforcement.

The Raghavan Committee Report (2000) looked closely at the problems with the MRTP Act of 1969 and said that a new set of laws should be made that focuses on promoting competition instead of limiting monopolies. This report is credited with laying the groundwork for modern competition law in India. The Committee stressed the need for an independent regulatory body with the power to deal with anti-competitive activity in a free market. This report led to the Competition Act of 2002 and the setting up of the CCI¹¹⁰⁶. David Bailey and Richard Whish's academic publications give a detailed theoretical

explanation of competition law, focusing on its goals of improving market integration, economic efficiency, and consumer welfare. Their work has changed how people all across the world, especially in India, understand competition law.¹¹⁰⁷ Massimo Motta's work on competition policy also stresses the importance of keeping markets efficient and the economic reasons for limiting behavior that is not competitive.¹¹⁰⁸

Legal experts in India have looked at how the Competition Commission of India works from both a theoretical and a practical point of view. Many studies show that the Commission is actively involved in establishing competition law by making important decisions like merger control, cartelization, and abuse of dominance. The authors say that the CCI has done a good job of becoming a trustworthy regulator and encouraging competition in India. At the same time, some academics have pointed out problems with how the CCI works. Critics have pointed out that there are problems with making decisions quickly, not having enough technical knowledge, and not being able to enforce instructions. Several studies indicate that the deterrent effect of the Commission's findings is weakened by frequent appeals and court intervention. Some people point out that the CCI and sectoral regulators have overlapping jurisdictions, which causes uncertainty and slows down decision-making. International institutions like the United Nations Conference on Trade and Development (UNCTAD)¹¹⁰⁹ and the Organization for Economic Co-operation and Development (OECD)¹¹¹⁰ have also helped a lot with the issue of competition law. Their findings stress the need for strong competition institutions, effective enforcement techniques, and the ability to adapt to changing market conditions. These groups have

¹¹⁰⁷ Richard Whish and David Bailey, *Competition Law* (10th edn, Oxford University Press 2021).

¹¹⁰⁸ Massimo Motta, *Competition Policy: Theory and Practice* (Cambridge University Press 2004).

¹¹⁰⁹ United Nations Conference on Trade and Development (UNCTAD), *Digital Economy Report 2019: Value Creation and Capture* (United Nations 2019).

¹¹¹⁰ Organisation for Economic Co-operation and Development (OECD), *Competition Policy and Economic Growth* (2014).

¹¹⁰⁶ Government of India, *Report of the High Level Committee on Competition Policy and Law* (Raghavan Committee) (2000).

done a great job of showing how hard it is to use digital marketplaces, like data domination, network effects, and platform-based economies.

Recent research has focused increasingly on how to regulate digital markets and how well traditional competition law frameworks can deal with new types of market power. Scholars assert that the rise of Big Tech companies has introduced novel challenges that necessitate innovative regulatory approaches. In this context, the Competition Commission of India's role in addressing issues connected to digital competition has been scrutinized, and suggestions for implementing ex-ante laws and enhancing technical expertise have been proposed. Research indicates that despite significant transformations in India's competition legislative framework and the activities of the CCI, substantial challenges remain to be addressed. The current research underscores the imperative for continuous institutional enhancement, reforms, and adherence to international best practices to enhance the effectiveness of competition regulation in India.

LEGAL FRAMEWORK

1. Statutory Basis: Competition Act, 2002

The Competition Act, 2002 is the most important law about competition in India. It is a big change from the old MRTP system. The Act, which was passed during a time of economic liberalization, intends to protect consumers, promote and keep market competition, and ensure freedom of commerce. The Competition Act has a modern, effects-based approach that looks at how companies' actions affect competition in the market. This is different from the MRTP Act, which focused on preventing monopolies. The Act applies to all businesses, groups, and people who are active in economic activity, no matter how big or little they are. It is also important because it applies outside of India, which means that activities that happen outside of India can be looked into if they hurt India's competitiveness in a big way. The Act

aligns India's competition legislation with worldwide best practices by creating a comprehensive framework that deals with anti-competitive agreements, abuse of dominant position, and combination regulation.

