COMPETITION COMMISSION OF INDIA

<u>Case No. 42 of 2022</u>

***<u>In Re</u>*:**

Winzo Games Private Limited
Suite No. 106, First Floor, Copia Corporate Suites,
Building No.9, DDA District Centre, Jasola, New Delhi - 110025, India. **Informant**

<u>And</u>

Google LLC
1600 Amphitheatre Parkway,
Mountain View, California - 94043
United States of America **OP-1**

Alphabet Inc.
1600 Amphitheatre Parkway,
Mountain View, California - 94043
United States of America **OP-2**

Google India Private Limited
Unitech Signature Tower-II Tower-B,
Sector-15, Part-II Village Silokhera,
Gurgoan 122001, India **OP-3**

Google India Digital Services Private Limited
Unit 207, 2nd Floor, Signature Tower-II Tower A,
Sector 15 Part II Village Silokhera,
Gurgaon, Haryana-122001 **OP-4**

<u>CORAM</u>

Ms. Ravneet Kaur
Chairperson

Ms. Sweta Kakkad
Member

Mr. Deepak Anurag
Member

Present:

For Winzo Games Private Limited	:	Pranav Chadha, Advocate
For Google (Commitment Applicant)	:	Mr. Karan Singh Chandhiok, Mr. Rahul Rai, Mr. Tarun Donadi, Mr. Uday Bali, Advocates and Ms. Aditi Gopalakrishnan and Ms. Arunima Chatterjee, Representatives of Google

Order

1. The Information in this matter was filed by Winzo Games Private Limited ('**Informant**') under Section 19(1)(a) of the Competition Act, 2002 ('**Act**') against Google LLC, Alphabet Inc., Google India Private Limited and Google India Digital Services Private Limited (collectively, '**Google**') alleging contravention of provisions of Section 4 of the Act.

2. The Informant was stated to be a digital gaming and technology company, which offered an online digital gaming platform under its trademark and brand name 'WinZo' which offers over 100 games in 5 formats to the users in more than 12 regional languages.

3. Among other things, the Informant averred that Google operates 'Google Play', an App Store for Android Operating System ('**OS**'), wherein third-party app developers make available their apps to the users. Further, Play Store restricts hosting of gaming applications that offer Real Money Games ('**RMGs**') in India. On 07.09.2022, Google updated its policies under which it commenced a Pilot Program to test hosting of two types of RMGs on its Play Store *i.e.*, Daily Fantasy Sports ('**DFS**') and Rummy in India for a period of 1 year *i.e.*, from 28.09.2022 to 28.09.2023. The Informant alleged that the decision to limit the Program's scope to only DFS and Rummy apps and disallow all other RMGs is devoid of any reason and is thus, discriminatory and arbitrary, constituting abuse of its dominant position by Google.

4. Another allegation of the Informant pertained to the updated advertisement policy of Google. It was submitted that Google started enforcing the Pilot Program through Google

Ads which is an online advertising platform owned and offered by Google allowing third parties/app developers to advertise on Google, YouTube and the larger Android OS Applications ecosystem. The Informant submitted that from 21.11.2022, Google restricted its advertisements policy (modified Ad policy) by only allowing DFS and Rummy app advertisers to host advertisements using Google Ads. As per the Informant, given the unprecedented potential to increase business by accessing users through Google Ads, Google's modified Ad policy which restricts the Informant's advertisements from being hosted as part of Google's Ad program, amounts to abuse of its dominant position.

5. In addition, the Informant also alleged that when a user makes a payment to the Informant to play skill-based games and attempts to use 'Google Pay' to make such payment, Google displays warnings. As per the Informant, such payment warnings are arbitrary as Google has not set any criteria for displaying such warnings.

6. Based on the above, the Informant alleged that Google has violated Sections 4(2)(a)(i), 4(2)(b)(i) and 4(2)(c) of the Act and thus, *inter alia* prayed the Commission to initiate an inquiry against Google. The Informant also sought Interim Relief under Section 33 of the Act against Google.

