



COMPETITION COMMISSION OF INDIA

Case No. 02 of 2025

In Re:

Deepika

B-201, Flat No. 103, Golden Heights Apartments,
Rajendra Marg, Bapu Nagar,
Jaipur, Rajasthan – 302 015.

Informant

And

1. Calcutta Electric Supply Corporation

CESC House, #1, Chowringhee Square,
Kolkata, West Bengal – 700 001.

Opposite Party No. 1

2. Haldia Energy Limited

First Floor, 2A, Lord Sinha Road,
Kolkata, West Bengal – 700 071.

Opposite Party No. 2

3. Sheesham Commercial Private Limited

1st Floor, 2A, Lord Sinha Road,
Kolkata, West Bengal – 700 071.

Opposite Party No. 3

4. Adani Enterprises Limited

Adani Corporate House, Shantigram,
Near Vaishnodevi Circle, SG Highway, Khodiyar,
Ahmedabad, Gujarat – 382 421.

Opposite Party No. 4

5. Adani Power Limited

Adani Corporate House, Shantigram,
Near Vaishnodevi Circle, SG Highway, Khodiyar,
Ahmedabad, Gujarat – 382 421.

Opposite Party No. 5

6. MP Natural Resources Private Limited

Adani Corporate House, Shantigram,
Near Vaishnodevi Circle, SG Highway, Khodiyar,
Ahmedabad, Gujarat – 382 421.

Opposite Party No. 6

7. MH Natural Resources Private Limited

Adani Corporate House, Shantigram,
Near Vaishnodevi Circle, SG Highway, Khodiyar,
Ahmedabad, Gujarat – 382 421.

Opposite Party No. 7

8. Cavill Mining Private Limited

Ground Floor 1, Heritage Tower B/H Visnagar Bank,
Ashram Road Usmanpura,
Ahmedabad, Gujarat – 380 014.

Opposite Party No. 8

9. Hindalco Industries Limited

21st Floor, One Unity Center,
Senapati Bapat Marg, Prabhadevi,

Opposite Party No. 9



Mumbai, Maharashtra – 400 013.

10. UltraTech Cement Limited

B-Wing, 2nd Floor, Ahura Centre,
Mahakali Caves Road, Andheri East,
Mumbai, Maharashtra – 400 093.

Opposite Party No. 10

11. Vedanta Limited

1st Floor, C Wing, Unit 103,
Corporate Avenue, Atul Projects,
Chakala, Andheri East,
Mumbai, Maharashtra – 400 093.

Opposite Party No. 11

12. Sesa Resources Limited

Sesa Ghor, 20 EDC Complex Patto,
Panaji, Goa – 403 001.

Opposite Party No. 12

13. Jindal Power Limited

Tamnar, Raigarh, Chattisgarh – 496 107.

Opposite Party No. 13

14. Mandakini Exploration and Mining Limited

Habitat India, C-3, Qutab Institutional Area,
Katwaria Sarai, New Delhi, Delhi – 110 016.

Opposite Party No. 14

15. Adicorp Enterprises Private Limited

Ground Floor 1, Heritage Tower,
B/H Visnagar Bank, Ashram Road,
Usmanpura, Ahmedabad, Gujarat – 380 014.

Opposite Party No. 14

CORAM

Ms. Ravneet Kaur

Chairperson

Mr. Anil Agrawal

Member

Ms. Sweta Kakkad

Member

Mr. Deepak Anurag

Member

ORDER UNDER SECTION 26(2) OF THE COMPETITION ACT, 2002

1. Information in the present matter has been filed by a public spirited individual Ms. Deepika (the ‘**Informant**’), against (i) RP-Sanjiv Goenka Group entities - Calcutta Electric Supply Corporation (‘**OP-1**’), Haldia Energy Ltd. (‘**OP-2**’) and Sheesham Commercial Pvt. Ltd. (‘**OP-3**’), (ii) Adani Group entities - Adani Enterprises Ltd. (‘**OP-4**’), Adani Power Ltd. (‘**OP-5**’), MP Natural Resources Pvt. Ltd. (‘**OP-6**’), and MH Natural Resources Pvt. Ltd. (‘**OP-7**’), (iii) Cavill Mining Pvt. Ltd. (‘**OP-8**’) and its



sister concern Adicorp Enterprises Pvt. Ltd. (**‘OP-15’**), (iv) Aditya Birla group entities - Hindalco Industries Ltd. (**‘OP-9’**) and UltraTech Cement Ltd. (**‘OP-10’**), (v) Vedanta Limited (**‘OP-11’**) and Sesa Goa Iron Ore (**‘OP-12’**) of Vedanta Group, (vi) Jindal Power Ltd. (**‘OP-13’**), and (viii) Mandakini Exploration and Mining Limited (**‘OP-14’**), alleging cartelisation and bid-rigging in contravention of the provisions of Section 3(3) of the Competition Act, 2002 (the **‘Act’**).

