



**COMPETITION COMMISSION OF INDIA**

**Case No. 19 of 2021**

**In Re:**

**TT Friendly Super League Association**

**7, Sequeira Villa,**

**2nd Floor, CST Road Kalina,**

**Santacruz East, Mumbai 400 098**

**Informant**

**And**

**The Suburban Table Tennis Association**

**303, Cosmos Court, Opposite IOL Petrol Pump**

**SV Road, Vile Parle West**

**Mumbai-400 056**

**Opposite Party 1**

**Maharashtra State Table Tennis Association**

**Sharada Centre, 11/1, Erandawane**

**Behind Padale Palace**

**Pune-411004**

**Opposite Party 2**

**Table Tennis Federation of India**

**1-12, 3<sup>rd</sup> Floor, DSIIDC Industrial Complex**

**Near Udyog Nagar Metro Station, Rohtak Road**

**Delhi -110041**

**Opposite Party 3**

**Gujarat State Table Tennis Association**

**C/o. Haresh Sangtani Sports Complex, Ward 5/B,**

**Near Guru Nanak Public School, Adipur,**

**Gandhidham (Kutch)- 370205**

**Opposite Party 4**



सत्यमेव जयते



**CORAM:**

**Ravneet Kaur**

**Chairperson**

**Anil Agrawal**

**Member**

**Sweta Kakkad**

**Member**

**Deepak Anurag**

**Member**

**Appearances:**

For Informant	Mr. Shane Zenon Sequeira, Director of the Informant
For Opposite Party No. 1	Mr. Karan Pratap Singh and Mr. Tarandeep Singh, Advocates
For Opposite Party No. 2	None
For Opposite Party No. 3	Mr. Karan Singh Chandhiok, Mr. Mehul Parti, Mr. Uday Bali and Ms. Saumya Sunidhi, Advocates
For Opposite Party No. 4	Mr. Prateek Kumar and Mr. Arjun Suresh, Advocates

**Order under Section 27 of the Competition Act, 2002**

1. The present Information has been filed by TT Friendly Super League Association (TTFSL/ **'the Informant'**) under Section 19(1)(a) of the Competition Act, 2002 (**'the Act'**) against The Suburban Table Tennis Association, (TSTTA/ **'Opposite Party 1'**/**'OP-1'**); Maharashtra State Table Tennis Association (MSTTA/**'Opposite Party 2'**/**'OP-2'**); and Table Tennis Federation of India (TTFI/ **'Opposite Party 3'**/**'OP-3'**) alleging contravention of the provisions of Sections 3 and 4 of the Act . During the course of investigation, Gujarat State Table



Tennis Association (**GSTTA**/'**Opposite Party 4**'/'**OP-4**') was also added as an Opposite Party. The Opposite Parties 1 to 4 are hereinafter collectively referred to as **Opposite Parties ('OPs')**.

2. As per the averments made in the Information, the Informant is an NGO registered under Section 8 of the Companies Act, 2013, incorporated on 06.08.2020. The Informant is stated to work with the sole purpose of the promotion of Table Tennis (**TT**) in India, as stated in the Objective Clauses of its Memorandum of Association (**MoA**), and conducts friendly TT matches for its members around Mumbai City, Mumbai Suburban and Thane District in Maharashtra, as per the convenience of players and availability of venues, without any concept of prize money, referee, cup, medal, certificate or ranking of any sort. OP-1 is a registered society and is the district body headquartered in Mumbai having an affiliation with the State Body, with jurisdiction over Mumbai Suburban District only, responsible for conducting open district ranking tournaments in Mumbai Suburban jurisdiction for the selection of players to represent the State as well as promotion of TT in its jurisdiction. OP-2 is the State Body headquartered in Pune, Maharashtra having an affiliation with the National Sports Federation (**NSF**), responsible for conducting open state ranking tournaments in the State of Maharashtra as well as for selection of players from its affiliated districts to represent the State as well as promotion of TT within the State of Maharashtra. OP-3 is the NSF for the sport of TT in India, recognized by the Ministry of Youth Affairs and Sports (**MYA&S**), under the National Sports Code 2011, and is a registered society under the Societies Registrations Act 1860, responsible for conducting national ranking tournaments and selection of players from various States to represent India in various international competitions such as Olympics, Commonwealth and Asian Games. OP-3 is also recognized by International Table Tennis Federation (**ITTF**) and is also the affiliated member of Indian Olympic Association (**IOA**) for regulation of the game of TT in India. OP-4 the State Body headquartered in Gandhidham, Gujarat recognised by Sports Authority of Gujarat (**SAG**), Government of Gujarat and is affiliated to the TTFI, New Delhi, with the objective of developing and promoting the game of TT in the State of Gujarat.



3. The Informant further stated that instead of appreciating the activities of the Informant to promote the sport of TT, the General Secretary of OP-1 Mr. Sameer Bhate, posted a circular/ notice on 30.10.2020 on a “Notices Only Masters Veterans” WhatsApp group addressed to players/parents/coaches/clubs, to not join any unaffiliated organisations and not to play any unaffiliated organisation’s matches, and it further stated that if any member club or academy enters into any arrangement with any other unaffiliated TT body, their club/academy would not be allowed to participate in any of the tournaments that the District body or State body organizes and will result in suspension/non-acceptance of their entries in TT tournaments. As a consequence of the OP-1’s notice, many suburban players refused to register as members of the Informant and the players who had earlier registered with the Informant, did not join the Informant by paying the one-time lifetime membership fee of Rs. 500/-.
4. In addition, the Informant has alleged certain clauses of OP-3’s MoA related to the definition of tournament, sanction for open tournament, restriction of players from participating in any unrecognised tournament and right to prohibit unauthorised tournaments by Executive Committee of OP-3, as anti-competitive.

**Directions to the Director General (DG)**

5. After considering the information, replies of OPs, and other material on record, the Commission *vide* order dated 17.11.2021, passed under Section 26(1) of the Act, directed the DG to cause an investigation into the matter alleging denial of access to utilise the services of TT players because of the WhatsApp notice posted by the General Secretary of OP-1 as well as certain clauses of OP-3’s MoA for contravention of the provisions of Sections 3 and 4 of the Act. The Commission also *vide* interim order dated 21.12.2021 passed under Section 33 of the Act restrained OP-1 from issuing any communication to players/ parents/ coaches/ clubs, restricting or dissuading them from joining or participating in tournaments organized by Associations/ Federations that are not recognized by OP-1.



### **Investigation by the Director General**

6. To examine the allegations, the DG issued notices to the OPs and third parties to collect relevant information/ data. DG also recorded statements of office bearers of the OPs during the investigation. The Investigation Report was prepared on the basis of such documentary/ digital evidence, duly corroborated by the oral testimony of the witnesses.