7. The Commission considered the matter and decided to seek response of Google to the Information as well as the application filed by the Informant under Section 33 of the Act seeking interim relief. In addition, Google was directed to submit its response to certain queries of the Commission. The Informant was also allowed to file its rejoinder, if any, thereafter. These responses were duly filed by the parties. Subsequently, Google and the Informant made further submissions during the proceedings. The Commission also took inputs from the Ministry of Electronics and Information Technology ('**MEITY**') in relation to permissible RMG applications for listing on app stores in India. MEITY *vide* its letter dated 23.04.2024, provided its reply.

8. The Commission perused and examined the information available on record, in its meeting held on 24.07.2024 and in terms of Regulation 17 of the *erstwhile* Competition Commission of India (General) Regulations, 2009, decided to hold a preliminary conference with the Informant as well as the Opposite Parties on 11.09.2024 at 11:00 AM. Accordingly, the

Commission heard the learned counsel/ senior counsel appearing on behalf of the parties on 11.09.2024 and decided to pass an appropriate order in due course.

Directions to the Director General

9. The Commission, *vide* order dated 28.11.2024, passed under Section 26(1) of the Act, formed a *prima facie* view that for the purpose of the assessment of alleged abusive conduct, the relevant markets were (a) market for licensable OS for smart mobile devices in India; (b) market for app store for Android smart mobile OS in India; and (c) market for online search advertising services in India. Further, Google was also *prima facie* found to be dominant in these markets. In addition, the Commission was of the *prima facie* view that Google is in violation of Sections 4(2)(a)(i), 4(2)(b), and 4(2)(c) of the Act, as detailed in the said order ('***Prima Facie* Order**'). Accordingly, the Commission directed the Director General ('**DG**') to cause an investigation to be made into the matter.

10. Specifically, the competition concerns identified in the *Prima Facie* Order are summarised as under:

10.1. Selective onboarding of DFS & Rummy apps in the Pilot Program *prima facie* distorts the competitive landscape to the disadvantage of apps not covered in the Pilot. Further, Google's justification for selecting these app categories appears ambiguous and non-transparent. It was further noted that given the presence of network effects in an app store market, prolonged duration of such pan-India Pilot Program consisting of only selective RMG apps *prima facie* appears to deny market access to non-DFS and non-Rummy RMG applications. This denial significantly disadvantages other players in the RMG sector by limiting their ability to compete effectively. Further, by granting preferential treatment to select app categories, Google effectively created a two-tier market where some developers are accorded superior access and visibility while others are left with a competitive disadvantage.

10.2. In relation to the Google Ad Policy, the Commission noted that given Google's pivotal role in the digital advertising ecosystem, any arbitrary criteria for selecting sub-categories of RMG apps allowed to advertise on its platform can raise significant competition concerns. The Commission was of the *prima facie* view that the restrictions imposed by Google on advertising through its platform, limit or restrict the provision of

RMG apps other than DFS and Rummy as well as their technical and scientific development. Further, by blocking access to an important advertising channel, Google appears to deny market visibility to such RMG apps.

10.3. In relation to payment warnings, the Commission felt it appropriate to ascertain whether these payment warnings have any connection to selection of Rummy and DFS RMG apps for Google's RMG Pilot Program and whether these warnings adversely affect the competitive landscape as elaborated in the *Prima Facie* Order.

Commitment Application

11. On 11.02.2025, while the matter was under investigation, Google LLC, on behalf of the opposite parties in this matter ('**Commitment Applicant**'/ '**Google**'), filed a commitment application ('**Commitment Application**') in terms of Section 48B of the Act read with the Competition Commission of India (Commitment) Regulations, 2024 ('**Commitment Regulations 2024**'). The defects in the said application were communicated *vide* email dated 18.02.2025 and Google filed the requisite documents and removed the defects *vide* its letter dated 25.02.2025.

