



**COMPETITION COMMISSION OF INDIA**

**Case No. 22 of 2015**

**In Re:**

**Rooster Info. Pvt. Ltd.**

**Through Mr. Piyush Agarwal, Managing Director**

**252A, Mohit House, Shahpur Jat, New Delhi**

**Informant**

**And**

**Maruti Suzuki India Ltd.**

**1, Nelson Mandela Marg,**

**Vasant Kunj-II, New Delhi**

**Opposite Party**

**CORAM**

**Mr. Ashok Chawla**

**Chairperson**

**Mr. S. L. Bunker**

**Member**

**Mr. Sudhir Mital**

**Member**

**Mr. Augustine Peter**

**Member**

**Mr. U. C. Nahta**

**Member**

**Mr. M. S. Sahoo**

**Member**



**Present:** Shri Narender Singh Yadav, Advocate; and  
Shri Piyush Agarwal, Managing Director for  
the Informant

**Order under Section 26(2) of the Competition Act, 2002**

1. The present information has been filed by Rooster Info. Pvt. Ltd. through its Managing Director Mr. Piyush Agarwal, (hereinafter referred to as the “**Informant**”) under section 19(1)(a) of the Competition Act, 2002 (hereinafter referred to as “**the Act**”) against Maruti Suzuki India Ltd. (hereinafter referred to as “**OP**”) alleging, *inter alia*, contravention of the provisions of sections 3 and 4 of the Act.
2. As per the information, the Informant is engaged in the business of manufacture of Global Positioning System (GPS) which is used to track the location and other details of vehicles. It is averred that the majority of the clients of the Informant are car carrier trucks which are specially designed for transporting cars. It is submitted that the car carriers are completely dependent on the car manufacturers for their business.
3. It is submitted that the transporters usually, in order to economise the expenses while making a return journey after unloading the goods at the destination, provide the service of loading/ unloading to other manufacturers also. It is alleged that the OP coerces the transporters to provide the transport service exclusively to it and abstain from loading/ unloading goods of other manufacturers on their way back to the Original Equipment Manufacturer (OEM).



4. The OP is alleged to have taken a decision and coerce the transporters to install a GPS unit from any one of the two companies only i.e. either from Trimble or Efcon. It is alleged that the OP had refused to provide the load to vehicles which did not have GPS from the abovesaid two companies. It has further been submitted that the transporters are dependent on the OP, it being the dominant market player, and are compelled to accept its diktat for the sake of the business. The transporters are required to pay higher price for the new GPS device. It is alleged that the conduct of the OP is in contravention of section 3(3)(b) of the Act.
5. The Informant has alleged that the OP is also fixing the price of GPS unilaterally without consulting the transporters. The payments for the GPS devices were to be made by the transporters to a third party (Trimble/ Efcon) which is alleged to be in contravention of the provisions of sections 3(3)(a) of the Act.
6. The Informant further alleged that the conduct of the OP compelling the transporters to enter into an agreement with the abovesaid two companies for purchase of GPS creates an appreciable adverse effect on competition (AAEC), thus violates the provisions of section 3(4)(a) read with 3(1) of the Act.
7. It is further alleged by the Informant that by imposing an unfair condition on the transporters for purchase of GPS, OP has violated the provisions of section 4(2)(a)(i) of the Act. The OP is alleged to have indulged in practices which deny the market access to other equally good or better GPS manufacturers in India that contravene the provisions of section 4(2)(b) of the Act. It has been alleged that OP is abusing its dominant position by compelling the transporters under a contract to install GPS units from abovementioned two companies only which by its nature have



no connection with the subject of such contract is contravening the provisions of section 4(2)(d) of the Act.

8. Based on the above allegations and the information, the Informant has alleged that the conduct of the OP is in contravention of the provisions of sections 3 and 4 of the Act. Thus, the Informant has prayed for issuance of an order declaring the condition imposed by the OP on transporters as violative of section 3(1) of the Act and to declare the conduct of OP to be an abuse of its dominant position.
9. The Commission has perused the material available on record including the additional information filed by the Informant on 08.05.2015. The Counsel on behalf of the Informant was also heard by the Commission on 06.05.2015.
10. The Informant has submitted in its additional information that like net neutrality, the GPS tracking data can be transmitted from any GPS tracking device to any server such as Maruti or Mahindra. It is stated that there is no requirement of compatibility of GPS tracking device with the server. The Informant has further submitted that Trimble tried to conclude similar kind of agreement with Mahindra also.
11. From the facts of the case, it appears that the Informant is primarily aggrieved by the conduct of the OP in compelling the transporters to install GPS from the abovementioned two companies only. Therefore, considering the facts in the present matter, the Commission has analysed the case separately under sections 3 and 4 of the Act.
12. In the present case, the Informant has alleged that an arrangement between OP and two GPS manufacturers (i.e. Trimble and Efcon) has AAEC in GPS market in India. It is noted by the Commission that neither the Informant has provided any cogent material in this regard



nor any information is available in public domain to show the arrangement between the OP and Trimble/Efcon. Further, according to the information available on the website *electronicsb2b.com* (<http://electronicsb2b.com/?p=32250#>), approximately 6 lakh cars use GPS devices whereas OP has 9100 trucks/ trailers using GPS technology (Annual Report 2012-13 of Maruti Suzuki India Limited). Thus, the percentage of GPS device used by OP is only 1.52 %. Even if there is such an arrangement between OP and Trimble/ Efcon, the anti-competitive impact is negligible.

13. Thus, *prima facie*, it appears that such an arrangement neither causes nor likely to cause an AAEC in GPS market within India in contravention of section 3 of the Act in present case.
14. So far as the contravention of the provisions of section 4 of the Act is concerned, it may be noted that the relevant product market would be the “*market for procurement of services of GPS device installed vehicle*”. As regards the relevant geographic market, the Commission is of the view that it would be “*the territory of India*”. Thus, the relevant market would be “*market for procurement of services of GPS device installed vehicle in India*”.
15. The Commission notes that the Informant has not placed any information on record about the market share of procurement of GPS installed vehicles in the relevant market. However, as noted in para 12 above, the percentage of GPS devices installed vehicle, used by the OP is only 1.52 % which is negligible. Thus, the OP controls an insignificant fraction of relevant market. *Prima facie*, the OP does not appear to be in a dominant position in the relevant market. In the absence of dominance of the OP in the relevant market, its conduct cannot be examined under the provisions of section 4 of the Act.



16. In the light of the above analysis, the Commission finds that no *prima facie* case of contravention of the provisions of sections 3 and 4 of the Act is made out against the OP in the instant matter. Accordingly, the matter is closed under the provisions of section 26(2) of the Act.

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

Sd/-

**(Ashok Chawla)**  
**Chairperson**

Sd/-

**(S. L. Bunker)**  
**Member**

Sd/-

**(Sudhir Mital)**  
**Member**

Sd/-

**(Augustine Peter)**  
**Member**

Sd/-

**(U. C. Nahta)**  
**Member**

Sd/-

**(M. S. Sahoo)**  
**Member**

**New Delhi**

**Date: 28/05/2015**