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Fair Competition
For Greater Good

COMPETITION COMMISSION OF INDIA

Case No. 15 of 2025

In Re:

People For Animals (PFA)

Informant

And

Venkateshwara Hatcheries Pvt. Ltd.

Opposite Party No.1

Venky's (India) Ltd.

Opposite Party No.2

**Venco Research & Breeding Farm Pvt.
Ltd.**

Opposite Party No.3

**Venkateshwara Research and
Breeding Farm Pvt. Ltd.**

Opposite Party No.4

Uttara Foods and Feeds Pvt. Ltd.

Opposite Party No.5

Uttara Impex Pvt. Ltd.

Opposite Party No.6

Venkateshwara B.V. Biocorp Pvt. Ltd.

Opposite Party No.7

Venkateshwara Biofeed Private Limited

Opposite Party No.8

Anuradha Desai

Opposite Party No.9



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CORAM

Ravneet Kaur
Chairperson

Anil Agrawal
Member

Sweta Kakkad
Member

Deepak Anurag
Member

Order under Section 26(1) of the Competition Act, 2002

1. The Information has been filed by the People for Animals (**'Informant'**/ **'PFA'**), seeking the institution of an inquiry under Section 26 of the Competition Act, 2002 (**'the Act'**) into abuse of dominance and vertical restraint in the Indian poultry industry by the Venkateshwara Hatcheries Group (**'VH Group'**) through its group companies, *i.e.*, Opposite Party Nos. 1 to 8, and its Chairperson, Ms. Anuradha Desai, Opposite Party No. 9 (hereinafter referred to as **'Opposite Parties'** or **'OPs'** collectively).
2. The Informant, is stated to be a trust registered under the Indian Trust Act, 1882. The Informant claims to be a reputed animal welfare organisation in India. The Informant also claims to have worked to rehabilitate sick and needy animals, run shelters and sterilisation programmes, promote awareness and education about animal rights, their protection and welfare and assist the Government in formulation and implementation of policies for animal welfare.
3. OP-1 to OP-8 are group companies of the VH Group, which is allegedly the largest fully integrated poultry group in Asia, undertaking operations in chicken and egg processing, broiler and layer breeding, genetic research, diagnostics, vaccines for poly diseases, feed supplements, bio-security products, poultry feed and equipment, along with nutritional health products among others. These group companies are allegedly the sole licensees for the supply of parent stock of the Babcock breed of



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layer hens under the trademark/tradename BV 300 and Cobb breed of broiler chicken under the trade name 'Vencobb' in India. OP-9 is the Chairperson of the VH Group.

4. According to the Informant, commercial and backyard poultry are two distinct sectors of poultry with starkly different productivity levels, as the names suggest. The Informant stated that as per the National Action Plan for Egg & Poultry - 2022 for Doubling Farmers' Income by 2022 by the Department of Animal Husbandry, Dairying & Fisheries, Ministry of Agriculture & Farmers Welfare, Government of India ('NAPEP -2022'), the poultry sector can broadly be divided into two sectors, that is, the highly organized commercial sector, which constitutes 80% of the total poultry sector and the unorganized sector or backyard poultry, comprising 20% by value of the poultry sector in 2015-2016.
5. The Informant has stated that commercial poultry differs from backyard poultry in terms of faster and higher yield, higher capital costs, use of selected breeds and specialised feed based on the breed requirement, vaccination, and controlled confinement of the birds. In contrast, backyard poultry production is a low input business, characterized by indigenous night shelter systems, scavenging system with supplementary feeding, natural hatching of chicks, native/hybrid variety of birds, and local marketing. The specialized production and costs associated with commercial poultry farming drastically limits the substitutability of backyard poultry with commercial poultry production.
6. The Informant has also stated that consumers are unlikely to substitute the produce of commercial farm with that of a backyard farm, given the hyperlocal marketing of backyard poultry that may also not satisfy commercial standards and regulations, which commercial poultry farms are constrained to follow. The Informant refers to the NAPEP-2022 to state that fowls dominate the poultry population in India. Alternate species of birds like ducks, turkeys, and guinea fowls comprise only 2% of the poultry population and are not ready substitutes for products derived from fowls.
7. As per the Informant, the two broad product markets within the commercial poultry sector that the VH Group is present in, are those of the commercial layer hens and broiler chickens. Layer birds and broiler birds constitute separate markets in view of



