Jun 15, 2026

# Call with Krishay - Transcript

## 00:00:00

**Shruti Aji Murali:** call finishes, it'll send around the notes or if you don't get them,

**Axiom5:** Okay.

**Shruti Aji Murali:** I'll toss them to you anyway. Okay. So, how has Sorry, going back to how has the short class ruling altered the CCS burden of proof in big tech investigations, right? So, short class, let's just go down go down to the basics. What does shortlass actually say? Okay. Shortl says under section 4 of the competition act when the CCI is investigating whether or not an abuse of dominant position has actually taken place it's not enough for them to just say oh here's the relevant market you're dominant in the

**Axiom5:** Wow.

**Shruti Aji Murali:** relevant market and you have engaged in one of the various conducts that are listed in section 4. Right?

**Axiom5:** Ready?

**Shruti Aji Murali:** Shortla says okay even if you prove all those three things you have to show that there has been an actual effect on the market and what would those effects be? Those effects are broadly categorized into two groups.

## 00:01:04

**Shruti Aji Murali:** One is exploitative effects and the other is exclusionary effects. Right? So exploitative effects are usually like you know where where you're the only um you're the only supplier of a particular input.

**Axiom5:** It's

**Shruti Aji Murali:** Um I have no other options.

**Axiom5:** hot.

**Shruti Aji Murali:** So I will agree to whatever terms you put before me because you know you might say you know last year you were charging me 10 rupees. This year you've decided you're going to charge me 50 rupees. I have no option right? I have to come to you because there's no one else. That's an exploitative effect because you've you're basically exploiting me. You're extracting monopoly rents from me and um by virtue of your

**Axiom5:** I'm

**Shruti Aji Murali:** dominant position or your monopoly position.

**Axiom5:** sorry.

**Shruti Aji Murali:** And exploitation can play out in different ways, right? Not necessarily through price. It could also play out in a way where you know if you're the only supplier of product A and you've just uh initially you've just sort of uh started manufacturing product B you could be like if you want product A you also have to buy product B right so you're forcing me to buy something that I don't actually want as a condition of my purchasing product E that's called a diet right so exploitation can play out in different ways uh the other effect that we were talking about was exclusionary abuse.

# 00:02:27

**Shruti Aji Murali:** Exclusionary abuse is when you exclude competitors essentially, right? So you could it could be the same conduct. It could be that you know you say if you want to buy product A, you must buy my product B. What does that do to competitors of this company's um competitor of the company in the market for product B? Right? If you're so dominant in the market for ketchup and you force me to you say if you want to buy my ketchup you must also buy my biscuits that effectively pushes out a bunch of competitors in the biscuits market right that's not actually competition on the merits it's you forcing me by virtue of your dominant position to you know make my purchasing choice in a certain Right. So that an exclusionary effect is broadly when you end up uh foreclosing competitors. What does shortlast do? It says even if the CCI has proved that this conduct has happened, the CCI has to go one step further and say has that actually happened?

## 00:03:42

**Shruti Aji Murali:** Have you by virtue of tying product A and product B actually reduced competition in the market for product B? you know, it's it's entirely possible that that didn't h that doesn't happen, right? Maybe your product B is um not great. Maybe I already have um you know an exclusive relationship with someone else to purchase product B and I continue with that uh relationship and continue to purchase from the competitor of this company. Right? If there is no actual exploitative or exclusionary effect, then the CCI cannot penalize a company for abuse of dominance. How that kind of plays out in digital markets is a little bit more complicated, right? Because how end users behave, you know, if like now for instance um Google, we we're all on Google Enterprise, right? So we all have Gmail. Uh that's where we do all of our work. Gmail introduced Google Meet as an option in on the left hand side of their tab. At some point I think they've rebranded it multiple times but around 2020 2021 they introduced the meat option.