12. In its Commitment Application, Google *inter alia* submitted that it had worked diligently to devise an appropriate commitment offer that addresses the concerns of the Commission. It was averred that the *Prima Facie* Order identifies concerns pertaining to multiple product areas within Google. Therefore, to devise a feasible commitment offer, Google had to consult with teams across its different product areas that include stakeholders situated across the world taking into account regulatory, technical, operational and logistical considerations. Accordingly, Google requested that the Commission (a) allow the Commitment Application under Section 48B of the Act read with the Commitment Regulations 2024; and (b) place the proceedings initiated against Google in abeyance until it issues a final decision on the Commitment Application or until such time as may be decided by the Commission.

13. The offer for commitment contained in the Commitment Application *inter alia* proposed the following:

13.1. Google will, within 6 months from the Commission's order approving Google's proposed commitments, replace the current Pilot Program by allowing distribution of all RMGs, self-declared by developers as permissible online RMGs as per applicable laws, on Google Play in India. RMGs would be subject to compliance with applicable laws and Google policies.

13.2. Developers will be subject to a self-declaration model *i.e.*, developers who want to distribute RMGs on Play Store will certify that their app is a permissible online RMG as per applicable laws in the areas in which they want to operate. Further, Google is in the process of finalizing the operational details of the self-declaration model, which will also require developers to be locally incorporated and submit valid proof of local incorporation. They will also be subject to additional policy guardrails including, but not limited to, robust age verification, user verification, geo-restriction, and additional user protection measures.

13.3. Once the Commission accepts the commitment proposal, Google will make a public announcement of RMG Policy Update within 60 days.

13.4. Google will start permitting compliant RMGs within 6 months of the commitment order. To be able to distribute their RMG apps (*i.e.*, be "onboarded") on Play Store, developers will first be required to submit their RMG app for Trust & Safety Review and submit a self-declaration that their app is a permissible online RMG as per applicable laws. Google expects to process app submissions on a rolling basis, based on a "*first come, first serve*" principle. Existing pilot apps would be expected to submit their apps for review under the RMG Policy Update and would be subject to the same review as new RMG apps. Google will inform developers of any policy issues with their app within 14 days of the developers submitting their app for review.

13.5. It will submit status update reports to the Commission within 60 and 120 days of the commitment order.

14. The Commission considered the aforesaid Commitment Application in its ordinary meeting held on 05.03.2025. The Commission noted that the Commitment Applicant has filed the present Commitment Application within the extended period of 30 days as per Regulation 3(3) of the Commitment Regulations 2024. After considering the complexities involved in crafting the commitments put forth by the Commitment Applicant, the Commission decided to entertain the aforesaid Commitment Application filed within the extended period.

15. With respect to the commitments offered, the Commission, *inter alia*, observed that (a) Google has not yet finalised changes to its RMG policy and is still in the process of doing so; (b) the period of 6 months for implementation of the commitment proposal was on the higher side, which in turn will elongate the period of Pilot Program; (c) it is not clear as to what would be the nature of the status updates to be provided to the Commission within 60 and 120 days of the commitment order; (d) the commitment proposal does not appear to address the concern around *prima facie* discriminatory Ad Policy and payment warnings *qua* non-DFS and non-Rummy RMG app developers which are not listed on Google Play, as detailed in the *Prima Facie* Order; and (e) the summary *of prima facie* concerns contained in the Commitment Application, which is required to be shared with relevant stakeholders, does not mention the concerns pertaining to Ad Policy and Payment Warnings and the manner in which the commitment proposal endeavours to address the same. In view of these observations, the Commission *prima facie* was not satisfied with the commitments offered and called upon the Commitment Applicant to furnish, within fifteen days of the receipt of the said order, a revised commitment application addressing the above-mentioned issues.