7. DG submitted the Confidential and Non-confidential versions of the Investigation Report on 14.11.2022. A summary of the issues identified by the DG for investigation and his findings thereon, are noted below:

**Issue (a): What is the relevant market, comprising of relevant product market and relevant geographic market, within the meaning of Section 2(r) of the Act in the present case?**

**Findings:**

8. Based on the analysis of various factors mentioned in the Act, and information gathered during the investigation the DG has concluded that there exist two relevant markets *i.e.* (i) ‘*market for organization of table tennis leagues/events/ tournaments in India*’, and (ii) ‘*market for provision of services by the players for table tennis leagues/events/ tournaments in India*’. The DG found that TT cannot be substituted by any other sport in any significant way, indicating no substitutability on either the demand or supply side. Additionally, services provided by table tennis players for these events cannot be replaced by players from other sports. The DG also observed that competitive conditions within both defined markets are consistent across the country, making the geographic scope for both product markets nationwide.

**Issue (b): Whether OPs are dominant in the relevant market in terms of Section 4 of the Act?**

**Findings:**

9. The DG has found OP-3 (TTFI) to be a dominant enterprise as it enjoys the position of undisputed apex body in India for the game of TT and also the unique position of NSF granted by the MYA&S and its affiliation to the ITTF and IOA. In a pyramidal structure of governance, OP-3 enjoys the regulatory powers and implements its policies across the country through its institutional members, state-level associations, and the district-level associations affiliated to the state



associations for promotion of the game of TT and conducting TT events at various level from district to national level to find out players for representing the country in the international table tennis events. DG further noted that by virtue of being affiliated to OP-3, OP-2 and OP-4 enjoy dominant position in their respective states Maharashtra and Gujarat. Likewise, OP-1, affiliated with OP-2, retains exclusive control over TT activities in the Mumbai Suburban District.

**Issue (c): Whether OPs have abused their dominant position in the relevant markets in terms of Section 4(2) (a)(i), 4(2)(b)(i) and 4(2)(c) of the Act?**

**Findings:**

10. The DG found OP-1 in contravention to the provisions of Section 4(2)(c) of the Act as the DG observed that the WhatsApp advisory dated 30.10.2020 issued by OP-1 was restrictive in nature for organizing TT tournaments/ events and it also prevented the players from taking part in the unauthorized TT events.
  
11. The DG found that the following clauses of Rules and Regulations for the conduct of tournaments – Year 2021-2022 of OP-1 are anti-competitive/ restrictive in nature as they make it mandatory for a TT club/ academy to get affiliated with TSTTA for conducting a TT event/ tournament in Mumbai Suburban Revenue District and hence, contravenes the Sections 4(2)(a)(i) and 4(2)(b)(i) of the Act:

*“The Club/ Gymkhana/ TT Academy interested in conducting TT Tournament in Mumbai Suburban Revenue District need to get affiliated with TSTTA Mumbai by filling up the TSTTA Affiliation Form and paying stated applicable fees therein.*

.....

*Chief Referee, Joint/ Assistant Chief Referee, Umpires will be appointed only by TSTTA-Mumbai for all the tournaments held in its jurisdiction. The expenses for them are to be borne by the organizers*

.....

*The Tournament will be conducted as per the Rules and Regulations of TTFI and as adopted by MSTTA & TSTTA-Mumbai”*

12. The DG found that clause 22(d) of the scheme of MSTTA is anti-competitive as it



empowers the managing committee to prohibit an unauthorised TT event/ tournament. Additionally, the DG also noted that the clauses 22(d) and 22 (e) of the MSTTA's scheme have potential to take action against any player for participation in a tournament that is declared as prohibited for merely not being recognised by the MSTTA or its affiliated associations. Furthermore, the DG found that the MSTTA Veterans Committee labeled the TT event at the 1<sup>st</sup> National Veterans Sports & Games in Nashik in November 2021 as "unofficial" and even sought to discourage player participation in the event. These clauses of the MSTTA scheme and the actions of the OP were therefore found to violate Section 4(2)(c) of the Act.

13. DG found that certain clauses of the MoA of TTFI are anti-competitive in nature as clauses 24C (e), (f) & (h) and 27 (a) restrict organizing of TT tournaments/ events unless authorized by the recognized federation/ association and the clauses 28 (a) & (b) restrict participation of players in unauthorized TT events/ tournaments. Furthermore, the DG also found that Public Notice dated 06.07.2022 issued by the TTFI (OP-3) in the matter of Gujarat Super League Table Tennis (GSL), not only restricted the organization of the GSL by affiliated state associations without TTFI approval but also discouraged players from participating in unapproved events, limiting their career prospects. Therefore, OP-3 is found to be in violation of Section 4(2)(a)(i), 4(2)(b)(i), and 4(2)(c) of the Act.
14. DG found clause 25 of the GSTTA's byelaws regarding non-participation in unauthorized TT events and undertaking to be submitted by a player in the player's registration form of GSTTA, to be anti-competitive. DG also found the GSTTA (OP-4)'s circular dated 15.02.2021, regarding 4<sup>th</sup> Gujarat State Masters Games to be anti-competitive as GSTTA prohibited players or technical officials affiliated with the district associations from participating in the said event.
15. Based on the totality of the facts DG concluded that the OPs are in violation of Sections 4(2)(a)(i), 4(2)(b)(i) and 4(2)(c) of the Act.

**Issue (d): Whether the OPs are involved in activities in contravention of Section 3(1) read with Section 3(3) of the Act?**



## **Findings**

16. DG found no contravention of the provisions of section 3(3) of the Act with regard to the byelaws or guidelines/ circulars issued by the OPs from top to bottom level in the pyramidal structure of governance. The DG also observed that the WhatsApp advisory dated 30.10.2020 is also not in contravention of Section 3(3) of the Act as the relationship between the OP-1 and the TT clubs, and between the OP-1 and the registered TT players is not horizontal.

### **Issue (e): Whether the OPs are involved in activities in contravention of Section 3(1) read with Section 3(4) of the Act?**

#### **Findings:**

17. The DG noted that the relationship between the OP-1 and its registered players, and between the OP-1 and the TT clubs/ academies within the Mumbai Suburban District are vertical. Consequently, the WhatsApp advisory dated 30.10.2020 was found to cause the creation of barriers to new entrants in the market, driving existing competitors out of the market and foreclosure of competition by hindering entry into the market to an extent which amounts to a contravention of Section 3(4) of the Act.
18. The Commission considered the Investigation Report of the DG in its ordinary meeting held on 07.07.2023 and directed to forward an electronic copy thereof (non-confidential version) to the Informant and OPs, for filing their respective objections/ suggestions, if any to the Investigation Report submitted by the DG.