2. The Hon’ble Supreme Court of India, *vide* order dated 24.09.2014 passed in Writ Petition (Crl.) No. 120 of 2012, held allotment of coal blocks by the Government of India as arbitrary and illegal, and accordingly, cancelled the allocation of 204 coal blocks. Around 42 coal blocks under ‘producing’ and ‘ready to produce’ category were cancelled from 31.03.2015 and the remaining 162 coal blocks were cancelled from 24.09.2014.
3. To re-allocate these 204 coal blocks, a legal framework through the Coal Mines (Special Provisions) Act, 2015 (**‘2015 Act’**) and the Coal Mines (Special Provisions) Rules, 2014 was laid down. The 2015 Act and the rules framed thereunder provided for allocation of the cancelled coal blocks through Public Auction for Specified End Uses (**‘SEU’**) or through allotment to Government companies.
4. In the above background, allegations of bid-rigging in the 2015 auction of coal blocks and in the 2023 auction of coal blocks have been made in the present matter by the Informant.
5. In brief, it has been alleged in the Information that:
 - 5.1 There was cartelisation and bid-rigging between RP-Sanjiv Goenka Group entities (OP-1, OP-2 and OP-3) and Adani Group entity OP-4 in the e-auction of Sarisatolli coal mine in the 1st and 2nd tranche of coal mine auctions held by the Government of India in 2015.
 - 5.1.1 As per the Informant, the said mine was won by OP-1. This mine’s auction had 05 (five) Technically Qualified Bidders (**‘TQBs’**) *viz.* RP-Sanjiv Goenka Group entities OP-1, OP-2 and OP-3, Adani Group entity OP-4, and GMR Chhattisgarh Energy Ltd. 03 (three) of them were group entities, of which one *i.e.* OP-2 indulged in bid-suppression, while the other two *i.e.* OP-1 and OP-3 filed bids from the same IP address. Also, OP-3 gave only one Final Price Offer (**‘FPO’**) despite



there being no limit on the number of FPOs one could offer. Furthermore, OP-1, upon winning the bid, diverted the coal extracted by it to an SEU Plant ('SEUP') quoted by OP-3 in the bid, which SEUP was in fact, a unit of OP-1 itself. Also, OP-1 had become the holding company of OP-3 (100% shareholding along with OP-1's own subsidiary Dhariwal Infrastructure Ltd.) only two days before Sarisatolli Coal Block bid was due. OP-1 was also stated to be the previous allottee of Sarisatolli Coal Mine in the year 1996. As far as OP-4 is concerned, it was one of the other two non-group TQBs in the auction. Despite being a company with huge resources, it did not make any FPO, thereby indulging in bid-suppression. Hence, common ownership, bidding from same IP address, shared SEUP, bid-suppression by a big player, *etc.*, taken together suggest cartelisation and bid-rigging in the 2015 auction of Sarisatolli Coal Mine.

5.1.2 Further, all these facts have been noted in the Comptroller and Auditor General's ('CAG') Report No. 20 of 2016 on E-Auction of Coal Mines wherein the CAG has, *inter alia*, concluded *w.r.t.* 1st and 2nd tranche of coal mine auctions that "*Audit could not draw an assurance that the potential level of competition was achieved during the Stage II bidding of these coal mines*". The Ministry of Coal ('MoC') amended Clause 4.1.1 (Eligibility Conditions) of the Standard Tender Document ('STD') of the auctions in June 2015 with the stated objective of increasing overall competition for the coal mines which were to be auctioned in the 3rd tranche, noting that, '*It has been felt that this provision is prone to be misused as the same company may not bid at all or aggressively for its bids placed with different EUPs for the same coal mine. It has also been seen that out of multiple bids, a company has participated in FPO against only one of its multiple bids*'.

5.2 The Informant has alleged that there may have been cartelisation and bid-rigging in the e-auction of a few other coal mines in the 1st and 2nd tranche of coal mines auctions held in 2015, between OP-9 to OP-14.

5.2.1 It is submitted by the Informant that it was highlighted in the CAG Report that in 11 (eleven) out of the 29 (twenty-nine) coal mines successfully auctioned during the 1st and 2nd tranche, Qualified Bidders ('QBs') ranging between 02 (two) and 03 (three) were from the same company/ parent-subsidary company coalition/



joint-venture coalition, and audit could not draw an assurance that the potential level of competition was achieved during the Stage II bidding of these 11 (eleven) coal mines.