First Revised Commitment Application

16. In light of the aforesaid directions of the Commission, Google submitted a revised commitment application dated 04.04.2025 (‘**First Revised Commitment Application**’) on 07.04.2025. In the said revised commitment offer, Google *inter alia* submitted as follows:

16.1. Google will implement its commitment offer with respect to the Pilot Program within four (4) months from the date of the Commission’s order approving Google’s proposed commitments as part of the First Revised Commitment Application.

16.2. With respect to competition concerns around Ad policy, Google stated that the commitment proposal will allow any non-DFS or non-Rummy RMG app developer whose RMG app has passed the ‘*Play Trust & Safety Review’* process in India to advertise their legally permissible online real money gaming app *via* App Campaigns on Google Ads, provided they pass an additional Google Ads certification process and comply with the Google Ads Policies *i.e.* ‘*Ads Trust & Safety Review*’. However, Google sought an additional time of six (6) weeks to set out the manner and timing of implementation of the commitment offer with respect to Ad policy citing significant regulatory, technical and user-protection challenges.

16.3. With respect to the competition concerns relating to payment warnings, Google, *inter alia*, submitted that such payment warnings have been set in place for user safety. It was stated that they are developer agnostic and thus, unrelated to the selection of DFS and Rummy RMGs on the Pilot Program and also, they do not depend on whether an app is distributed on Google Play. On 23.04.2025, Google provided copies of two screen shots to demonstrate that payment warnings were also triggered in case of DFS and Rummy RMG developers who were part of the Pilot Program.

17. The Commission considered the First Revised Commitment Application in its ordinary meeting held on 30.04.2025. Based on the averments made by Google in the said First Revised Commitment Application, the Commission, *inter alia*, noted that:

17.1. Google has not addressed competition concerns around Ad policy in the First Revised Commitment Application and has instead sought six weeks' time for setting the manner and timing of its Ads commitment proposal.

17.2. Google is trying to bundle its Play and Ads products by requiring the interested non-DFS and non-Rummy RMG Apps to first get listed on Google Play subject to compliance with *Play Trust & Safety Review*, all applicable laws, policies, Developer Program Policies and Developer Distribution Agreement, and thereafter, allow ads of such apps subject to compliance with *Ads Trust & Safety Review* and Ad policies. This seems to indicate that if a non-DFS and non-Rummy RMG app developer only wants to buy Google Ad product, it will have to compulsorily get itself listed on Google Play as well.

17.3. The Commission noted that no commitment has been provided in the First Revised Commitment Application with respect to payment warnings.

18. The Commission observed that due to absence of an Ad commitment proposal, the First Revised Commitment Application is incomplete. The Commission further noted that the revised commitment application has been filed beyond the stipulated period without any request for condonation of delay. In view of the foregoing observations, the Commission decided to extend last opportunity to the Commitment Applicant to file a revised

Commitment Application, complete in all respects, addressing the alleged concerns identified in the *Prima Facie* Order and clarifications sought *vide* the said order within four (4) weeks' time from date of receipt of the said order.

Second Revised Commitment Application

19. In pursuance of the above said directions of the Commission, Google filed the second revised commitment application dated 23.06.2025 ('**Second Revised Commitment Application**'). The Commitment Applicant also requested the Commission to keep the investigation in abeyance until the Commission issues a final decision on the Second Revised Commitment Application or until such time as may be decided by the Commission.

20. In the Second Revised Commitment Application, Google, *inter alia*, submitted as follows:

20.1. Google will allow distribution of all RMGs, self-declared by developers as legally permissible online RMG as per applicable laws/jurisprudence, on Google Play in India. The developers will be required to submit proof that the App has received certification from a recognised third party confirming that the App is in good standing and that it is a permissible game of skill. It will start permitting compliant RMG Apps to be distributed on Google Play within 120 days of the commitment order.

20.2. Google will allow games of skill to be advertised in India, but the advertiser will need to provide third-party certification that the game it intends to advertise is a permissible game of skill and the advertiser will also need to comply with the Google Ads policies. It will start permitting the ads of compliant RMG Apps within 150 days of the commitment order.

