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## GOOGLE LLC VS. COMPETITION COMMISSION OF INDIA

- *Girishma Ahirwar*

### Introduction

The decision of the Competition Commission of India (CCI) in *Google LLC v. Competition Commission of India*<sup>1</sup> marks a watershed moment in the evolution of Indian competition jurisprudence, particularly in the regulation of digital markets and platform economies. The case examines whether Google, through its Android mobile operating system ecosystem, abused its dominant position in multiple relevant markets in violation of Section 4 of the Competition Act, 2002.

At its core, the case raises fundamental questions concerning the balance between innovation in technology markets and the preservation of competitive freedom for original equipment manufacturers (OEMs), app developers, and consumers. The order assumes greater significance as it aligns Indian competition law with global antitrust scrutiny against Big Tech while adapting the analysis to India's unique market realities. The CCI's findings demonstrate a decisive shift from traditional market analysis to a more nuanced understanding of data-driven, multi-sided digital platforms.

### Details of the Case

- **Case Title:** *Mr. Umar Javeed & Ors. v. Google LLC & Anr.*
- **Case Number:** Case No. 39 of 2018
- **Adjudicating Authority:** Competition Commission of India
- **Statutory Framework:** Competition Act, 2002
- **Provision Invoked:** Section 4 (Abuse of Dominant Position)
- **Date of Final Order:** 20 October 2022

The information was filed under Section 19(1)(a) of the Competition Act by individual consumers alleging anti-competitive conduct by Google in markets associated with Android smartphones in India

### Facts of the Case

Google LLC provides the Android mobile operating system, which is based on the Android Open Source Project (AOSP). While AOSP is open-source, device manufacturers seeking access to Google's proprietary applications—collectively referred to as Google Mobile

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<sup>1</sup> Google LLC V. Competition Commission of India, <http://indiankanoon.org/doc/54000789/>

Services (GMS)—are required to enter into a set of contractual agreements with Google. These include:

1. **Mobile Application Distribution Agreement (MADA)**
2. **Anti-Fragmentation Agreement (AFA) / Android Compatibility Commitment (ACC)**
3. **Revenue Sharing Agreements (RSA)**

Under these agreements, OEMs were obliged to pre-install a bundle of Google applications (including Google Search, Chrome, Play Store, and YouTube) as a condition for licensing even a single GMS application. Additionally, OEMs were restricted from developing or marketing devices based on modified versions of Android (Android forks).

The informants alleged that these contractual practices foreclosed competition, restricted innovation, and strengthened Google's dominance across multiple digital markets, including mobile operating systems, app stores, search services, web browsers, and online video hosting platforms.

## **Issues Before the Court**

The principal issues before the Competition Commission of India were:

1. Whether Google held a dominant position in the relevant markets associated with Android mobile devices in India.
2. Whether the imposition of mandatory pre-installation of GMS under MADA amounted to unfair or discriminatory conditions under Section 4(2)(a)(i).
3. Whether restrictions on Android forks under AFA/ACC limited technical or scientific development in violation of Section 4(2)(b)(ii).
4. Whether Google leveraged its dominance in the Play Store market to protect or reinforce dominance in online search and other downstream markets under Section 4(2)(e).
5. Whether Google's conduct resulted in denial of market access to competitors under Section 4(2)(c).

## **Arguments of the Parties**

### **Arguments Advanced by the Informants**

The informants contended that Google's licensing model was coercive and left OEMs with no commercially viable alternative but to accept Google's restrictive terms. They argued that mandatory bundling of apps eliminated consumer choice and disadvantaged rival app developers. The prohibition on Android forks, according to the informants, effectively prevented the emergence of competing operating systems, thereby stifling innovation and consumer welfare.

### **Arguments Advanced by Google**

Google asserted that Android operates in a highly competitive ecosystem that includes Apple's iOS and other platforms. It argued that Android is open-source and that OEMs voluntarily enter

into agreements to access GMS. Google justified its anti-fragmentation policies as necessary to maintain security, compatibility, and a consistent user experience. It further contended that pre-installation did not prevent users from downloading competing apps and services.

## Relevant Legal Provisions

The case primarily involved the interpretation and application of **Section 4 of the Competition Act, 2002**, particularly:

- **Section 4(2)(a)(i):** Imposition of unfair or discriminatory conditions
- **Section 4(2)(b)(ii):** Limiting technical or scientific development
- **Section 4(2)(c):** Denial of market access
- **Section 4(2)(e):** Leveraging dominance in one market to enter or protect another

Additionally, Sections 2(r), 2(s), 2(t), and 19(4) were relied upon for delineation of relevant markets and assessment of dominance.

## Judgement

The Competition Commission of India held that Google was dominant in multiple relevant markets, including:

- Licensable mobile operating systems for smartphones and tablets in India
- App stores for Android OS
- Online general web search services
- Non-OS-specific web browsers
- Online video hosting platforms

The CCI found that Google had abused its dominant position by:

- Imposing unfair conditions through mandatory bundling of GMS apps
- Restricting OEMs from developing Android forks
- Leveraging dominance in the Play Store to reinforce dominance in search and video hosting markets

Consequently, the Commission imposed a penalty of **₹1,337.76 crore** on Google and directed it to modify its conduct and contractual arrangements to restore competitive conditions in the market.

## Conclusion

The ruling in *Google LLC v. Competition Commission of India* represents a decisive assertion of Indian competition law in the digital economy. By recognizing the structural power exercised by platform operators through contractual design rather than pricing alone, the CCI has expanded the doctrinal contours of abuse of dominance. The decision underscores that innovation cannot be used as a shield for exclusionary practices and that open-source claims must be evaluated in light of real market control.

The case sets a strong precedent for future antitrust enforcement against digital gatekeepers in India and signals the Commission's readiness to engage with complex technological ecosystems. From a broader perspective, the judgment contributes meaningfully to the global discourse on regulating Big Tech while safeguarding consumer choice, innovation, and competitive neutrality.