difference in inputs, end-use, consumer preferences, and existence of specialised producers, as is summarily explained hereunder:

i. Difference in inputs: Distinct breeds of "pure lines" breed of layer birds and of broiler birds have been created to increase the production of eggs and meat respectively, in commercial poultry.

As a result of trait selection, broilers and layers differ in feed intake, growth rate, efficiency of nutrient utilisation, and development of muscles. Layer hens tend to be leaner and do not put on the same mass as broiler birds. Some prominent breeds of 'improved fowl' or hybrid breeds of layer birds include - Babcock, Hyline, Shaver, Lohmann, and Bovans. A few breeds of broiler chickens are - Hubbard, Ross, Babcock and Vencobb.

ii. Difference in end-use: Broilers are raised to be consumed as poultry meat, whereas layers hens are raised for egg production.

Eggs lend themselves to a greater range of uses, including as an ingredient in baking. These differences in end-uses of chicken and eggs indicate little substitutability between the two, except when viewed as a source of protein.

8. The Informant has alleged that, as per the website of VH Group, BV-300 and Vencobb are the dominant breeds of layer hens and broiler chickens in India, having a market share of over 80% and 75%, respectively. As per Informant, Hy-lines, Bovans, and Lohmanns comprise the remaining 20% of the commercial layer market. Moreover, the Informant has alleged that the OPs have a dominant influence in the Indian egg production and poultry farming industry through its strategic involvement with key organizations such as the National Egg Coordination Committee ('NECC') and the Bharat Egg Producers Association ('BEPA'). It is stated that NECC is the largest association of poultry farmers in India, with over 35,000 members, and the VH Group holds a significant stake in it. Additionally, BEPA, incorporated in 1998, includes significant representation from the VH Group, with three of its five directors, including OP-9 and Mr. B. Venkatesh Rao, being associated with the VH Group. The VH Group's control extends to the All-India Poultry Development and Services Pvt. Ltd. ('AIPDS') through Ms. Anuradha Desai and Mr. B. Venkatesh Rao, highlighting their pervasive influence and dominance in the market.



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9. The Informant has alleged that OP-1 to OP-8 are vertically integrated as may be seen from the businesses operated by them:
- OP-1: Venkateshwara Hatcheries (P) Ltd. (1971) ('**VHPL**):
Business relating to *inter alia*, the supply of day-old chicks, hatching eggs, contract broiler farming, egg powder, poultry feed, poultry vaccines, disease diagnosis and research. VHPL is the holding company of Venky's (India) Ltd.
 - OP-2: Venky's (India) Ltd. (1976) ('**VIL**):
Business relating to supply of day-old chicks, hatching eggs, processed and further processed chicken, animal health products, nutritional health products for animals and humans, Specific Pathogen Free ('**SPF**') eggs, pet food and health care and solvent-extraction i.e., de-oiled soya cakes and edible oil.
 - OP-3: Venco Research & Breeding Farm (P) Ltd. (1980) ('**VENCO**):
Pureline breeding, genetic research, Vencobb broiler breeder, and Vencobb broiler.
 - OP-4 Venkateshwara Research & Breeding Farm (P) Ltd. (1980) ('**VRB**):
Pureline breeding, genetic research, BV 300 Layer breeder and BV 300 layers.
 - OP-5: Uttara Foods & Feeds (P) Ltd. (1986):
Breeder feeds, broiler feeds, layer feeds, mineral mixtures and feed concentrates.
 - VR Equipment Ltd (1989) ('**VREL**):
Feeding and drinking systems, environment control systems, and colony cages.
 - VJ Equipment Ltd (1994) ('**VJEL**):
Incubation systems, hatchery equipment, and hatchery ventilation systems.
10. The Informant has submitted that the Broiler Breeder Agreement ('**BBA**') and Layer Breeder Agreement ('**LBA**') restrict the contract breeder from distributing their own product. clause 7.1.10 of the BBA prohibits the sale of commercial chicks and hatching eggs to any "unauthorised person". This term has been broadly defined in clause 1.19 to include any competitors, overseas buyers, persons dealing with any breed other than the Vencobb broiler breed, and any other person as may be intimated to OP-3. Restriction or limitation on the market of commercial broiler chicks and hatching eggs without adequate reason, amounts to a violation of Section 4(2)(b)(i) of the Act, as well as imposition of vertical restraints in the form of exclusive supply and distribution agreement as provided under Section 3(4) of the Act.