### **Objections/Comments to the Investigation Report by the Informant**

19. The Informant with its Objections/Comments to the Investigation Report also filed an additional affidavit of evidence against Nashik District Table Tennis Association (**NDTTA**) alleging further violation of provisions of the Act which he came to be aware of only on 10.02.2023. The Informant submitted a screenshot of a WhatsApp message (in Marathi along with an English Transcript) dated 10.12.2021 whereby NDTTA restricts participation in the Baba Bokil Memorial Table Tennis Cup being organized (during 16.12.2021-18.12.2021) in Nashik as permission from the district association has not been taken. The Informant





सत्यमेव जयते



requested the Commission to take the above evidence on record and pass further order directing further inquiry to investigate NDTTA. The Informant at the outset, agreed with the findings of the DG report but also argued that some issues were inadvertently missed by the office of the DG during the Investigation.

20. The Informant argued that the DG's report did not sufficiently examine whether OP-1 and OP-4 were also in violation of Section 4(e) of the Act. The Informant contended that the DG did not investigate the intended purpose of the introduction of those particular byelaws in OP-3's MoA, and why they were not removed when other sports federations were deleting similar provisions in cases decided by the Commission.
21. Additionally, it was submitted that the DG failed to recognize that OP-4's anti-competitive clauses in its MoA/byelaws indirectly enable the banning of clubs and academies by allowing direct action against coaches. This, in effect, enforces horizontal agreements with clubs and academies, thereby restricting services in violation of Section 3 of the Act.

#### **Objections/Comments to the Investigation Report by OPs**

22. At the outset, OP-1 submitted that the Informant has approached the wrong forum for the reliefs and has alternate efficacious remedies available under the various laws to espouse his grievance and to challenge the *ultra-vires* of any provision of its MoA. It further submitted that, OP-1 is not covered by the definition 'enterprise' as defined in Section 2(h) of the Act.
23. OP-1 submitted that the gravamen of the Information filed in the case is the WhatsApp advisory issued by OP-1 through its Secretary Mr. Sameer Bhate dated 30.10.2020. This advisory was later withdrawn through a subsequent message posted on the same WhatsApp group on 28.02.2022, and this information was duly communicated to the DG.



24. OP-1 submitted that, although the DG found it in violation of Sections 3(4) and 4 of the Act, the DG has not met the legal standard required to substantiate these provisions. OP-1 argues that violations under Section 3(4) of the Act should be evaluated using the "rule of reason" test but in the present case, there is no evidence showing that the advisory issued by OP-1 created any entry barriers for organizing TT in Suburban Mumbai. Additionally, it contended that the implicit restriction placed on the Informant/TTFSL was "objectively justified" due to concerns about "suspected malpractice" in the conduct of matches.
25. OP-1 further submitted that the DG has failed to conduct an 'effects-test' when it comes to finding contravention of section 4 of the Act. The lack of such an effects test is further pronounced by the fact that the Informant has now come out to suggest that it has currently 630 registered members and has conducted more TT tournaments in many more venues than OP-1 in calendar years 2022-23.
26. OP-1, in its submission, also highlighted mitigating circumstances for consideration, including the prompt withdrawal of the advisory, the absence of any disruption to market forces, its status as a first-time offender under the Act, and its non-profit nature. OP-1 also argued that any penalty imposed would strain its limited resources.
27. OP-2 submitted that it has removed Clause 22(d) from the MSTTA's organizational scheme. Regarding Clause 22(e), OP-2 submitted that this clause aims to uphold discipline within the sport by prohibiting member or player actions that could harm the game, which is essential for maintaining checks and balances and controlling any misconduct by members or players during tournaments.
28. OP-3 in its objections submitted that it is a NSF responsible for the promotion and development of the sport of TT in India. As an NSF and per Article 32 of the TTFI MoA, TTFI has no profit-making objectives and therefore, has no incentive to abuse any alleged dominance. OP-3 also submitted that it would be incorrect to



attribute any liability arising from the independent actions of OP-1(*i.e.*, the WhatsApp Message in the instant case) as a result of the actions of TTFI.

29. OP-3 further submitted that including the alleged clauses in the MoA did not *ipso facto* result in anti-competitive conduct as they are standard industry practice, objectively justified, and purely regulatory. OP-3 also stated that it has not taken any action related to the alleged clauses that restrict the development of the sport.
30. Regarding the Public Notice dated 06.07.2022 on the GSL matter, OP-3 stated that the notice issued by TTFI was purely clarificatory, and intended to benefit stakeholders and the public. OP-3 explained that the main reason for issuing the notice was a complaint from the Karnataka Table Tennis Association on 21.06.2022, which sought clarification on whether the GSL was approved by TTFI, as registered players are not permitted to participate in unapproved tournaments. OP-3 further noted that the notice aimed to address any misrepresentation by GSTTA, which had promoted the GSL as a TTFI-affiliated or supported event.
31. Additionally, OP-3 submitted that the Commission may consider relevant mitigating factors, including that TTFI operates in the public interest without a profit-maximization motive, that its conduct has no anti-competitive effect on the market, and that it ceased the alleged conduct to comply with the Act. OP-3 further noted that TTFI has no prior violations under the Act and that any monetary penalty would significantly hinder TTFI's ability to carry out its operations.
32. OP-4 in its objection to the DG Report submitted that Clause 25 of the Constitution of GSTTA related to the participation of TT players in the unrecognized tournament was introduced in the interest of protecting the rights of professional TT players and to protect the larger class of professional TT players, a large section of which is minor, from such unauthorized tournaments which may be conducted in a casual manner without strict adherence to the international standards and rules of the game, because of which reason the participation in such



unauthorized tournaments neither results into authentic certificate having recognition value for the player nor into points which can be calculated for determination of State and District level ranking of the players who participate in the same.

33. OP-4 further submitted that as far as the circular dated 15.02.2021, regarding the 4<sup>th</sup> Gujarat State Masters Games, no action has been perpetuated on the basis of the said circular to date, and no player or technical official has ever been barred for participating in such tournaments.

#### **Informant's Rejoinder**

34. In its rejoinder, the Informant argued that the DG erred in its findings on the violation of section 3(3) of the Act. The Informant pointed out that the DG failed to recognize that voting rights within OP-1 are granted to clubs or academies, not to the individual players registered with those clubs or academies. As a result, OP-1 exercises direct control over these clubs or academies, which constitutes a horizontal agreement. The Informant further stated that, to date, OP-3 has not amended its bylaws, and only superficial resolutions have been passed. The Informant also argued that OP-3's assertion that the Public Notice dated 06.07.2022 regarding the GSL was merely clarificatory is incorrect, as the language used in the notice was threatening and suggested that OP-3 aimed to deter players from participating in the GSL.
35. The Commission heard the parties on 10.07.2024, 29.08.2024, and on 23.10.2024. After hearing the Informant and the counsel(s) for the OP-1, OP-3, and OP-4, the Commission decided to issue an appropriate order in due course. No one appeared on behalf of OP-2, and no communication was received in this regard. The Commission also granted the parties the opportunity to submit brief written submissions, if desired, by 08.11.2024, and permitted the OPs to include their arguments regarding penalties within their written submissions.