20.3. In order to be recognised as a third-party for the aforesaid purpose, the third party body such as, but not limited to All India Gaming Federation, Federation of Indian Fantasy Sports and the E-Gaming Federation, must apply consistent, objective, non-discriminatory and transparent criteria to determine whether a certificate is provided (or revoked); monitor the developer's compliance with the relevant criteria and regulatory framework and be able to revoke the third-party certification for violations.

20.4. With respect to the bundling concern, Google clarified that advertisers will not have to complete the Play Trust & Safety Review to advertise their permissible game of skill RMG Apps. Further, regardless of whether RMG App is distributed on Google Play, Google will allow it to be advertised in India subject to compliance with conditions in the Ad commitment proposal.

20.5. After implementing the Play commitment proposal, Google will roll out the RMG Policy Update and replace the current Pilot Program and consequently, the Commission's concerns in the *Prima Facie* Order about any connection between the selection of DFS and Rummy for the Pilot Program and payment warnings will become moot as all RMGs will be allowed to distribute on Google Play in accordance with the Play commitment proposal.

21. The Commission considered the Second Revised Commitment Application in its ordinary meeting held on 23.07.2025 and decided to invite objections and suggestions in terms of Regulation 5 of the Commitment Regulations 2024 and accordingly, directed to forward a non-confidential summary of the commitment proposal to the Informant and the DG. Further, considering the wider impact of the commitment proposal, especially the interest of RMG app developers, the Commission, in terms of the *proviso* to Regulation 5(1) of Commitment Regulations 2024, also decided to invite comments, objections and suggestions from the public by publishing the above-mentioned non-confidential summary on its website. In view of the foregoing, the Commission also decided that the inquiry against Google in the captioned matter will remain in abeyance in terms of Regulation 4(3) of the Commitment Regulations 2024, till final decision on the Second Revised Commitment Application or till such time, as may be decided by the Commission.

22. It is relevant to mention here that as indicated in its First Revised Commitment Application, Google filed a Supplementary Revised Commitment Application within a period of six weeks from 07.04.2025, which included the manner and timing of implementation of the revised commitment offer with respect to the Ads Policy. However, the Second Revised Commitment Application dated 23.06.2025, complete in all respects, was considered by the Commission in the same ordinary meeting, and it seemed unnecessary to consider the said Supplementary Revised Commitment Application of an earlier date *i.e.*, 16.05.2025 and therefore, it was taken on record and its contents were not deliberated upon.

23. In pursuance of the directions of the Commission, *vide* order dated 23.07.2025, a non-confidential summary of the commitment proposal, provided by Google in its Second Revised Commitment Application, was published on the website of the Commission on 30.07.2025 to invite comments, objections and suggestions from the public, if any, within twenty-one (21) days of publishing *i.e.*, latest by 20.08.2025. Subsequently, the Commission *vide* order dated 20.08.2025, extended the timeline for submission of comments, objections or suggestions, if any, with respect to the commitment proposal till 01.09.2025 on the request of certain stakeholders. However, an important development took place in the intervening period, which was the enactment of the *Promotion and Regulation of Online Gaming Act, 2025* on 22.08.2025.

<u>Commitment Proceedings before the Commission subsequent to the Second Revised Commitment Application including recent legislative development.</u>

24. Google filed an Interlocutory Application ('**IA**') No. 392 of 2025 dated 18.09.2025 wherein it was *inter alia* stated that on 21.08.2025, a bill for "*Promotion and Regulation of Online Gaming Act, 2025*" ('**Online Gaming Act**') was passed by both houses of Parliament. Further, the said Act became law on 22.08.2025, upon receiving the President's assent. Google also submitted that the primary objective of the Online Gaming Act is *inter alia* to prohibit all online money games (irrespective of the game being a game of skill or chance), including the distribution and advertising of online real money games. Further, the change in the regulatory landscape renders Google's Second Revised Commitment Application infeasible. Google, accordingly, requested the Commission (a) to exercise its inherent powers to close the present inquiry; or (b) permit Google to file a revised commitment application, committing to close the Pilot Programme and to prohibit any RMG ads, including DFS and Rummy RMGs, upon enforcement of the Online Gaming Act.