2. Anti-Competitive Agreements (Section 3)

Section 3 of the Competition Act says that agreements that cause or are likely to generate a significant negative effect on competition (AAEC) in India are not allowed. The clause recognizes both horizontal and vertical agreements. People think that horizontal agreements, which happen between competitors who are on the same level of the market, hurt competition. These include things like price-fixing, bid-rigging, market allocation, and output restriction, which deliberately hinder competition and hurt the welfare of consumers. On the other hand, vertical agreements, such as exclusive supply contracts, tie-in agreements, and resale price maintenance, are not automatically illegal; instead, they are judged based on how they actually affect competition in the market. The Act gives the Competition Commission of India the power to look at these agreements and see if they change the way the market works. This clause is necessary to keep competition fair and discourage collusion that could hurt the competitive process.

3. Abuse of Dominant Position (Section 4)

Section 4 talks with one of the fundamental problems with competition law: the abuse of a dominating position. The Act does not prohibit dominance since a corporation can become dominant through efficiency, innovation, or superior business practices. But it is against the law to abuse such power. There are various ways that abuse can happen, such as utilizing dominance in one market to have an edge in another, putting unfair or discriminatory conditions on competitors, denying them entry to the market, or using predatory pricing to get rid of competitors. To figure out if a company is dominant, you need to look at things like its market share, economic power, how dependent customers are on it, and how hard it is for new

companies to enter the market. The Competition Commission of India is very important for finding and stopping abusive activities by powerful companies that could hurt competition or take advantage of customers.

4. Regulation of Combinations (Sections 5 & 6)

Sections 5 and 6 of the Act set rules for combinations such mergers, acquisitions, and amalgamations. These rules are meant to limit changes to the structure of the market that could make competition a lot less fierce. The Competition Commission of India must be told about transactions that go beyond certain financial limits before they can be carried out. The Commission looks at things including how the combination will affect consumers, whether it will be hard for new businesses to enter the market, and how concentrated the market is. It can approve, amend, or stop combinations based on how they are projected to effect competition. People think that India's merger control system works rather well. Most cases are settled within the time limits, which strikes a compromise between regulatory scrutiny and convenience of conducting business.

5. Powers and Functions of CCI

The Competition Act of 2002 gives the Competition Commission of India a lot of power and responsibilities, which can be summed up as follows:

- a) The power to investigate: The CCI can tell the Director General to look into charges of anti-competitive activities such cartels, abuse of dominance, and illegal combinations.
- b) Authority to Decide: The Commission is a quasi-judicial body that can hear cases, look at evidence, and provide orders to find out if the Act has been broken.
- c) The power to impose penalties: The CCI can fine firms to stop them from making deals that hurt competition or taking advantage of their dominant position.

- d) Power to Give Orders: It can issue cease-and-desist orders and make businesses stop or change activity that hurts competition.
- e) Rules for Combinations: The Commission can say yes to, change, or stop mergers, acquisitions, and amalgamations that potentially hurt competition.
- f) Support for Competition: The CCI gives the government advice on policy issues and helps people understand competition law better to make sure that laws and policies encourage competition.
- g) Giving Advice: The Commission gives advice to government agencies and statutory entities about competition issues.
- h) Power to Give Forgiveness: It can lower the consequences for cartel members who help with investigations and share information.
- i) The right to make inquiries on their own: The CCI might launch inquiries on its own without a formal complaint.
- j) Authority Outside of the Country: The Commission may look into anti-competitive behavior that happens outside of India and has an effect on Indian markets.

6. Appellate Mechanism

The Competition Act sets up a formal appeals process to make sure that decisions are fair and that people are held accountable. The National Company Law Appellate Tribunal (NCLAT) handles appeals of decisions made by the CCI. More appeals may be heard by the Supreme Court of India. This multi-tiered appeal system allows for faults in how the law is understood or carried out to be fixed and makes sure that the courts are checked. But long legal battles can make the Commission's decisions less effective as a deterrence, which has also led to delays in enforcement.

7. Supporting Regulations and Extraterritorial Jurisdiction

Over time, the legal system has incorporated more laws, guidelines, and adjustments to make enforcement better and keep up with developments in the market. These include measures that speed up the process of reviewing mergers and rules for leniency programs, which encourage cartel members to share information in exchange for lower penalties. Section 32 of the Act also includes the idea of extraterritorial jurisdiction, which lets the Commission look into and take action against anti-competitive behavior that happens outside of India but affects Indian markets. This is very essential because of globalization and business deals that span borders. Overall, the framework is flexible and changes as new problems arise, especially in markets that are driven by technology and the digital world.