सत्यमेव जयते



36. OP-3 submitted in its written submission that TTFI convened a Special General Meeting (SGM) on 10.09.2024, where the members attending the SGM unanimously approved the amendments to the alleged clauses. As per the submission following amendments were carried out:

- (i) Clause 24C (e) To prohibit the holding of unauthorized tournaments within the jurisdiction of the Executive Committee has been Omitted.
- (ii) Clause 24C (f) To prohibit any acts or practices by affiliated Associations which are detrimental to the interests of the game and deal with it in such manner as it may think proper has been modified as “ 24 C (e) To take appropriate and proportionate steps against any act or practice by affiliated Associations, Institutions, District Associations respectively which, in the opinion of the Committee is detrimental to the interest of the game and to deal therewith in such manner as Committee may think proper, in accordance with the terms of this Memorandum of Association”.
- (iii) Clause 24C (h) To inflict penalties on affiliated Associations, Institutions, and District Associations respectively which, in the opinion of the Committee is detrimental to the interests of the game and to deal therewith in such a manner as deemed proper has been modified as “24 C (g) To take appropriate and proportionate actions against any affiliated Associations, Institutions, and/ or persons for any infringement of the rules”.
- (iv) Clause 27(a) Sanction to hold an open tournament shall only be given by an Association to a District unit in whose jurisdiction the club is situated has been Omitted.
- (v) Clause 28 - Prohibition a) No player of the Federation shall take part in any open tournament which has not been sanctioned or which has been prohibited by the Council or by the Committee of an affiliated association and the club staging a recognized open tournament shall not receive or accept the entry of any player who has been prohibited from taking part in any open tournament or competition- has been omitted.
- (vi) Clause 28 - Prohibition b) Any player taking part in an open tournament which has not been recognized by an Association, if held within its jurisdiction, shall be suspended, or debarred from taking part in any open



tournament held under the auspices of an affiliated Association has been omitted.

37. OP-3 also submitted that it has issued a clarificatory circular dated 14.09.2024 across its affiliated state TT associations, requesting them not to take any action against players, coaches, others, and associations for participating in unaffiliated/ private tournaments/ events. Thereafter, OP-3 informed that it also uploaded the amended MoA on its official website and submitted a copy of the amended MoA on Affidavit before the Commission.
38. In its post-hearing written submission, OP-3 argued that the DG Report classified TTFI as an enterprise and a dominant entity based on its regulatory role as the NSF for TT in India. However, OP-3 contended that the DG Report failed to distinguish between TTFI's regulatory and economic activities when determining its status as an "enterprise." OP-3 argued that concluding TTFI is an enterprise solely because certain activities are economic is flawed, particularly as the report does not differentiate whether these economic activities arise from TTFI's regulatory or economic functions. Additionally, TTFI addressed the issue of monetary penalties and requested the Commission to consider mitigating factors, including compliance measures undertaken, the absence of any violation of the Act's provisions, non-implementation of the alleged Clauses, reliance on government grants for operations, and financial losses incurred during FY 2020-2021 and FY 2021-2022.
39. OP-4 in its written submission has stated that Annual General Meeting of the GSTTA was held on 11.08.2024 wherein the alleged anti-competitive Clauses of the Constitution of the GSTTA were amended as follows:
- Clause 25 of the Constitution of the GSTTA before amendment*
- 25 Restriction on Participation:*
- (a) No player of the GSTTA shall take part in any open tournament which has not been approved or prohibited by GSTTA.*



*(b) Executive Committee can take action as it deems fit against players who are participating in unrecognized tournaments by GSTTA or affiliated units.*

*(c) Executive Committees can take action as it deems fit against indiscipline of a particular player and shall also will be taken into non-consideration of a player in the State Team.*

*(d) Executive Committees can take action as it deems fit against the Coaches if it thinks that such coach is responsible for willful infringement of the rules or acted against the interest of GSTTA and to impose suitable penalties.*

*Clause 25 of the Constitution of the GSTTA renamed as Disciplinary criteria and numbered as Clause 23 after the amendment*

### *23. Disciplinary Criteria*

*(a) Executive Committees can take action as it deems fit against indiscipline of a particular player and this may also result into non consideration of that player in the State Team.*

*(b) Executive Committees can take action as it deems fit against the Coaches if it thinks that such coaches are responsible for wilful infringement of the rules and regulations and this may result in suitable penalty being imposed.*

40. OP-4 also submitted that vide its Letter dated 19.07.2024 it has withdrawn its earlier Letter dated 15.02.2021 in respect of participation of players in unauthorized events. OP-4 in its post-hearing written submission also submitted that each of the alleged contraventions merely constituted onetime occurrences which have since been rectified to the extent that the necessary market correction has already taken place. Additionally, OP-4 has submitted mitigating factors, including continuous cooperation during the investigation, status as a first-time offender, and voluntary compliance. Based on these submissions, OP-4 contends that no penalty should be imposed.

### **Analysis**

41. The Commission has examined all the material available on record including the Information filed by the Informant, the Investigation Report of the DG, objections/



suggestions to the Investigation Report filed by the parties, oral submissions made during the hearing, and written submissions filed thereof.

42. Before dealing with the merits of the case, the Commission deems it appropriate to deal with the preliminary objection raised by OPs *i.e.* OPs are not ‘enterprise’ within the meaning of Section 2(h) of the Act and, as such, they cannot be proceeded against under the Act.
43. In this regard, it suffices to note that Section 2(h) of the Act defines ‘enterprise’ as including *inter alia* any person or Department of the Government, including units, divisions, subsidiaries, which is engaged in any economic activity, relating to the production, storage, supply, distribution, acquisition or control of articles or goods, or the provision of services, *of any kind*. The definition is very wide in its amplitude and covers all activities of specified nature of any kind. Further, as per Section 2(u) of the Act, ‘service’ means service of any description which is made available to potential users and includes the provision of services in connection with business of any industrial or commercial matters such as banking, communication, education, financing, insurance, chit funds, real estate, transport, storage, material treatment, processing, supply of electrical or other energy, boarding, lodging, entertainment, amusement, construction, repair, conveying of news or information and advertising.
44. The thrust of the definition of the term ‘enterprise’ is on the economic nature of the activities discharged by the entities concerned. It is immaterial whether such economic activities were undertaken for profit making/ commercial purpose or for philanthropic purpose. Thus, even non-commercial economic activities would be subject to the discipline of the Act as the Act does not distinguish economic activities based on commercial or non-commercial nature thereof. In ascertaining as to whether an entity qualifies to be an ‘enterprise’, the Commission adopts a functional rather than a formal approach.