25. The Commission considered the said application in its meeting held on 19.11.2025 and decided to extend an opportunity of oral hearing to Google. Accordingly, the Commission directed Google to appear for an oral hearing in the matter on 11.12.2025 at 11.30 AM. The comments received from the fifty stakeholders apart from the Informant and the DG were also taken on record by the Commission in this meeting.

26. The Commission heard oral arguments of the counsel for Google on 11.12.2025 and decided to pass an appropriate order in due course. The Commission also extended, until further orders, the statutory period for concluding commitment proceedings, in terms of the proviso to Regulation 4(7) of the Commitment Regulations 2024.

27. The Commitment Applicant filed post hearing submissions along with IA No. 529 of 2025 dated 19.12.2025 *inter alia* committing to close the Play Pilot Programme and to stop the Ads for RMGs; and enlisting the steps to be taken in this regard. Further, the Commitment Applicant, through IA No. 24 of 2026 dated 15.01.2026, filed an update on the steps taken with respect to the above submissions. The Commission considered the matter in its ordinary meeting held on 29.01.2026, and took the above submissions on record and decided to consider the same while passing an appropriate order.

28. The Commitment Applicant, through IA No. 42 of 2026 dated 06.02.2026, submitted that closure of the RMG Pilot Program and changes to Google Ads' policies regarding Rummy and DFS advertisements targeting India, have come into effect. Further, in accordance with the Online Gaming Act, any app offering RMGs in India and/or any advertisement promoting RMGs targeting India, not limited to DFS and Rummy RMGs, are now non-compliant with Google's policies and are not permitted.

29. The Commission considered the matter in its meeting held on 05.08.2026 and noted that the *coram* of the Commission has changed, before the order as stated above could be passed. Therefore, in terms of Regulation 3A of the Competition Commission of India (Meeting for Transaction of Business) Regulations, 2009, the Commission decided to hear the matter afresh. In view of the above, the Commission directed the Commitment Applicant as well as the Informant to appear for an oral hearing in the matter on 19.08.2026 at 02:45 P.M.

30. The Commission heard the oral arguments of the counsel for Google and upon request, the Commitment Applicant was permitted to file a brief synopsis of its oral submissions, if so desired, within one week. Further, none appeared on behalf of the Informant on 19.08.2026. Therefore, in the interest of justice, the Commission considered it appropriate to grant one more opportunity to the Informant for oral hearing. Accordingly, the Informant was directed to appear before the Commission on 25.08.2026 at 11:00 A.M.

31. The Commission heard the oral submissions advanced by the learned counsel appearing for the Informant on 25.08.2026 and granted the Informant time till 28.08.2026 to file brief synopsis of its oral submissions. The Commission also decided to pass an appropriate order in due course.

32. The Commitment Applicant filed post hearing submission on 27.08.2026, which is summarized as follows:

32.1. While the Second Revised Commitment Application was being market-tested, the Online Gaming Act was passed by Parliament on 21.08.2025 and came into force on 01.05.2026. The Online Gaming Act has banned the distribution and advertisement of RMGs and declared them as illegal. As a result, the relevant market in the inquiry *i.e.*, RMGs no longer exists. Accordingly, the *prima facie* concerns identified by the Commission in the *Prima Facie* Order also no longer exist. This is further evidenced by the Informant's voluntary request at the hearing to withdraw the Information due to changes in law. This explicitly acknowledges that the subsequent change in law has rendered the matter infructuous. This rendered Google's Second Revised Commitment Application legally impermissible to implement.

32.2. Google has always acted in the good faith belief that its actions are compliant with applicable law and has cooperated throughout the inquiry.