CHALLENGES IN ENFORCEMENT:

The Competition Commission of India (CCI) is in charge of making sure that the market is fair, prohibiting unfair business practices, and protecting the rights of consumers. Even while the Commission has done a lot of good work since it was set up in 2009, enforcing competition law in India is still very difficult. These problems slow down, make less effective, and have less of an effect on the CCI's regulatory actions.

1. Hard to find cartels and secret deals People often make hidden deals and cartels that are bad for competition. Companies that do this don't often preserve written records. It is hard to prove beyond a reasonable doubt that competitors worked together to split up markets, change bids, or set prices. People who work for cartels are afraid to speak out because they are afraid of getting in trouble or facing legal action. Because of this, the CCI has a hard time recognizing and showing.
2. The CCI normally takes a long time to finish investigations and court proceedings. The

investigation could take months or even years and involves gathering documents, analyzing data, and talking to the parties involved. The parties usually appeal to the Supreme Court and the National Company Law Appellate Tribunal (NCLAT) after the CCI makes a decision, which causes more delays. This long legal process could make law enforcement less effective, especially in areas that are continually changing, like e-commerce and digital platforms.

3. Not enough people and resources: The CCI deals with hard problems like corporate strategy, law, economics, and data analysis. But it doesn't have as many people or resources as similar groups in richer countries. Advanced economic models and technological skills are needed in a lot of circumstances. There aren't enough skilled economists, data analysts, and digital marketing experts, which makes it harder to make decisions and lowers the quality of analysis.
4. Problems in the digital and technology fields: The growth of digital markets and big tech companies has brought up new problems. Companies like Facebook, Amazon, and Google work in many different fields and around the world. They use data-driven models that are hard to manage with normal competition rules.
5. Working with organizations that regulate the sector In addition to TRAI, RBI, and CERC, which are sector-specific regulatory bodies, India's banking, telecom, and power industries are also overseen by these groups. The CCI and sector regulators may not always agree or work together. If there isn't enough coordination, regulatory enforcement might not work, be inconsistent, or take too long.
6. Limits on procedure and structure: The CCI is a quasi-judicial agency, thus it has to follow due process and perform fair hearings. This helps make things fair and open, but it also slows down the process.

Also, the appeal process can be long and confusing, which makes CCI's decisions less of a deterrent.

GLOBAL PERSPECTIVE

The global perspective emphasizes the increasing significance of competition law in the governance of contemporary economies. In the United States and other nations, competition law is the same as antitrust law. Its purposes are to stop monopolistic behavior, encourage free and fair markets, and look out for the well-being of consumers. Even if the essential goals are the same in all countries, the rules and how they are enforced are very different in each one. This is because of the country's economy and how well its institutions have developed. The Sherman Act of 1890, the Clayton Act, and the Federal Trade Commission Act are only a few of the many antitrust laws in the United States. The Federal Trade Commission (FTC) and the Department of Justice (DOJ) are the main groups that implement these rules, which are mostly about stopping market domination, monopolistic mergers, and cartels. The American legal system is known for allowing both criminal and civil culpability, as well as for encouraging private lawsuits, which makes enforcement more flexible and broad. The European Union (EU) employs the European Commission as its main body to enforce its competition regulations under Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU). Article 101 talks about agreements that are against competition, while Article 102 talks about abusing a dominant position. The EU model puts preserving smaller rivals and keeping fair market structures ahead of consumer welfare. It typically looks at bigger issues of justice in society and the market. The fact that anyone can appeal rulings to the General Court and the Court of Justice of the EU means that the courts are still in charge, even if the EU's enforcement is mostly administrative. The Competition Commission of India has been in charge of executing the Competition Act of 2002 since 2009. It uses a mix of the US and EU

procedures. The CCI's main goals are to block agreements that hurt competition, control mergers and acquisitions, and discourage people from abusing their market power. India still has trouble enforcing its contemporary and progressive legal system due of things like not having enough resources, long court cases, and businesses and customers not knowing about it. Still, the CCI has come a long way in improving its institutional capacity and handling issues in areas like real estate, digital markets, and manufacturing. As globalization and trade between countries grow, it is more important than ever for competition agencies to work together across borders. India takes part in international groups like the International Competition Network (ICN) and collaborates with organizations like the European Commission and the U.S. FTC to encourage the sharing of information and the harmonization of policies. As digital markets grow and business models change, it will be very important for all countries to agree on rules for enforcing competition. This will help safeguard consumers across borders and make sure that competition is fair.