सत्यमेव जयते



45. Moreover, a perusal of the material available on record shows that OPs, *inter-alia*, have been engaged in organising/conducting TT tournaments, distributing prize money, trophies, medals, and certificates to TT players, conducting coaching camps, selecting players to represent respective District/State/Country levels and receiving sponsorships and donations, royalty, advertising revenue, besides collecting yearly subscription fees.
46. The decisional practice of the Commission has also been to consider sports federations as 'enterprise' if they are engaged in activities covered under Section 2(h) of the Act. Reference is drawn to the decisions of the Commission in *Hemant Sharma & Others Vs. All India Chess Federation (Case No. 79 of 2011)*, *Dhanraj Pillay and others v. Hockey India (Case No. 73 of 2011)*, and *Surinder Singh Barmi v. Board for Control of Cricket in India (Case No. 61 of 2010)*, in this regard.
47. In the view of statutory framework defining 'enterprise' as detailed above and keeping in view the nature of functions performed by OPs, as adumbrated *supra*, OPs are held to be 'enterprise' within the meaning of the term as defined in Section 2(h) of the Act.
48. Having held OPs to be an 'enterprise', the Commission now proceeds to assess the impugned conduct of OPs within the parameters of Section 4 of the Act which prohibits abuse of dominant position by undertakings in the relevant market.
49. In this regard, first the relevant market needs to be defined and thereafter the dominance of the enterprise or group concerned has to be ascertained therein before proceeding to examine the alleged abusive conduct.
50. In any case of alleged abuse of dominant position, delineation of relevant market is important as it sets out the boundaries of competition analysis. Proper delineation of relevant market is necessary to identify in a systematic manner, the competing alternatives available to the consumers and accordingly the competitive constraints faced by the enterprise under scrutiny. The process of defining the relevant market



is in essence a process of determining the substitutable goods or services as also to delineate the geographic scope within which such goods or services compete. It is within the defined product and geographic boundaries that the competitive effects of a particular business conduct are to be assessed. Section 2(r) of the Act defines 'relevant market' as the market determined with reference to the relevant product market or the relevant geographic market or with reference to both the markets. Section 2(s) of the Act defines 'relevant geographic market' as a market comprising of the area in which the conditions of competition for supply of goods or provision of services or demand of goods or services are distinctly homogeneous and can be distinguished from the conditions prevailing in the neighboring areas. Section 2(t) of the Act defines 'relevant product market' as a market comprising of all those product or services which are regarded as interchangeable or substitutable by the consumer by reason of characteristics of the products or services, their prices and intended use or the production or supply of, which are regarded as interchangeable or substitutable by the supplier, by reason of the ease of switching production between such products and services and marketing them in the short term without incurring significant additional costs or risks in response to small and permanent changes in relative prices.

51. In this case, the DG identified two relevant markets:
  - (i) the '*market for organization of table tennis leagues/events/tournaments in India*' and
  - (ii) the '*market for provision of services by players for table tennis leagues/events/tournaments in India.*'
52. The Commission agrees with the DG's delineation of the relevant markets, considering the unique nature of TT, restrictions on events and players, and the nationwide governance of the sport by OP-3 (TTFI) through rules enforced by state and district associations.
53. Accordingly, the Commission concludes that relevant markets in the instant case would be:



- (i) *‘Market for organization of table tennis leagues/events/ tournaments in India’*  
and  
(ii) *‘Market for provision of services by the players for table tennis leagues/events/ tournaments in India’*

54. As the factors attributing to dominance of OPs are largely similar in both the relevant markets, the assessment of dominant position in both the markets are being commonly dealt with in the succeeding paragraphs.
55. On the issue of dominance of OPs in the afore-delineated relevant markets, the Commission notes that OPs are district TT association (*i.e.*, TSTTA), state level associations (*i.e.*, MSTTA and GSTTA) and national level TT federation (*i.e.*, TTFI) organised in the pyramidal structure governing and regulating the sport of TT in India from the district to the national level. TTFI (OP-3) being the apex body for TT activities in India in the pyramidal structure, is governing the entire activities in relation to the TT events undertaken in India and represent India in international TT events. The Government of India recognizes National Sports Federations that are accountable for overall management, direction, control, regulation, promotion, development and sponsorship for the sports discipline for which they are recognized by the concerned International Federation. Thus, TTFI is the authority like any other recognized NSF to make rules, issue code of conduct, organizing competitions, events and leagues at national level, selection of players, training of players and organizing and coordinating national/ international events, *etc.* Further, it has the affiliation of 34 state units and 25 institutional members. TTFI, through its affiliated bodies, regulates the game of TT up to district level through the state TT associations affiliated to it, which have further affiliated district TT associations.
56. The Commission further notes that as a result of the pyramidal structure for the governance of TT game, TTFI holds an exclusive mandate to make critical decisions, including player selection for national representation and requiring players to prioritize national competitions over other events, TTFI also dominates



the organization of TT events, compelling academies and clubs to adhere to its regulations through district associations to remain operational. This monopoly position, stemming from its regulatory powers under the pyramid structure, leaves TTFI without any equivalent competitor in governing and conducting TT activities in India.

57. Hence, in the given ecosystem of TT at the national level, by virtue of its situation and affiliation, OP-1, OP-2, and OP-4 on behalf of OP 3, enjoy the monopoly position and are in a position to influence organization of a TT league/ event/ tournament and also power to influence the organization of TT leagues, events, and tournaments, as well as to deter players from participating in unsanctioned events. The Commission, therefore, finds no reason to doubt that the OPs hold a dominant position in the relevant markets as delineated *supra*.

58. Based on the averments contained in the information, findings of the Investigation Report, the suggestions/ objections to the Investigation Report filed by the parties, and other material available on record as well as the contentions raised by the parties during the hearing, the Commission has identified two issues for determination in the present matter. The issues and corresponding analysis of the Commission thereon are as hereunder:

***Issue: Whether OPs have abused their dominant position in the relevant markets in terms of Section 4(2) (a)(i), 4(2)(b)(i) and 4(2)(c) of the Act?***

(a) WhatsApp advisory dated 30.10.2020 issued by the OP-1

59. The Informant has alleged that the WhatsApp message posted by the General Secretary of OP-1 on 30.10.2020, addressed to players/ coaches/ clubs/ academies restricts them from joining/ playing the non-affiliated clubs/organizations and states that non-adherence to the said direction will result in their suspension/non-acceptance of their entries in TT Tournaments. The Commission notes that there is no dispute about the authenticity and veracity of the WhatsApp message dated



30.10.2020 which was posted by the General Secretary of OP-1. In fact, as pointed out earlier, OP-1 has submitted that such message was later withdrawn through a subsequent message posted on the same WhatsApp group on 28.02.2022.

