

Monopolistic Policies of Google: CCI imposes a Fine

March 31, 2023

March 29, 2023: New Delhi: In a major shocker to Google, the National Company Law Appellate Tribunal (NCLAT) has upheld the fine of Rs 1,337 crore imposed on Google by the **Competition Commission of India** (CCI) for allegedly abusing its position in the Android mobile ecosystem.

Tribunal found that the probe conducted by CCI into Google's conduct was not in violation of principles of natural justice.



Last month, Google submitted before the NCLAT that there had been an 'unfair imposition' by the CCI on its mobile app distribution agreement with device makers, as it did not restrict the device makers from installing other apps, including those of rivals.

NCLAT had started its hearing in the Android case on Feb 15, following the directives by the Supreme Court which denied interim relief to the company, asked NCLAT to decide on the appeal by March 31.

While arguing the matter before the Tribunal, Google said that the pre-installation of its apps on devices through a MADA (Mobile Application Distribution Agreement) was not 'unfair' or 'unrightful', as there was no restriction on the device makers from installing other apps and have enough space available for them.

Apart from the penalty, the CCI also directed Google to cease and desist from participating in anti-competitive practices and directed it to modify its conduct within a defined timeline.

Earlier on September 14, 2022, Europe's second-highest court had fined Google 4.125 billion Euros (about Rs 36,844 crore) for anti-trust violation. This fine was for unlawful restrictions on manufacturers of Android mobile devices and mobile network operators in order to consolidate the dominant position of its search engine.

The European Commission has been investigating the monopolistic policies of Alphabet, the US giant technology company, which owns the search engine Google, YouTube and Android operating system for mobile phones and till now, it has imposed a total fine of 8.25 billion euros.

In USA, Google and YouTube have been investigated for violating privacy laws and Alphabet has been fined by the Federal Trade Commission and the Attorney Generals of some States.

By Dr K N Mistry

(References:<https://www.ftc.gov/news-events/news/press-releases/2019/09/google-youtube-will-pay-record-170-million-alleged-violations-childrens-privacy-law> and <https://www.nytimes.com/2019/09/04/technology/google-youtube-fine-ftc.html> dated September 4, 2019)