32.3. As Google could not unilaterally close the Pilot Program or stop RMG Ads without disregarding the Commission's active commitment process under Regulation 5 of the Commitment Regulations 2024, it, therefore, promptly submitted IA No. 392 of 2025 on 18.09.2025, informing the Commission of the material change and requesting for either closure of the inquiry or permission to file a revised commitment to close the Pilot Program and prohibit RMG ads.

32.4. The Hon'ble Supreme Court in *Kedar Nath Agrawal v. Dhanraji Devi, (2004) 8 SCC 76* has held that a court of law has a duty to take into account events after proceedings are initiated where *inter alia* "*..the relief claimed originally has by reason of subsequent change of circumstances become inappropriate or it is necessary to take notice of subsequent events in order to shorten litigation…*"

32.5. As it is no longer lawful to operate in the relevant market, no relief in respect of that market is available and any conduct within that market is no longer deserving of antitrust oversight. The Informant's own RMG business, like all other RMG businesses, is now prohibited by the Online Gaming Act. Any remedial direction, whether requiring Google to expand Play to all RMGs or permitting all RMG advertisers on Google Ads, would be unlawful under the Online Gaming Act and therefore incapable of implementation.

32.6. An inquiry into how Google conducted its Pilot for now-prohibited RMGs would be an "academic" or "abstract question." It would constitute an adjudicatory exercise whose conclusions cannot be implemented, whose findings would have no practical consequence, where no relief is available, and whose sole effect would be the consumption of the Commission's and the DG's limited resources. In this regard, Google has relied on Hon'ble Supreme Court judgements in *N.C. Daga* v. *Inder Mohan Singh Rana* [(2003) 1 SCC 453], *The State of Bihar* v. *Rai Bahadur Hurdut Roy Moti Lall Jute Mills* [AIR 1960 SC 378] and judgement of Division Bench of the Delhi High Court in *Surender Singh Khrub v.State Election Commission [LPA 683/2014 and 684/2014, decided 10 October 2014], etc.*

32.7. The Hon'ble Supreme Court in *U.P. Power Corporation Ltd. v. NTPC Ltd.* (2009) 6 SCC 235] has recognised that a regulator exercises plenary regulatory jurisdiction and is empowered to lay down and adapt its own procedure to serve the ends of justice. The power to 'regulate' is comprehensive, continuous, and inherently flexible, requiring application based on the specific context of each case.

32.8. The objective of an inquiry by the Commission is remedial and not punitive. The preamble and Section 18 of the Act make it clear that the primary objective of an inquiry under the Act is to identify conduct that distorts competition and fashion appropriate remedies to restore the competitive landscape. In the present case, the market for RMGs, in which the alleged distortion is said to have occurred, no longer exists following the operation of the Online Gaming Act. Therefore, the Commission cannot impose any forward-looking remedy as no market distortion exists, which needs to be corrected.

32.9. It is settled law that when subsequent events have rendered proceedings infructuous, the adjudicating authority must close those proceedings in the interest of justice -

whether that authority is a court or a quasi-judicial tribunal. In this regard, Google has relied on the judgements of the Hon'ble Supreme Court in *Shivamma v. Karnataka Housing Board* [(2025) SCC OnLine SC 1969], *Shipping* Corporation *of India Ltd.* v. *Machado Brothers* [(2004) 11 SCC 168], *J.M. Biswas* v. *N.K. Bhattacharjee* [(2002) 4 SCC 68], *etc.*

32.10. Even if the Act does not expressly prescribe a mechanism for closure on the ground of subsequent legislative change, the Commission's inherent powers under Section 36(1) of the Act are more than sufficient to achieve the same result. Further, the Hon'ble Supreme Court in *Kedar Nath Agrawal* has observed that there can be flexibility in procedural rules where this leads to the fairest outcome.