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11. Similarly, clauses 3.4.4 and 7.1.11 read with clause 1.20 of the LBA, prohibit the contract breeder from directly or indirectly selling, exporting or otherwise dealing the commercial layer chicks or hatching eggs to unauthorized persons that include competitors, overseas buyers, breeders, and customers of the parent stock outside the defined area of business under the LBA and persons dealing with the breeder layer hens. These restrictions are unfair under Section 3(4) and 4(2)(a)(i) of the Act as they are not supported by any health safety or quality control rationale and summarily exclude customers from the contract breeder's market. Restriction or limitation on the market of commercial layer chicks and hatching eggs amounts to a violation of Sections 3(4) and 4(2)(b)(i) of the Act as well. Consequently, the Informant also alleges that OPs have been imposing vertical restraints under Section 3(4) of the Act causing appreciable adverse effect on competition ('AAEC') in the concerned relevant markets in India.
12. The Informant has alleged abuse of dominance by the OPs by way of:
- (a) Unconscionable and unfair terms in the BBA and LBA, violating Section 4(2)(a)(i), 4(2)(a)(ii), 4(2)(b)(i), 4(2)(b)(ii), 4(2)(d) and 4(2)(e) of the Act
 - (b) Illegal assumption of intellectual property rights over hens
 - (c) Restricting supply of parent stock based on subjective assessment of market conditions
 - (d) Agreement to purchase at a future price
 - (e) Control of supply through directions of culling
 - (f) Conditions on sale of commercial chicks and hatching eggs
 - (g) Restriction of supply of Vencobb/parent stock in violation of Sections 4(2)(b)(i), 4(2)(c) & 4(2)(e) of the Act
 - (h) Contractual obligation on breeders to contribute to poultry fund development and mandatory contribution to the NECC and others as a condition of sale of day old chicks in violation of Sections 4(2)(a)(i), 4(2)(a)(ii), 4(2)(d) and 3(4) of the Act
 - (i) Use of VH Group influence on NECC to interfere in prices of eggs in violation of Section 3(4) and Section 4(2)(e) of the Act
 - (j) Denial of market access to competitors in the relevant markets and downstream market of day old chicks in violation of Section 4(2)(c) and Section 3(4) of the Act



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13. The Informant has prayed to the Commission to:

Interim Prayer:

- a) Direct the Opposite Parties to immediately cease and desist from collecting any and all mandatory contributions for industry associations such as the NECC from poultry farmers by way of agreements or otherwise;
- b) Direct the Opposite Parties and their members to cease and desist from forcing poultry farmers to exclusively deal in the Vencobb and Babcock breeds of broiler chicken and layer hens, respectively;

Main Prayer:

- a) Institute an inquiry against the Opposite Parties and pass an order directing the Director General ('DG') to carry out an investigation into the violations of Sections 3 and 4 of the Act;
- b) Direct the Opposite Parties to permanently cease and desist from collecting mandatory contributions from poultry farmers under any and all heads;
- c) Direct the Opposite Parties to cease and desist from forcing poultry farmers to exclusively deal in the Vencobb and Babcock breeds of broiler chicken and layer hens, respectively;
- d) Direct the Opposite Parties to remove all anti-competitive /abusive clauses in the LBA and BBA, including but not limited to, those that prevent licensees from selling commercial chicks and hatching eggs to other persons/ entities apart from those belonging to the VH Group;
- e) Impose penalties and pass other appropriate directions against the Opposite Parties under Section 27 for contravention of Sections 3 and 4 of the Act; and
- f) Pass any other order which the Commission may deem fit.