- 5.2.2 Further, the Informant has submitted that complaints alleging cartelisation in the auctioning of these coal blocks/ mines were also acknowledged by the Ministry of Coal in response to Unstarred Question No. 2263 (answered on 10.03.2016) and Starred Question No. 42 (answered on 23.07.2015) in Lok Sabha as follows:

“A few complaints were received regarding cartelization in bidding, The Government has not approved the bids in case of 4 coal mines namely Gare Palma IV/2&3, Gare Palma IV/I and Tara as final closing bid price was not found to be reflecting fair value. In order to prevent the possibility of cartelization/ price manipulation, auction design has been slightly modified whereby multiple bids submitted by a Company or a Group in initial price offer (IPO) for a coal mine would be counted as one for the purpose of determining the eligibility to participate in final price offer (FPO).”

- 5.3 Cartelisation and bid-rigging also took place in the 16th tranche of coal mines auction w.r.t. at least 02 (two) coal mines viz. North West of Madheri and Gondbahera Ujheni, between Adani Group entities OP-6 and OP-7 on the one hand, and OP-8 (whose sister concern is OP-15) on the other, since there were multiple personnel relationships as well as financial dealings between OP-6, OP-7 and OP-15.

- 5.3.1 As per the Informant, for the auction under the 16th tranche, an Empowered Committee of Secretaries (‘ECoS’) comprising Secretary (Department of Economic Affairs), Secretary (Department of Legal Affairs), Secretary (Ministry of Petroleum and Natural Gas), and Secretary (Coal), as members, was constituted. In 2015, after the CAG Report, MoC had tightened the rules to prevent a company from submitting multiple bids, which could stifle competition in the FPO. Thus, bids by subsidiaries and joint ventures were counted as a single bid. In 2021, the rules were tweaked by MoC, citing poor response and the minimum number of QBs required for an auction to take place were reduced, from 03 (three) to 02 (two).



- 5.3.2 Further, as per Rules in case of less than 02 (two) TQBs for a coal mine, the first attempt of the auction for that mine was to be annulled and the second attempt of the auction may be initiated with the approval of the Competent Authority. However, in case of participation of only one bidder again in the second attempt, the matter shall be referred to the ECoS for appropriate decision with respect to the allocation of the mine.
- 5.3.3 In this background, the auction process of 141 coal/ lignite mines was launched by the Nominated Authority, MoC under the 16th tranche. Adani Group companies won 04 (four) of these viz. North West of Madheri, Purunga, Dahegaon Gowari and Gondbahera Ujheni mines. In Purunga coal mine, Adani Enterprises subsidiary CG Natural Resources Pvt. Ltd. participated against Power Mech Projects Ltd., a Hyderabad-based construction engineering firm that reportedly received orders worth more than ₹6,000 crores from the Adani Group. In Dahegaon Gowari, Adani Group owned Ambuja Cements Ltd. outbid Gangaramchak Mining Private Limited, the only other company that had bid for the coal mine. In the remaining two blocks, OP-8, a private limited company, sister concern of OP-15 (as Late Shri Utkarsh Shah was the effective owner of both companies), competed against Adani Group companies. In Gondbahera Ujheni, OP-6, a subsidiary of Adani Enterprises won the bid against Gujarat Mineral Development Corporation ('GMDC'), a state government owned company, and OP-8; and in North West of Madheri, Adani Enterprises subsidiary OP-7 won the bid against OP-8.
- 5.3.4 As per the Informant, there were numerous financial dealings between certain Adani group entities and OP-15 and they also had a few common personnel. As per the Informant, it can be deciphered from such dealings that OP-8, the sister-concern of OP-15, submitted the bid security for the tender in relation to North West of Madheri coal mine and Gondbahera Ujheni coal mine out of the funds provided by Adani Logistics Ltd., Adani Estates Pvt. Ltd. and Adani Port & Special Economic Zone Limited.
- 5.3.5 Further, as per the Informant, OP-8 only had a paid-up capital of ₹1 lakh, had no mining experience, was registered only on 25.04.2022, but competed with Adani subsidiaries OP-6 and OP-7, for the mining rights of North West of Madheri and



Gondbahera Ujheni coal mines. This suggests that the main purpose of participation of OP-8 was in furtherance of the strategy of bid suppression and successful allotment of coal mines to Adani group entities otherwise there would have been only one sole bidder (for North West of Madheri coal mine) and the auction would have been annulled.

