



**COMPETITION COMMISSION OF INDIA**

**Case No. 35 of 2016**

**In Re:**

**Shri Kamble Sayabanna Kallappa,  
13/220, Tejas Nagar,  
Reynolds Road,  
Wadala (East), Mumbai – 400037.**

**Informant**

**And**

**M/s Bennett Coleman and Company Limited,  
The Times of India Building,  
Dr. D. N. Road,  
Mumbai – 400001.**

**Opposite Party**

**CORAM**

**Mr. Devender Kumar Sikri  
Chairperson**

**Mr. S. L. Bunker  
Member**

**Mr. Sudhir Mital  
Member**

**Mr. Augustine Peter  
Member**



**Mr. U. C. Nahta**  
**Member**

**Dr. M. S. Sahoo**  
**Member**

**Justice G. P. Mittal**  
**Member**

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

1. The information in the instant matter was filed by Shri Kamble Sayabanna Kallappa ('**Informant**') under Section 19(1)(a) of the Competition Act, 2002 (the '**Act**') against M/s Bennett Coleman and Company Limited ('**OP**') alleging, *inter alia*, contravention of the provisions of Section 4 of the Act.
2. As per the information, OP is India's largest media conglomerate which publishes 'The Times of India' - a leading English language daily newspaper in India having editions all over the country including Mumbai. OP also publishes 'Mumbai Mirror' - a daily tabloid in English, 'The Economic Times' - an economic and business daily, 'Maharashtra Times' - a daily newspaper in Marathi language, and 'Navbharat Times' - a daily newspaper in Hindi language along with some periodicals.
3. The Informant has stated that OP made available Mumbai edition of 'The Times of India' in a combo offer with 'Mumbai Mirror' or 'The Economic Times' or 'Maharashtra Times' at a selling price of Rs. 7/-. 'Mumbai Mirror' or 'The Economic Times' or 'Maharashtra Times' are also available separately



in Mumbai at their respective selling prices. As per the Informant, the combo offer of OP is an open offer to the consumer under which a buyer can purchase 'The Times of India' alongwith 'Mumbai Mirror' or 'The Economic Times' or 'Maharashtra Times'. The said combo offer is available to both the annual subscribers as well as to the daily buyers.

4. The Informant has alleged that in the combo offer, the newspaper vendors in Mumbai are selling 'The Times of India' only with 'Mumbai Mirror' and refusing to sell 'The Times of India' along with 'The Economic Times' or 'Maharashtra Times'. If a buyer demands 'The Times of India' along with 'The Economic Times' or 'Maharashtra Times', the vendors offers only 'Mumbai Mirror' in the combo offer and charges separately for 'The Economic Times' or 'Maharashtra Times'. Further, it is stated that the newspaper vendors justify their stand by stating that they sell as per the supply made by OP.
5. The Informant reported the said act of the vendors to the Editor of 'The Times of India' *vide* letter dated 18.01.2016 along with video recording (CD) containing the behaviour of the newspaper vendors recorded on 15.01.2016 and requested the Editor to clarify their stand on this issue. However, it is submitted that neither the Editor nor any responsible person in 'The Times of India' responded to the said letter of the Informant. It has been further stated that the Informant *vide* email dated 29.08.2011 also reported this wrongful practice to the Editor of 'The Times of India' which was also not addressed. Subsequently, the Informant video graphed the said behaviour of the vendors again on 26.01.2016, 25.02.2016 and 01.03.2016. It is further stated that through this conduct OP wants to increase the circulation of 'Mumbai Mirror' in Mumbai market. It is submitted that the said act of OP amounts to their support to the errant newspaper vendors who refuse to sell the said newspaper as per the said offer and compel the buyers to buy unwanted newspaper. This



is an unfair trade practice and abuse of dominant position in terms of Section 4(2)(a)(i) of the Act.

6. The Commission perused the information and other material available on record. The Commission notes that the Informant appears to be aggrieved by the conduct of some newspaper vendors for not selling 'The Times of India' as per the 'combo offer' advertised by it.
7. The Commission observes that all the newspapers available in the combo offer including 'The Times of India', 'Mumbai Mirror', 'The Economic Times' and 'Maharashtra Times' are also available separately at their respective selling prices in Mumbai. Hence, the consumers have the choice to either purchase the newspapers in the combo offer or to purchase each newspaper separately. Further, the Commission notes that the video recording submitted by the Informant shows that some vendors are stating that the combo offer is available only for annual subscribers. Based on the above, the Commission notes that the OP does not appear to have imposed any restriction or unfair condition on the consumers through the said offer as it is not compelling the consumers to buy the newspapers only in the combo offer. The Commission also observes that if some vendors are not providing 'The Economic Times' or 'Maharashtra Times' along with 'The Times of India' in the combo offer, then it cannot be said that the OP is responsible for the said conduct of such vendors.
8. Based on the above, the Commission is of the view that no case is made out against OP for contravention of any of the provisions of Section 4 of the Act and the information is ordered to be closed forthwith in terms of the provisions of Section 26 (2) of the Act.



सत्यमेव जयते



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

**Sd/-**

**(Devender Kumar Sikri)**

**Chairperson**

**Sd/-**

**(S.L. Bunker)**

**Member**

**Sd/-**

**(Sudhir Mital)**

**Member**

**Sd/-**

**(Augustine Peter)**

**Member**

**Sd/-**

**(U. C. Nahta)**

**Member**

**Sd/-**

**(Dr. M. S. Sahoo)**

**Member**

**Sd/-**

**(Justice G. P. Mittal)**

**Member**

**New Delhi**

**Date: 02.06.2016**