14. The Commission considered the present matter in its ordinary meeting held on 30.07.2025. After considering the matter, the Commission directed to send a copy of the Information to OP-1 for seeking its comments. The Commission also directed OP-1 to submit, the following information:

- (a) If it is still receiving any contribution from farmers that is being transferred to NECC?



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- (b) Comments on the Information particularly in respect of allegations of violation of Sections 3(4) and 4 of the Act.
- (c) Copy of the existing LBAs and BBAs with comments, if any.
- (d) Comments in respect of the market share as alleged by the Informant.

Further, the Commission directed the Informant to submit the following information:

- (a) Any information other than that adduced from Case No. 09 and 36 of 2017 to substantiate its allegations under Sections 3 and 4 of the Act against the OPs.
- (b) Any material to substantiate the allegation about dominance and abuse thereof.

15. The Informant and the OPs filed their response after obtaining extensions from the Commission to its order dated 30.07.2025 on 03.09.2025 and 10.11.2025, respectively. The Commission considered the submissions of Informant and OPs on 07.01.2026 and decided to pass an appropriate order in due course.
16. The OPs contend that the Informants submissions suffer from legal and factual defects and contain sweeping assertions without required elements of violation of Sections 4 and 3(4) of the Act. OPs contend that the Informant is barred from using evidence used in the earlier Case No. 09 and 36 of 2017 due to bar of limitation and *res judicata*. OPs have also stated that the Informant has raised certain issues that are *sub judice* before Hon`ble Supreme Court and is attempting to reagitate the same issues before the Commission. The OPs have stated that there is no demonstrable harm to competition and the Informant has failed to show any market foreclosure, consumer harm or restriction on technical and scientific development. The OPs have submitted that the allegations of the Informant fail the most basic test under Sections 3 and 3(4) of the Competition Act, as no AAEC on competition is made out.
17. The Commission noted at the outset, that the Informant had earlier filed an Information dated 28.06.2017 (Case Nos. 09 and 36 of 2017) (**‘Prior Information’**) before the Commission against the NECC, (and its members), as also Agrocorpex India Ltd. (**‘ACIL’**) (and its members), which was allegedly incorporated at the same time as the NECC to support and execute the objectives of the NECC. The Prior



Information alleged the contravention of Sections 3(3)(a) and 3(3)(b) of the Competition Act, 2002 ("Act") by the NECC and ACIL as under:

- a. NECC engineered a price-fixing agreement contrary to Section 3(3)(a) of the Act.
- b. NECC and ACIL deliberately limited the supply of eggs to customers to manipulate prices, in violation of Section 3(3)(b) of the Act.
- c. NECC and ACIL were controlled by and represented the interests of the large integrated poultry companies.

18. The Informant had alleged that in the Prior Information, both the NECC and ACIL had been set up and were effectively being controlled by the same persons who are also in control of the VH Group, including OP-9 *i.e.* Ms Anuradha Desai. It was alleged that since VH Group is the largest egg producer of India which also exercises control over both NECC and ACIL, it directly profits from the declaration of the price of NECC. In effect, it was alleged that the NECC represents the interests of the large poultry producers, particularly the VH Group, in terms of price fixation and control of supply of eggs.

19. The Commission, in its order dated 14.01.2022 passed under Section 27 of the Act, noted the following in respect of VH Group:

"...the case before the Commission pertains to alleged anti-competitive conduct by NECC. any other alleged conduct by the VH Group is, thus, not a subject matter of determination by the Commission in the present matter. However, it is entirely for NECC and its members to ponder over and see whether the said society/ trust has been established for the benefit of its constituent members, and the egg industry as a whole, or is a mere front for other beneficiaries."