60. The Commission notes that the WhatsApp message posted by the General Secretary of OP-1 on 30.10.2020, addressed to players, coaches, clubs, and academies, not only restricted them from associating with or participating in non-affiliated clubs and organizations but also warned of consequences for non-compliance, such as suspension or rejection of their entries in TT tournaments. Additionally, the Commission observes that TSTTA continued its restrictive practices and did not alter its conduct, even after receiving the online petition dated 06.11.2020 and subsequent communications, including a legal notice dated 21.02.2021, from the Informant. Consequently, the Commission concurs with the DG's finding that OP-1 is in contravention of the provisions of Section 4(2)(c) of the Act.

(b) Anti-competitive clause(s) in the Rules & Regulations of the OP-1

61. The DG found that certain clauses of Rules and Regulations for the conduct of tournaments – Year 2021-2022 of OP-1 are anti-competitive/ restrictive in nature as they make it mandatory for a TT club/ academy to get affiliated with TSTTA for conducting a TT event/ tournament in Mumbai Suburban Revenue District and hence, contravene Sections 4(2)(a)(i) and 4(2)(b)(i) of the Act. The clauses identified by the DG are as mentioned below:

*“The Club/ Gymkhana/ TT Academy interested in conducting TT Tournament in Mumbai Suburban Revenue District need to get affiliated with TSTTA Mumbai by filling up the TSTTA Affiliation Form and paying stated applicable fees therein.*

.....

*Chief Referee, Joint/ Assistant Chief Referee, Umpires will be appointed only by TSTTA-Mumbai for all the tournaments held in its jurisdiction. The expenses for them are to be borne by the organizers*



सत्यमेव जयते



.....  
*The Tournament will be conducted as per the Rules and Regulations of TTFI and as adopted by MSTTA & TSTTA-Mumbai”*

62. The Commission notes that the clauses mentioned above, appear to serve a regulatory purpose aimed at ensuring the smooth organisation of TT tournaments and fostering discipline within the sport. For instance, requiring clubs, gymkhanas, or academies to affiliate with TSTTA by submitting an affiliation form and paying the prescribed fees establishes a standardized framework for event organizers. Similarly, the provision mandating that referees, assistant referees, and umpires be appointed exclusively by TSTTA ensures consistency in officiating, aligning with professional standards. These measures being regulatory in nature, aim to streamline tournament management and uphold the quality and discipline expected in organized sports events. In view of the same, the Commission observes that any organiser of the TT tournament must ensure that the event adheres to official and international rules, regulations, and point systems to maintain fairness, integrity, and player safety while fostering the sport's growth. Therefore, all TT events should align with a long-term vision to cultivate a supportive and sustainable ecosystem for TT.

63. In view of the above, the Commission is unable to agree with the finding of the DG that the identified clauses are anti-competitive/ restrictive in nature and contravenes the Sections 4(2)(a)(i) and 4(2)(b)(i) of the Act.

(c) Anti-competitive clause(s) in Rules and Regulations of the OP-2.

64. The DG has identified Clauses 22(d) and 22(e) of MSTTA's Scheme/Constitution dated 28.08.1986 as anti-competitive, as they empower the managing committee to prohibit unauthorized TT events or tournaments. Furthermore, the DG found that the MSTTA Veterans Committee *vide* a WhatsApp message posted in a group, in October 2021 by Mr. Suhas Dandekar, an office bearer of TSTTA and MSTTA, advised all the veteran TT players not to participate in 1<sup>st</sup> National Veterans Sports



& Games held in Nashik in November 2021 by labeling the event as "unofficial." The DG concluded that these clauses and the actions of OP-2 violated Section 4(2)(c) of the Act.

65. The clauses under scrutiny are hereunder:

*“22 Powers of the Committee: .....*

*(d) To prohibit the holding of unauthorised tournament within the area of the Association.*

*(e) To prohibit any act or practice by member, members, player, players which in the opinion of the Committee is detrimental to the interest of the game and to deal therewith in such manner as they may think proper”*

66. OP-2, in its objections/suggestions to the DG report, stated that Clause 22(d) has been removed from the MSTTA scheme. Regarding Clause 22(e), it argued that its purpose is to uphold the game's integrity by prohibiting actions by members or players that could harm the game's reputation. This clause aims to maintain discipline, control misconduct, and preserve the dignity of the game during tournaments. Regarding the WhatsApp message posted by Mr. Suhas Dandekar, OP-2 submitted that it sought clarification on the matter and instructed Mr. Dandekar to refrain from issuing similar communications in the future that could be interpreted as restrictive or prohibitive for any player's participation in tournaments.

67. The Commission observes that Clause 22(d) of MSTTA's Scheme/Constitution is restrictive, as it grants the managing committee the authority to prohibit unauthorized TT tournaments within Maharashtra. Regarding the WhatsApp message posted by Mr. Suhas Dandekar, the Commission notes that it stated, *“MAHAKUMBH MELA KHELO INDIA TOURNAMENT is not an official tournament approved by the state or district association. It advice to all the players not to play the said tournament.”* Given the nature of this message, the Commission concludes that OP-2 is engaging in anticompetitive conduct that undermines efforts to promote the sport of TT. Regarding Clause 22(e) of MSTTA's



Scheme/Constitution, the Commission agrees with OP-2's submission that the clause is intended to ensure discipline, manage misconduct, and uphold the dignity of the game during tournaments.

68. In view of the above, the Commission agrees with the DG's findings that Clause 22(d) of MSTTA's Scheme/Constitution and the WhatsApp message posted by Mr. Suhas Dandekar violate Section 4(2)(c) of the Act. However, the Commission does not find Clause 22(e) to be anticompetitive.

(d) Anti-competitive conduct and clause(s) in Memorandum of Association of OP-3

69. The DG concluded that clauses 24C(e), (f), and (h), as well as 27(a) of the MoA of TTFI, are anticompetitive as they prohibit organizing TT tournaments or events without authorization from the recognized federation or association. Similarly, clauses 28(a) and (b) of the MoA of TTFI were also found to be anticompetitive by the DG, as they restrict players from participating in TT events or tournaments organized by unaffiliated clubs or associations.
70. OP-3 in its objections/suggestions submitted that alleged clauses are a standard industry practice and various other NSFs have similar clauses, such as the Board of Control for Cricket in India, All India Tennis Association, Boxing Federation of India, National Rifle Association of India, Bowling Federation of India, etc. OP-3 also submitted that by virtue of its designation as the NSF, the TTFI is obligated to adhere to the statutes of the ITTF and alleged clauses of the TTFI have been adopted in alignment with the corresponding provisions of the ITTF's statutes.
71. The Commission notes that OP-3, in its submission, stated that the impugned clauses have either been modified or completely removed, as outlined above.
72. At the outset the Commission notes that being the *de facto* regulator of the game of TT, it is reasonable for the TTFI to implement certain restrictions or regulatory





सत्यमेव जयते



mechanisms necessary to safeguard the interests of the sport. However, such stipulations must be proportionate and essential to preserve the integrity of the game. It is also pertinent to observe that an entity that simultaneously engages in the commercial exploitation of a sport and exercises regulatory authority over it, including the power to formulate rules and approve third-party TT tournaments, is inherently predisposed to prioritize its commercial interests. This dual capacity as both regulator and organizer gives rise to a conflict of interest, as such an entity may be incentivized to restrict competition and protect its financial interests in organizing sporting events and tournaments.