5.3.6 Also, in relation to 2023 auction for coal mines, the average revenue share of the Government was 22.12%, but in relation to coal mines allotted to Adani Group of companies, it was mere 5.5%-7%. The same would not have been possible unless it would have been a result of bid-rigging arrangement/ concert between the participating bidders.

6. Making the aforesaid allegations, the Informant has alleged contravention of the provisions of Section 3(3) of the Act by the OPs.
7. The Informant has also filed an Interlocutory Application ('IA') bearing No. 30A of 2025 along with the Information seeking condonation of delay *w.r.t.* the filing of Information in regard to the 1st and 2nd tranche of coal mines auctions, which took place in the year 2015. The Informant has stated that though the cause of action for the same arose on the date when the concerned OPs participated in the auction *i.e.*, on 31.01.2015 (bid due date), Information could be filed only when the names of the bidders who had participated in the 2015 auction of Sarisatolli Coal Mine were disclosed by the MoC in response to an RTI application filed by some third party and came in public domain in February 2023. Before that date, even in the CAG Report No. 20 of 2016 dated 21.06.2016, the names of the colluding bidders were not disclosed but rather referred to as Company 'A' to F'. As such, there is sufficient cause for condonation of delay in filing the Information *w.r.t.* bid-rigging and cartelisation in the 1st and 2nd tranche of coal mines auction.
8. In light of the above, the Informant has prayed to the Commission to:
 - (a) declare the above practices of the OPs anti-competitive in violation of the provisions of Section 3 of the Act;
 - (b) pass an order under the provisions of Section 26(1) of the Act ordering a thorough investigation by the Office of Director General ('DG');



- (c) pass a cease-and-desist order against the OPs, directing them to discontinue their cartel and not to enter such arrangements in future;
 - (d) impose such penalty on the OPs under the Act, as the Commission deems fit and proper;
 - (e) allow the Informant to adduce any additional information and evidence, if discovered, during the course of its ongoing internal investigation; and
 - (f) pass such further order(s) and issue such directions to the OPs as the Commission may deem fit in the facts and circumstances of the present case.
9. The Commission considered the Information in its ordinary meeting held on 23.04.2025 and noting the allegations contained therein, decided to seek the views/ comments of the MoC upon the issues highlighted in the Information, before proceeding further in the matter. The MoC sent its comments on 04.06.2025.
10. The MoC stated that:
- 10.1 With respect to alleged cartelisation in the allocation of Sarisatolli coal mine in the 1st Tranche, the bidding process was conducted through a transparent e-auction platform maintained by MSTC Ltd. The auction process followed the methodology prescribed under the 2015 Act and the STD notified in 2014. The STD included several safeguards to prevent anti-competitive practices including cartelisation. A single bidder could submit only one bid per SEUP and all bidders were to give Affidavits affirming non-involvement in any collusive or unlawful conduct. E-auction was also fully automated. It was also mentioned that the final CAG Report does not specifically mention Sarisatolli coal mine though it does observe that potential competition may have been impacted in Stage II bidding of some coal mines. In its Action Taken Note ('ATN') in this regard, the Ministry clarified that there was no deviation from the provisions of the STD, the auction has been upheld by various High Courts, and at least 03 (three) or more independent companies participated in every e-auction including for Sarisatolli, ensuring competitive participation.
- 10.2 With respect to alleged cartelisation in the 6th round of Commercial Coal Mines Auctions, no procedural lapses or indications of cartelisation, collusive bidding, or any restrictive trade practices were observed or reported. The bids were assessed



strictly in accordance with the laid-down criteria, and the Nominated Authority did not receive any grievances or objections related to the integrity of the process.

- 10.3 No documentary or circumstantial evidence is available on record with the Nominated Authority that would substantiate the allegations of big-rigging, cover-bidding, or cartelisation as alleged in the present case.
11. The Commission thereafter considered the matter in its ordinary meeting held on 01.07.2025 and decided to pass an appropriate order in due course.
12. At the outset, the Commission notes that the Hon'ble Supreme Court, in *Rajasthan Cylinders and Containers Ltd. and Others v. Union of India and Others*, (2020) 16 SCC 615, has emphasised the importance of consulting with the procurer, before coming to a finding of cartelisation by the Commission.
13. As such, on the basis of the comments received from the MoC, it seems that the procurer has no grievance or apprehension of there being any cartelisation or bid-rigging in the 1st and 2nd or 16th tranche of coal mines auction. In fact, the MoC has stated *w.r.t.* 16th tranche that no complaints were received by the Nominated Authority alleging any cartelisation.
14. The Commission notes that the only evidence placed on record alleging cartelisation in the 16th tranche of coal mines auction for North West of Madheri and Gondbahera Ujheni coal mines is the alleged financial and other dealings between OP-15 and certain Adani group entities. On the basis of the same, the Informant has tried to make out a case of cartelisation and bid-rigging amongst OP-8 (sister-entity of OP-15) and OP-6 and OP-7. Further, it is also noted by the Commission that the auction of Gondbahera Ujheni coal mine also saw participation of a third-entity *viz.* GMDC, in addition to OP-6 and OP-8 and no allegation of cartelization has been made against GMDC.
15. Therefore, in the light of only indirect circumstantial evidence being available on record *w.r.t.* the alleged cartelisation and bid-rigging in the auction of North West of Madheri and Gondbahera Ujheni coal mines in the 16th tranche of coal mines auction, and in the absence of any complaints received in this regard by the MoC or any apprehensions or suspicions expressed by the MoC of collusion, the Commission finds it difficult to form a *prima facie* opinion of cartelisation and bid-rigging *w.r.t.* this auction.