20. The Commission notes that in the present Information, however, the Informant is raising specific allegations of abuse of dominant position by the VH Group in respect of the practices adopted by it, which are distinct and independent of the allegations made in the Prior Information. Further, it is also noted that the Information in Case No. 36 of 2017 was specifically against NECC and ACIL. In the present Information, ACIL has not been made a party. A clear distinction can be made between the case filed earlier before Commission which was investigated for violation of Sections



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3(3)(a) and 3(3)(b) of the Act, while the present case allegations are under Sections 3(4) and 4 of the Act. Consequently, the contention of the OPs that the present case is covered under Section 26(2A) of the Act is devoid of merit.

21. The Commission notes from the averments of the Informant that the two broad product markets within the commercial poultry sector that the OPs are present in, are those of the commercial layer hens and broiler chickens. Layer birds and broiler birds constitute separate markets in view of difference in inputs, end use, consumer preferences and existence of specialised producers.
22. With respect to relevant geographic market, the Commission notes that the Informant has proposed the relevant geographic market at a pan India level since the relevant factors that are considered for assessment under Section 19(6) of the Act such as the nature and characteristics of products or services concerned, regulatory trade barriers, local specification requirements, transport costs, consumer preferences *etc.*, are homogeneous across India. It is noted that the Informant has referred to observation of the Commission in Case Nos. 09 and 36 of 2017, where it was said that NECC and ACIL are working towards the objective of creating uniformity in egg prices through correspondence, facilitation and exchange of information relating to egg prices between the zonal chairmen and supplying the surplus production towards the deficit production zones.
23. Considering the allegations made in the information, the Commission agrees with the delineation of the relevant market proposed by the Informant as:
 - a. the market for production and supply of parent stock of commercially viable layer hen breeds in India; and
 - b. the market for production and supply of grandparent/parent stock of commercially viable broiler chicken breeds in India.
24. The Commission notes that, as per the website of the OPs, they are the largest integrated poultry group in Asia:

The VH group was established in 1971, when motivated by his wife Late Smt. Uttaradevi Rao, our founder Chairman Late Padmashree Dr. B.V.Rao, fondly referred to as "The Father of the Indian Poultry Industry", established Venkateshwara Hatcheries Pvt. Ltd. in Pune (India). Today the



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group is popularly known the world over as “Venky’s”. With a unique combination of expertise and experience and supported by strategic collaborations, the company diversified its activities to include SPF eggs, chicken and eggs processing, broiler and layer breeding, genetic research and Poultry diseases diagnostic, Poultry vaccines and feed supplements, vaccine production, bio-security products, Poultry feed & equipments, nutritional health products, soya bean extract and many more. **Today the group is the largest fully integrated poultry group in Asia.**

25. According to the Informant, the OPs are both the largest producer and supplier of commercially viable layer hen breeds and of grandparent/parent stock of commercially viable broiler chicken breeds in India.
26. However, it is also observed that, the OPs have many competitors in the market i.e., Suguna Foods, Sneha, and Skylark Hatcheries that also claim on their websites to be the leaders in poultry industry in both the broiler and layer segment. According to the OPs, there are international lines such as Hubbard, Ross308 AP, Lohmann Indian River and Arbor Acres that compete with indigenous broiler and layer segments. Further, it is noted that according to the OPs, Government participation in the relevant markets drawn above, have led to development of native and dual purpose lines such as Vanaraja, Grampriya, Kamrupa & Srinidhi (Egg Production) and Krishna-J & Debendra for meat production.
27. In view of the above, the Commission notes that *prima facie* in the facts of the case, the aspect of dominance of the OPs in the market may not be required to be examined further at this stage.
28. The Commission notes that the OPs are engaged in the business of commercial poultry as a large intergrated enterprise. OP-1 to OP-8 are all interrelated and are covered under the definition of Enterprise under Section 2(h) of the Act. OP-9 is the chairperson of the OP-1.
29. In order to establish a *prima facie* case against the OPs, under Section 3(4) of the Act, the starting point is to establish existence of an agreement amongst OPs as is required under Section 2(b) of the Act. Section 2(b) is extracted here for reference:
(b) “agreement” includes any arrangement or understanding or action in concert, —



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- (i) whether or not, such arrangement, understanding or action is formal or in writing; or
- (ii) whether or not such arrangement, understanding or action is intended to be enforceable by legal proceedings;

The Commission notes that the OP-9 along with family members are on the Board of OP-1 to OP-8. Moreover, as it is an integrated structured business, there exist agreements between the OPs (particularly OP-3 for BBA and OP-4 for LBA), and the farmers.