73. The Commission upon examining the impugned clauses of the MoA of OP-3, observes that these provisions are inherently restrictive, prohibitive, and unfair, thereby disrupting the competitive structure of the market. These clauses restrict the organizing of TT tournaments/ events unless authorized by the recognized federation/ association and unjustifiably prohibit players from participating in tournaments organized by unaffiliated entities, effectively limiting their opportunities for professional growth and exposure. Furthermore, such restrictions create barriers for independent organizers, stifle competition, and deny market access to players and organizers. Consequently, the Commission finds these clauses to be anti-competitive and in contravention of Sections 4(2)(a)(i), 4(2)(b)(i), and 4(2)(c) of the Act.
74. The DG has also found that the Public Notice dated 06.07.2022 issued by the TTFI (OP-3) in the matter of GSL, not only restricted the organization of the GSL by affiliated state associations without TTFI approval but also discouraged players from participating in unapproved events, limiting their career prospects.
75. OP-3 contended that the public notice dated 06.07.2022 was issued as a clarificatory measure in response to a complaint lodged by the Karnataka Table Tennis Association on 21.06.2022 concerning GSL's alleged misrepresentation as an affiliated tournament of TTFI. Considering the implications of such misrepresentation on all stakeholders, TTFI deemed it appropriate to issue the



public notice to address any misconceptions and enable stakeholders to make informed decisions, emphasizing that the action was taken in the broader public interest. The screenshot of the Public Notice dated 06.07.2022 issued by the TTFI is referred below:

**PUBLIC NOTICE**

6<sup>th</sup> July, 2022

It is brought to notice of all, that certain Associations and individuals are conducting some independent Table Tennis competitions/ leagues, which are not authorized/recognized by the Table Tennis Federation of India ('TTFI' in short). In this regard, TTFI's attention has been drawn to the announcement of one '*Gujarat Super League*'. Certain complaints have been received and information/ clarifications have been sought from the TTFI regarding this competition.

It is hereby specifically notified that the league being publicized as the '*Gujarat Super League*' has not been authorized/recognized/approved by TTFI. Participation therein by any player shall not entitle him/her for consideration/grant of any benefit in rankings or team selection by the TTFI.

Any person associating/participating in such events would be doing so at their own cost/risk/peril.

(S.K. Tandon)

Manager, TTFI

76. The Commission considered the said Public Notice and partially concurs with OP's argument that the notice was issued as a clarificatory measure in response to address the misrepresentation of the GSL as an affiliated tournament of TTFI. The notice was ostensibly intended to dispel any misconceptions and assist stakeholders in making informed decisions. However, the Commission observes that, rather than limiting itself to clarifying the approval status of the GSL event, TTFI took additional steps to actively discourage participation by stating that individuals participating in the GSL event would do so at their own cost, risk, and peril. Considering that robust player participation is critical to the success of any TT event, it is evident that TTFI effectively imposed a restriction on the organization of the GSL event by affiliated state associations without obtaining prior approval. In light of the above, the Commission concurs with the DG's findings and



concludes that OP-3, through the issuance of the notice, violated the provisions of Sections 4(2)(a)(i), 4(2)(b)(i), and 4(2)(c) of the Act.

*e. Anti-competitive conduct and clause(s) in Memorandum of Articles of the OP-4*

77. The DG found that clause 25 of the GSTTA's By-laws, along with the mandated undertaking in the player registration form (used until 2022), restricted TT players from participating in unrecognized tournaments. Additionally, GSTTA's circular dated 15.02.2021, issued to affiliated district units and the Gujarat State Veterans Table Tennis Committee (**GSVTTC**), prohibited players and technical officials from participating in the 4<sup>th</sup> Gujarat State Masters Games. Therefore, such clause and conduct of GSTTA restricts TT players from participation in 'unauthorised tournaments', violates Section 4 of the Act.
78. OP-4 in its written submission has submitted that the Constitution of the GSTTA, including the contravening Clause 25, had been picked and modelled after similar provisions contained in the byelaws of the TTFI and despite the existence of such a Clause, it would be pertinent to reiterate that the no action has been taken against any player under Clause 25 for having participated in an unauthorized tournament. OP-4 also submitted that Player Registration Forms (as duly noted in Para 5.15.3 of the DG Report) had been used only for a period of 5 years and had been discontinued in 2022.
79. The Commission considered the impugned clauses of GSTTA Constitution and noted that "*Clause 25 (a) No player of the GSTTA shall take part in any open tournament which has not been approved or prohibited by GSTTA*" unjustifiably prohibit players from participating in tournaments organized by unaffiliated entities, thereby limiting their opportunities for professional growth.
80. The Commission also observed that mandated undertaking in the player registration form (used until 2022) was inherently restrictive which is clear from

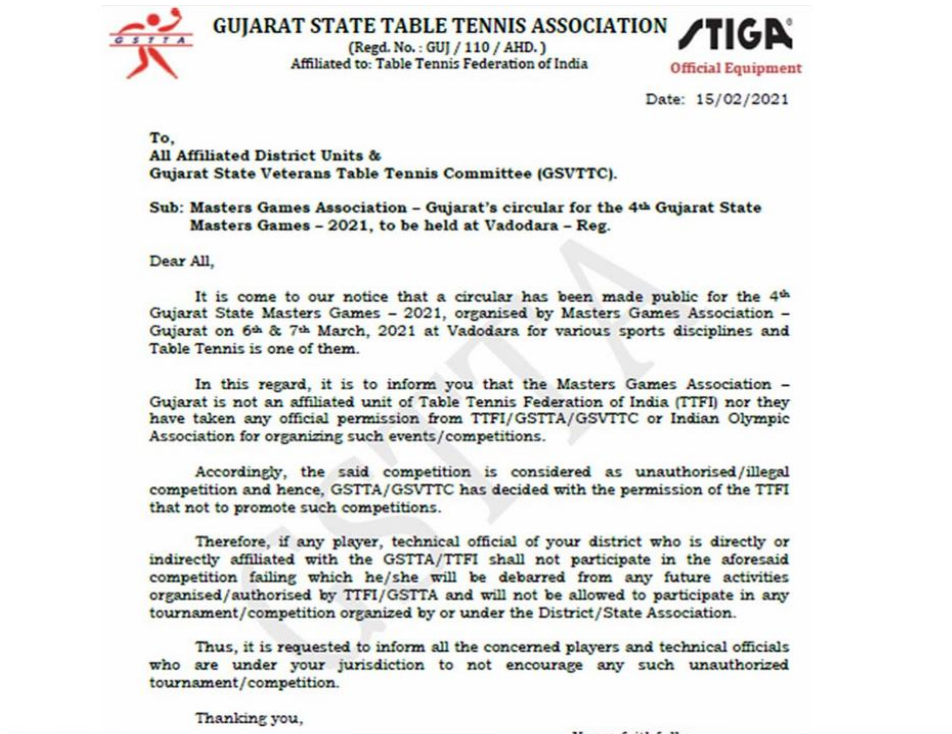


सत्यमेव जयते



its wording“..... I have not participated in any un-authorized tournament and will also abide by all the rules and regulations of GSTTA. .... Any violation of the rules/ indiscipline by players, players coach, player’s parents/ guardian can result in immediate dismissal from the tournament”. The Commission also observed that the removal of the restrictive undertaking has come into effect only after the Commission’s interim order dated 21.12.2021.

