

BEST ANSWER - CASE STUDY - FEBRUARY, 2026

Query: There are 23 OPs arrayed in the present matter; however, the specific role, conduct and contribution of each OP have not been mentioned in the Information.

Decide the case under Section 33 of the Act for grant of relief to the Informant.

Background

The present case has been filed by SKG (Informant) under Section 19(1)(a) of the Competition Act, 2002 ("Act") alleging contravention of Sections 3 and 4 of the Act by 23 Opposite Parties (OPs) operating in the digital ecosystem. The Informant has sought interim relief under Section 33 of the Act, primarily in the nature of cease-and-desist directions, restoration of access to digital advertising systems and restraint on alleged diversion of traffic and suppression of listings.

Issue for consideration

Whether interim relief under Section 33 of the Act can be granted when the Informant fails to specify the role, conduct and contribution of each of the 23 OPs.

Legal Framework under Section 33 of the Act

- Query is based on the applicability of certain provisions of Section 33 of the Competition Act, 2002. Extracts of the Section 33 are as follows:

"Section 33: Power to issue interim orders

Where during an inquiry, the Commission is satisfied that an act in contravention of sub-section (1) of section 3 or sub-section (1) of Section 4 or Section 6 has been committed and continues to be committed or that such act is about to be committed, the Commission may, by order, temporarily restrain any party from carrying on such act until the conclusion of such inquiry or until further orders, without giving notice to such party, where it deems it necessary."

- It is relevant to note that the power under Section 33 is exercisable *during the pendency of an inquiry* and is not intended to substitute the substantive determination under Sections 26 and 27 of the Act.
- It means that Section 33 of the Act empowers the Competition Commission of India ("CCI") to grant interim relief only if the following cumulative conditions are satisfied:
 - Existence of a strong prima facie case of contravention of the Act;
 - Balance of convenience in favour of the Informant; and
 - Likelihood of irreparable harm if interim relief is not granted.
- It is settled law that interim relief is an extraordinary remedy and cannot be granted merely on the basis of conjectures, apprehensions or unsubstantiated allegations, particularly in complex digital markets.

Relevant Case Law

- In *Preeti Kodwani v. Sundar Pichai & Ors.*, Case No. 36 of 2025, the CCI declined to intervene where:
 - Allegations were broadly made against multiple digital entities;
 - The Informant lacked specific attribution of conduct; and
 - No cogent material existed to demonstrate abuse of dominance or anti-competitive agreement.

- The CCI observed that the Competition Act cannot be invoked to remedy individual business grievances unless competition harm is clearly established.
- Similar to the present case, the Commission in the said case emphasized that generalized allegations against multiple digital platforms, without OP-wise role attribution, are insufficient to warrant interim intervention.

Analysis of the Present Case

(a) Absence of Specific Allegations Against Individual OPs

- In the present case, although 23 OPs have been arrayed, the Information:
 - Does not identify the relevant market with precision for each OP;
 - Does not establish dominance of any specific OP as required under Section 4;
 - Does not attribute specific conduct, agreement, algorithmic control or decision-making role to individual OPs; and
 - Makes generalized and omnibus allegations against "dominant digital platforms" without demonstrating coordinated action or meeting the legal threshold of an agreement or concerted practice under Section 3.

(b) Failure to Establish Prima Facie Case

- The Informant alleges market allocation, denial of market access and unfair conditions. However:
 - No material evidence has been placed on record to demonstrate actual manipulation of digital identifiers, algorithmic bias or diversion of leads by any identified OP;
 - Allegations of international boycott and collusion are speculative and unsupported by documentary or technical evidence;
 - The Informant does not distinguish between independent business decisions of platforms and conduct that may amount to abuse of dominance.

(c) Balance of Convenience and Irreparable Harm

- Grant of interim relief against 23 OPs, in the absence of clearly established roles and specific conduct, would result in disproportionate interference with legitimate business operations of digital platforms. Such directions may have wide-ranging implications not only for the OPs but also for advertisers, consumers and third-party market participants.
- On the other hand, the alleged harm to the Informant is primarily commercial in nature and can be appropriately examined and addressed during the course of inquiry, if any. Accordingly, the balance of convenience does not lie in favour of the Informant, nor is irreparable harm demonstrated at this stage.

Conclusion

In this case:

- The Informant has failed to establish a prima facie case of contravention of Sections 3 or 4 of the Act;
- The information lacks specific role attribution and material evidence against the 23 OPs; and
- The statutory requirements for grant of interim relief under Section 33 are not satisfied.

Accordingly, the prayer for interim relief under Section 33 of the Act is liable to be rejected.