30. The Commission notes that the allegation of vertical integration is not controverted by the OPs whose submission with regard to the same is stated as under:

“Vertical integration is a well-established organisational model in the poultry sector in India and globally. Almost every major producer including Suguna Foods, IB Group and Sneha Farms operates through a vertically integrated structure that combines breeding, feed production, hatchery management and downstream distribution. This structure is not sign of dominance but rather a reflection of industry efficiency and operational necessity.

...

Vertical Integration enables better coordination across different stages of production, improves biosecurity and disease control and ensures consistent quality standards. By aligning upstream and downstream activities integrated players can reduce production costs, minimize wastage and offer a diverse product portfolio. These efficiencies ultimately translate into lower prices and improved product quality for consumers.”

31. The Commission notes that in both the relevant markets, the OPs are conducting their business by way of LBA and BBA which have been standardised. The Commission notes that the LBA and BBA are one sided as they are standard forms. The Commission has considered the terms and conditions of the LBA and BBA. The BBA and LBA are seen to restrict the contract breeder from distribution of their own product. For instance, clause 7.1.10 of BBA prohibits the sale of commercial chicks and hatching eggs to any “unauthorised person”. This term has been defined in clause 1.19 to include “any competitor, overseas buyer, person dealing with any breed other



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than the Vencobb broiler breed and any other person as may be intimated to VENCO” The LBA also contains similar clauses in particular clause 3.4.4 and 7.1.11 read with clause 1.20. The Commission notes that this restriction or limitation on the market of commercial broiler chicks and hatching eggs without adequate reason amounts to an imposition of vertical restraints in the form of exclusive supply and distribution agreement as provided under Section 3(4) of the Act.

32. Further, the Commission notes that LBA and BBA prohibit breeders from procuring or dealing with any other breed of parent stock. clause 7.1.14 of LBA prohibits the breeder from directly or indirectly breeding, producing, rearing, growing or otherwise dealing with any other breed of parent stock, commercial chicks or from hatching eggs other than the BV 300. Broiler breeders face a similar restraint under clause 7.1.13 of BBA which prohibits the breeder from directly or indirectly breeding, producing, rearing, growing or otherwise dealing with any other breed of the parent stock, commercial chicks or hatching eggs other than those of the Vencobb breed. The restrictions imposed on breeder’s *prima facie* amount to a contravention of Section 3(4) of the Act, since the breeders have been prohibited from procuring alternative breeds of parent stock from the competitors of the OPs.
33. The OPs have submitted that vertical integration enables better coordination across different stages of production, improves biosecurity and disease control while ensuring consistent quality standards. The OPs have also submitted that by aligning upstream and downstream activities, integrated players can reduce production costs, minimize wastage, and offer a diverse product portfolio and that these efficiencies ultimately translate into lower prices and improved product quality for consumers.
34. The Commission notes that Informant has submitted a study, as an illustration that production systems of poultry are in distress in the State of Punjab. According to the said study, the main reason for the crisis of non-contract farming is the huge fluctuations in the market prices of live broilers which vary from Rs 35 to Rs 110 per kg of live weight, which led to negative net returns in all the three categories. For contract broiler farming, it was observed that the net returns were negative in small and medium category, along with overall net returns. The insufficient growing charges given by the contracting companies were responsible for the crisis.