81. The Screenshot of GSTTA's circular dated 15.02.2021 is referred to below:



82. The Commission upon consideration of the GSTTA's circular dated 15.02.2021 observed that OP-4, through this circular, declared the 4<sup>th</sup> Gujarat State Masters Games as unauthorized and prohibited any player or technical official affiliated with district associations from participating in the event. The Commission noted that these restrictions effectively prevent TT players from participating in tournaments not recognized by GSTTA and make it unfeasible for any entity to



organize a TT tournament. The evidence on record clearly demonstrates that GSTTA obstructed the Master Games Association from organizing TT events and prevented players who participated in these events from competing in other tournaments.

83. In view of the foregoing, the Commission concurs with the findings of the DG and holds that OP-4, has contravened the provisions of Sections 4(2)(a)(i), 4(2)(b)(i), and 4(2)(c) of the Act.

84. The Commission noted from the submission of OP-4 that impugned clause of GSTTA Constitution has been dropped and the letter dated 15.02.2021 in respect of participation of players in un-authorized events, has been withdrawn.

***Issue: Whether the OPs are involved in activities in contravention of Section 3(1) read with Section 3(4) of the Act?***

85. The DG found that the relationship between the OP-1 and its registered players, and between the OP-1 and the TT clubs/ academies within the Mumbai Suburban District are vertical in nature. The WhatsApp advisory dated 30.10.2020 was found by DG to cause creation of barriers to new entrants in the market, driving existing competitors out of the market and foreclosure of competition by hindering entry into the market to an extent which amounts to contravention of Section 3(4) of the Act.

86. OP-1 submitted that violations under section 3(4) of the Act are to be assessed under the 'rule of reason' test. It has been submitted that apart from the complaint received from the Informant/ TTFSL, there is no evidence to suggest that the advisory issued by OP-1 has resulted in the creation of any entry barrier when it comes to the organization of TT in the Suburban district of Mumbai. It is further submitted that the implicit restriction which was made applicable on Informant/ TTFSL through the complaint was 'objectively justified' as there was an apprehension of 'suspected malpractice' in the conduct of the matches. As soon as



सत्यमेव जयते



OP-1 was made aware that such matches are being played on a friendly/commercial basis, it withdrew the said advisory.

87. The Commission agrees with the DG's conclusion regarding the relationship between TT players and OP-1, considering it as a vertical relationship. In this case, the relationship between TT players and OP-1 is considered vertical because OP-1 likely provides services or resources (such as training or event organization) to the players, thus creating a supply chain-like dynamic where OP-1 plays a role in the players' development or participation in tournaments. However, the Commission disagrees with the DG's assertion that the relationship between OP-1 and the TT clubs or academies within the Mumbai Suburban District is also vertical because these entities are on the same level and engage in direct competition rather than in a vertical relationship.
88. It is further noted that the WhatsApp message posted by OP-1 on 30.10.2020, addressed to players/ coaches/ clubs/ academies restricting them from joining/ playing the non-affiliated clubs/organizations and stating that non-adherence to the said direction will result in their suspension/non-acceptance of their entries in TT Tournaments amounts to restraints that are in the nature of exclusive distribution and refusal to deal as defined in Section 3(4)(c) and 3(4) (d) of the Act. These directions create entry barriers, foreclose competition and restrict opportunities available to TT players. The said restrictions are likely to have appreciable adverse effect on competition in terms of factors contained in Section 19 (3) of the Act. The Commission is thus, of the view that OP-1 has contravened Sections 3(4)(c) and 3(4)(d) of the Act read with Section 3(1) of the Act.
89. The Commission observed that the Informant submitted an additional affidavit of evidence dated 02.08.2023 against the NDTTA, alleging further contraventions of the provisions of the Act. These allegations were also raised by the Informant during the final hearing. The Commission noted that NDTTA is not a party to the current proceedings, and the evidence was presented after the conclusion of the investigation and submission of the DG's report. Moreover, the Commission found



the evidence to be insufficient and inconclusive, as it does not establish that the alleged message originated from NDTTA or identify the WhatsApp group where the message was shared. In view of the above the Commission rejected the additional affidavit of evidence.

90. In view of the foregoing, the Commission is of the considered opinion that OPs have violated the various provisions of Sections 3(4) and 4 of the Act, as detailed above.

### **ORDER**

91. OPs are found in contravention of the provisions of Section (4)(2)(a)(i), 4(2)(b)(i), and 4(2)(c) of the Act for the reasons adumbrated in this order. Additionally, OP-1 is also found in contravention of Sections 3(4)(c) and 3(4)(d) of the Act. Accordingly, OPs are hereby directed to cease and desist from indulging in future in the conduct which has been found to violate the provisions of the Act.
92. As regards imposition of monetary penalty, the Commission notes that OPs have undertaken corrective measures to address the concerns raised during the investigation. Restrictive communications, such as the WhatsApp advisory dated 30.10.2020 by OP-1 and the circular dated 15.02.2021 by OP-4, which are deemed anti-competitive were withdrawn. Furthermore, the OPs have amended or removed restrictive clauses in their MoAs/Constitution/Byelaws including provisions that prohibited participation in unauthorized tournaments and imposed penalties on players and associations. Additionally, OP-3 issued a clarificatory circular advising its affiliates to avoid penalizing participants in unaffiliated events, reflecting a shift towards fostering open competition.
93. Considering these aspects, the Commission is of the considered view that a cease-and-desist order under Section 27 of the Act would serve the ends of justice in the matter and accordingly, the Commission refrains from imposing any monetary penalty upon the OPs. It may, however, be noted that any such future conduct of



OPs would be construed as recidivism with attendant aggravated consequences not only for OPs but their office bearers in their personal capacity.

94. The Secretary is directed to inform the parties accordingly.

**Sd/-**  
**(Ravneet Kaur)**  
**Chairperson**

**Sd/-**  
**(Anil Agrawal)**  
**Member**

**Sd/-**  
**(Sweta Kakkad)**  
**Member**

**Sd/-**  
**(Deepak Anurag)**  
**Member**

**New Delhi**

**Date: 12/12/2024**