16. As far as the 1st and 2nd tranche of coal mines auction is concerned, the Informant has alleged bid-rigging and cartelisation between OP-1, OP-2, OP-3 and OP-4 *w.r.t.* auction of Sarisatolli coal mine, and also expressed apprehensions of collusion in respect of certain other coal mines based on the findings contained in the CAG Report No. 20 of 2016.
17. At the outset, the Commission notes that the newly introduced *proviso* to sub-section (1) of Section 19 of the Act states that the Commission shall not entertain an information or a reference unless it is filed within three years from the date on which the cause of action has arisen. Since the 1st and 2nd tranche of coal mines auction took place in the year 2015 *i.e.* nearly ten years ago, the Informant has moved IA No. 30A of 2025 seeking condonation of delay in filing the present Information in this regard, citing certain reasons.
18. The newly introduced second *proviso* to sub-section (1) of Section 19 of the Act allows the Commission to entertain an information or a reference even after the period specified in the first *proviso*, if the Commission is satisfied that there had been 'sufficient cause' for not filing the information or the reference within such period, after recording its reasons for condoning such delay.
19. In the present matter, the CAG Report which forms the basis of the allegations made by the Informant *w.r.t.* 1st and 2nd tranche of coal mines auctions, has been available in the public domain since 2016. The cause cited by the Informant for filing the Information in this regard in 2025 and seeking condonation of delay is that the names of the bidders to which the CAG Report refers to, were not disclosed in the public domain till 2023.
20. In the opinion of the Commission, such reason cited by the Informant does not constitute 'sufficient cause' for condoning the delay in filing of the Information with respect to alleged cartelisation and bid-rigging in the 1st and 2nd tranche of coal mines auction.
21. Nonetheless, it also weighs with the Commission that no specific allegations or evidence have been placed on record *w.r.t.* the alleged cartelisation in the auction of any other mine except Sarisatolli coal mine in the 1st and 2nd tranche of coal auctions.
22. As far as the auction of Sarisatolli coal mine is concerned, though the CAG Report has cited certain evidences which may hint towards a collusive arrangement between group



entities OP-1, OP-2 and OP-3, there is no evidence on record that may indicate OP-4 to be a part of such arrangement or may prove that non-bidding by OP-4 at the FPO stage was due to bid-suppression. Moreover, Sarisatolli coal mine also saw active participation by a third completely independent entity *viz.* GMR Chhattisgarh Energy Ltd. which diminishes the possibility of there being any cartel arrangement amongst the remaining competitors for this coal mine. Nonetheless, the MoC's rules for auction have evolved quite a lot since the time and no purpose would be served by getting this issue investigated at such a belated stage, specifically in light of the fact that the MoC itself has not expressed any concerns *w.r.t.* auction of this coal mine in 2015. In fact, the MoC has stated that in its ATN in response to the CAG Report, it had clarified that there was no deviation from the provisions of the STD in this auction and that the auction has been upheld by various Hon'ble High Courts.

23. In light of the above, the Commission is of the considered opinion that no *prima facie* case of contravention of the provisions of Section 3 of the Act can be made out against any of the OPs in the present matter. Hence, the matter is directed to be closed in terms of the provisions contained in Section 26(2) of the Act. I.A. No. 30A of 2025 also stands disposed of, accordingly.
24. The Secretary is directed to communicate to the Informant, accordingly.

Sd/-
(Ravneet Kaur)
Chairperson

Sd/-
(Anil Agrawal)
Member

Sd/-
(Sweta Kakkad)
Member

Sd/-
(Deepak Anurag)
Member

New Delhi
Date: 31.07.2025