35. The study further states that the contract farmers are thus on the receiving end and they were compensated for their labour and supervision as wage workers and it was the outsourcing of rearing work to the small farmers with all the risks of production passed on to them. Further, the study states that:

“Fair Trade was found to be missing as the contracting agencies provided feed at a higher cost, gave low prices for the broiler and some times delayed procurement, which led to the reduction in profitability in contract farming from broiler rearing. Thus, the welfare of broiler farmers under contract farming did not improve. These malpractices of picking up birds before the due date or delaying it depending on the demand which meant losses for contract growers, and delaying payments up to 60 days have been reported in other contexts in India as well.”

36. The Commission has also taken note of the fact that aside from the allegation of OPs being one of the largest poultry integrator in Asia, it exercises considerable influence in the market through NECC, that is the largest association of poultry farmers in India, with over 35,000 members; BEPA, incorporated in 1998, includes significant representation from the VH Group, with three of its five directors, including OP-9 and Mr. B. Venkatesh Rao, being associated with the OPs. Further, as alleged by the Informant, OPs’ control extends to the AIPDS through OP-9 and Mr. B. Venkatesh Rao, highlighting their strong influence in the market.
37. In view of the above, it appears that the OPs maintain substantial portion of the overall poultry business by operating in an integrated model. The vertical agreements in the nature of territorial allocation and exclusive distribution are likely to primarily cause AAEC by restricting competition, leading to higher prices, reduced consumer choice, and market foreclosure. The consumers of eggs and meat may be paying higher prices for the said products because of such tight control of contract farmers by the OPs. These vertical agreements often limit competition by preventing breeders/farmers from selling outside assigned territories or competing with others, which can further strengthen the market power of the OPs *prima facie* causing AAEC.



38. The Commission notes that the OPs have submitted that while Information has been filed against nine entities/persons (OP-1 to OP-8 allegedly forming part of the VH Group and OP-9), only OP-3 and OP-4 operate in these relevant markets. It is stated that this response is filed on behalf of OP-1, OP-3 and OP-4 only. At this stage, the Commission does not deem it necessary to consider this submission, and will consider it at an appropriate stage.
39. In view of the foregoing, the Commission is of the opinion that there exists a *prima facie* case in the present matter, which requires an investigation by the DG, to determine whether the same has resulted in contravention of the provisions of Section 3(4) of the Act, as detailed in this order. Also, since LBA and BBA are alleged to be standard form agreements, the likelihood of AAEC due to similar vertical agreements of other significant players may also be examined.
40. Accordingly, the Commission directs the DG to cause an investigation to be made into the matter under the provisions of Section 26(1) of the Act. The Commission also directs the DG to complete the investigation and submit the investigation report within a period of 90 days from the receipt of this order.
41. It is made clear that, if during the course of the investigation, the DG comes across anticompetitive conduct of any other entity in addition to those mentioned in the Information, the DG shall be at liberty to investigate the same.
42. The DG is also directed to investigate the role of the persons/officers who were in-charge of, and were responsible for the conduct of the businesses of the parties at the time the alleged contravention was committed as well as person/officers with whose consent or connivance the alleged contravention was committed, in terms of the provisions of Section 48 of the Act.
43. The OPs have sought confidentiality over certain documents in their submissions. The Commission deems it appropriate to deal with the confidentiality over certain documents/information in terms of Regulation 36 of the Competition Commission of India (General) Regulations, 2024. It is made clear that nothing used in this order shall be deemed to be confidential or deemed to have been granted confidentiality,



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as the same has been used for the purposes of the Act, in terms of provisions contained in Section 57 thereof.

44. Nothing stated in this order shall tantamount to a final expression of opinion on the merits of the case and the DG shall conduct the investigation without being swayed in any manner whatsoever by the observations made herein.
45. The Secretary is directed to send a copy of this order to the OPs and Informant; and to the DG with the material available on record forthwith.

Sd/-
(Ravneet Kaur)
Chairperson

Sd/-
(Anil Agrawal)
Member

Sd/-
(Sweta Kakkad)
Member

Sd/-
(Deepak Anurag)
Member

Place: New Delhi

Date: 01.04.2026