## 00:05:03

**Shruti Aji Murali:** Um the CCI looked at this. Somebody complained and said oh look uh you know this whole time thing is what was complained about. Google is dominant in the market for Gmail. They are now forcing people to use Google Meet because they've integrated it as a feature on email, right? Uh the CCI looked at it and said, "Hey, hang on a second. Yes, they yes, maybe Google is dominant in the market for email." Uh yes, Google has sort of introduced a feature that is an add-on to their email um service. But h are they actually forcing people to use g uh use Google meet they're not you can I mean lots of people do have zoom you can actually integrate zoom into meet there's no real forcing right it's an option it's presented there it's not being forced down anyone's throat and therefore there is no anti-competitive effect right so how that plays out in digital markets is it kind sets the standard slightly higher for the CCI in the first instance.

## 00:06:16

**Shruti Aji Murali:** It allows parties who are sort of defending themselves before the CCI certain leeway in terms of um making arguments and saying look there hasn't actually been any effect. Um but I think the difficulty there conceptually is how do you actually prove effects uh and that's not clear in competition law in India or like anywhere around the world really right because there's lots of judgments that say you know it doesn't have to be an actual effect it could be a potential effect how do you prove a potential effect how do you prove an actual effect like you need to have consumer studies you need to have um I mean a control group potentially to say these people were not forced, they made their choice freely. These people were forced. They may still have made their choice freely, right? So you need to do you need like granular really strong data to prove these things. Um and that's difficult. It's difficult both for parties, it's difficult for the regulator as well.

## 00:07:28

**Shruti Aji Murali:** Uh so I think what we're going to see you know as we sort of deal with this effects test going from shortlass we're going to see a lot of like litigation on this point. Uh but I feel like it'll be a few years before we come to a definitive conclusion on how effects are actually um demonstrated. Right. Um I I don't think there are answers anywhere um around the world because all of this requires like granular market level data on you know behavioral economics on actual um you know price effects things like that. um to sort of definitively prove any effect or you know whether an effect existed or the lack of such an effect. I don't know if that made sense, but

**Axiom5:** Yeah. No, you don't. Thank you.

**Shruti Aji Murali:** yeah.

**Axiom5:** I mean, I was when I made the questions, there were two parts to the question. It was the core issue and what your brief would explore. And like while I was reading the what what your brief would explore, you actually went through went over everything.

## 00:08:45

**Shruti Aji Murali:** Going through the Yeah.

**Axiom5:** Thank you.

**Shruti Aji Murali:** So cool. So that's two questions. Knocked off your list.

**Axiom5:** All right. Thank you.

**Shruti Aji Murali:** Cool. Oh, was that it?

**Axiom5:** Uh,

**Shruti Aji Murali:** Oh, no. You have more questions.

**Axiom5:** yeah. No, no,

**Shruti Aji Murali:** No.

**Axiom5:** that was there are five different questions for five different people. So,

**Shruti Aji Murali:** Oh, I see.

**Axiom5:** it's like a ver variety.

**Shruti Aji Murali:** Okay, this one's cool.

**Axiom5:** Yeah.

**Shruti Aji Murali:** So,

**Axiom5:** Yeah.

**Shruti Aji Murali:** um I will send you these notes then when they come about.

**Axiom5:** I'll get the I'll Okay. and I'll get the ketchup review, the ketchup research done by the end of the day.

**Shruti Aji Murali:** Yes. Awesome.

**Axiom5:** So,

**Shruti Aji Murali:** And if you have any trouble again, like I said, just ping me.

**Axiom5:** yeah.

**Shruti Aji Murali:** Uh we can jump on a call and figure it out.

**Axiom5:** Yeah.

**Shruti Aji Murali:** All right.

**Axiom5:** Okay.

**Shruti Aji Murali:** See you. Have a good one.

**Axiom5:** Yeah.

**Shruti Aji Murali:** Bye.

**Axiom5:** You too. Bye.

## Transcription ended after 00:09:42

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