CASE LAWS

1. *Competition Commission of India v. Steel Authority of India Ltd. (SAIL)*¹¹¹¹

The Supreme Court held that directions issued by the Competition Commission of India under Section 26(1) are administrative in nature. It clarified that no prior hearing is required before ordering an investigation. This ensured speedy proceedings and strengthened the investigative powers of the CCI.

2. *Excel Crop Care Ltd. v. Competition Commission of India*¹¹¹²

The Supreme Court ruled that penalties in cartel cases must be based on relevant turnover rather than total turnover. This ensured proportionality and fairness in imposing

¹¹¹¹ (2010) 10 SCC 744 (SC)

¹¹¹² (2017) 8 SCC 47 (SC)

penalties. The case is important for setting standards in penalty determination.

3. *DLF Ltd. v. Competition Commission of India*¹¹¹³

The CCI held DLF guilty of abusing its dominant position in the real estate market by imposing unfair conditions on buyers. The decision confirmed that dominance can exist in a specific market and that exploitative conduct is punishable under competition law.

4. *Google LLC v. Competition Commission of India*¹¹¹⁴

The Competition Commission of India found Google guilty of abusing its dominance in the online search market by favouring its own services. The case highlighted challenges in regulating digital markets and data-driven dominance.

5. Cement Cartel Case (*Builders Association of India v. Cement Manufacturers' Association*)¹¹¹⁵:

The CCI found major cement companies guilty of price-fixing and controlling supply. Heavy penalties were imposed, making it one of the biggest cartel cases in India. It strengthened deterrence against cartelisation.

SUGGESTIONS AND RECOMMENDATIONS

To make the Competition Commission of India work better, it needs to enhance its institutions, change its procedures, and update its laws. First and foremost, the Commission needs to know more about economics and technology, especially in new areas like digital markets, platform-based business models, and data analytics. Because of this, it would be able to make better choices and understand how complicated markets work. Second, in order to speed up inquiries and decisions, there is an urgent need to simplify processes, set strict timelines, and improve communication between the Director General and the CCI. Faster case resolution would make competition laws even more effective at stopping people from breaking them.

In addition, there should be clearer legal norms and official coordination mechanisms to settle jurisdictional disagreements between the CCI and sectoral regulators such as TRAI, SEBI, and RBI. This would make sure that the rules are clear and stop cases from happening at the same time. The legal structure should also be altered to deal with the problems that the digital economy brings, like data domination, network effects, and behaviors driven by algorithms. One way to achieve this would be to make ex-ante legislation for big internet platforms. Also, enforcement procedures need to be strengthened by making sure that penalties are collected quickly and that appeals don't take too long. Finally, to make the culture of compliance stronger, the CCI should maintain pushing for competition by getting firms and lawmakers to pay more attention to it. In India, these actions would work together to make competition law enforcement much more effective and powerful.

CONCLUSION

The growth of competition law in India shows a big shift from an economy that was focused on control and restrictions to one that is more modern and meant to promote fair competition and the well-being of consumers. The Competition Commission of India was set up under the Competition Act, 2002, which was a big step toward reaching this goal. Over the years, the Commission has worked to make sure that mergers are handled properly, that companies don't abuse their dominant position, and that anti-competitive agreements are followed. Its decisions and enforcement actions have helped India have a more competitive market and have helped the law on competition to develop.

Even though the Commission has had some triumphs, it is not perfect. However, problems including delays in adjudication, difficulties in enforcement, jurisdictional overlaps with sectoral regulators, and the growing complexity of digital markets make it harder for it to work as well as it should. Data-driven economies and

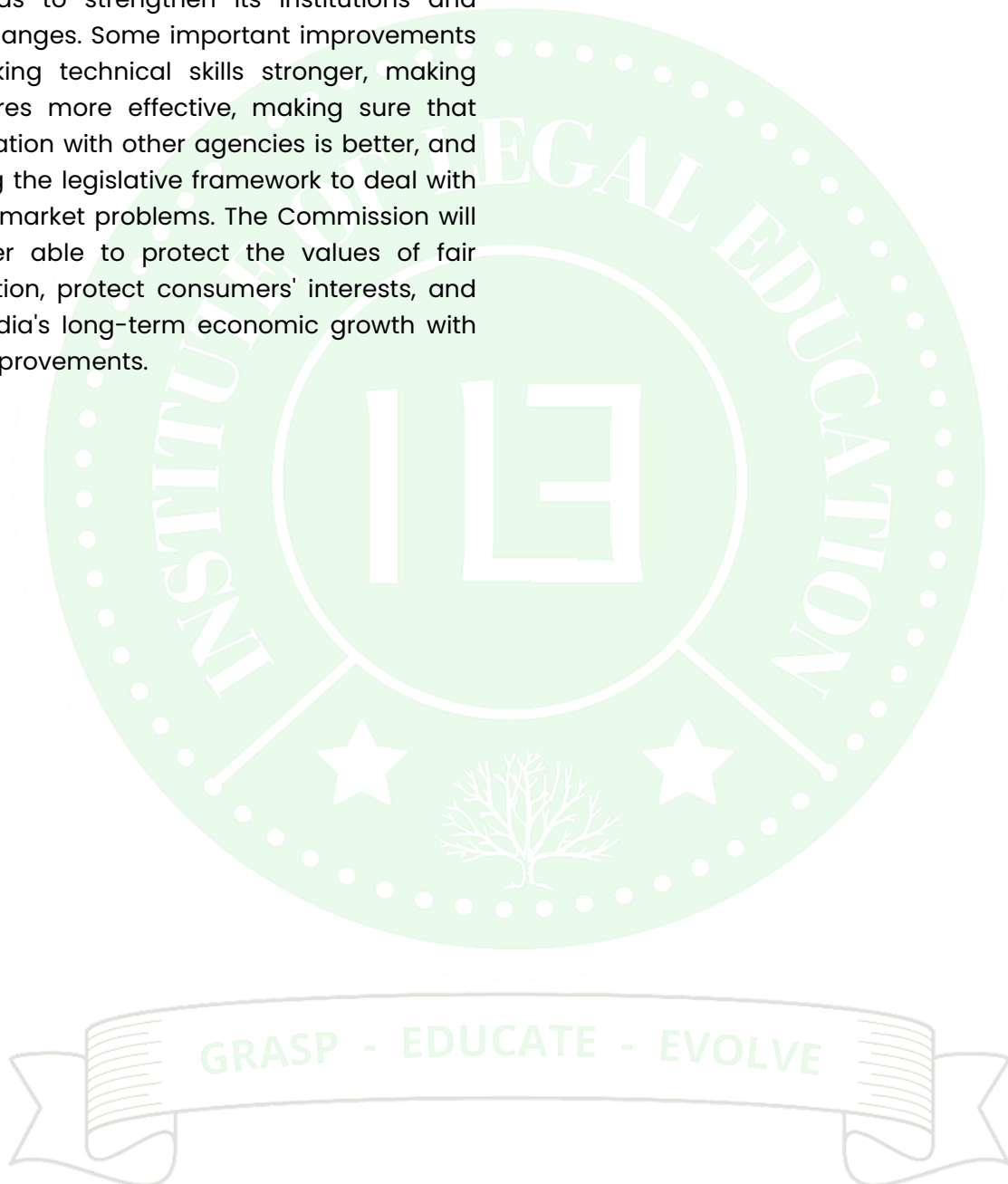
¹¹¹³ (2014) CompAT 26 (India)

¹¹¹⁴ (2018)

¹¹¹⁵ Case No. 29 of 2010, Competition Commission of India (June 20, 2012).

platform-based business models have put the current legal system to the test. This means that regulators need to be more flexible and look forward.

Because of this, it can be claimed that the Competition Commission of India has done a wonderful job of carrying out its purpose, but it still needs to strengthen its institutions and make changes. Some important improvements are making technical skills stronger, making procedures more effective, making sure that collaboration with other agencies is better, and updating the legislative framework to deal with modern market problems. The Commission will be better able to protect the values of fair competition, protect consumers' interests, and assist India's long-term economic growth with these improvements.





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