32.11. The existence of the *Prima Facie* Order does not procedurally prevent closure of the inquiry. It is well established that a *prima facie* order under Section 26(1) of the Act is merely administrative, and not determinative of the existence of a contravention. The Hon'ble Delhi High Court *in Google Inc. & Ors. v. Competition Commission of India & Anr. [2015 SCC OnLine Del 8992]*, while directly assessing the scope of the Commission's powers under Section 36 of the Act, has held that the Commission possesses the power to recall an order passed under Section 26(1) of the Act.

32.12. Google requested the Commission to consider the unusual facts and circumstances of the present case holistically and exercise its inherent powers to close the present inquiry.

33. The Informant during the hearing held on 25.08.2026 voluntarily sought to withdraw the Information due to enactment of the Online Gaming Act.

Analysis and Findings of the Commission

34. The Commission has carefully perused the submissions made by the parties and the material available on record. In this matter, the Commission upon forming a *prima facie* opinion that Google is in contravention of Section 4(2) of the Act, had directed the DG to cause an investigation. The Commission further notes that Section 48B of the Act provides for a commitment mechanism which is, *inter alia*, intended to facilitate expeditious and effective correction of competition concerns in the market. In terms of the aforesaid statutory

framework, Google filed a Commitment Application proposing commitments to address the competition concerns identified by the Commission in its *Prima Facie* Order.

35. As detailed above, Google filed Second Revised Commitment Application dated 23.06.2025 setting out its commitment offer. After being *prima facie* satisfied that the said commitment proposal addresses the competition concerns, the Commission decided to invite objections and suggestions from the Informant, the DG as well as the public, in terms of Regulation 5 of the Commitment Regulations 2024.

36. During the pendency of the said commitment proceedings, the Parliament enacted the Online Gaming Act which received the assent of the Hon'ble President on 22.08.2025. It was subsequently brought into force, together with the Promotion and Regulation of Online Gaming Rules, 2026, with effect from 01.05.2026. The Commission further notes that the validity of the Online Gaming Act is presently under challenge before the Hon'ble Supreme Court. However, no order staying its operation has been brought to the notice of the Commission. The Act, therefore, continues to be the governing law of the land.

37. The Online Gaming Act has brought about a fundamental change in the legal framework governing online real money games. Three of its provisions are directly relevant for present purposes. Section 5 prohibits any person from offering, aiding, abetting, inducing or otherwise engaging in the offering of an online money game or an online money gaming service. Section 6 prohibits advertisements which directly or indirectly promote online money games. Section 7 prohibits banks, financial institutions and any other person facilitating financial transactions from engaging in, permitting, aiding, abetting, inducing or facilitating any transaction or authorisation of funds towards payment for an online money gaming service. These provisions apply without making a distinction between games of skill and games of chance where money or stakes are involved.

38. This change has a direct bearing on the concerns identified in the *Prima Facie* Order wherein the investigation was, *inter alia*, directed against the alleged selective and thereby, discriminatory conduct, under which DFS, and Rummy applications were permitted under the Pilot Program, and their advertisements were allowed, while other allegedly comparable real-money games were excluded.

39. The Online Gaming Act stipulates a complete and game-neutral prohibition, thus there is no room for indulging in discretionary selection of one category of real money games to the exclusion of others. In other words, there is no longer a lawful RMG market on Play Store or Google Ads which can be opened to one category of game developers while being denied to another.

40. Further, with the enactment of the Online Gaming Act, the reliefs originally sought by the Informant cannot be granted now, as a direction requiring Google to admit all real-money gaming applications to Google Play or to permit their advertisements would run contrary to Sections 5 and 6 of the Online Gaming Act.

41. The same position applies to the limited issue concerning payment warnings. The direction contained in paragraph 61 of the *Prima Facie* Order required the DG to examine whether such warnings had any connection with the selection of DFS and Rummy applications for the Pilot Program and whether they had an appreciable adverse effect on competition. Section 7 of the Online Gaming Act now prohibits the facilitation of payments for online money games across categories. Moreover, with a blanket ban on RMGs under the new statute, there is no difference between two sets of RMGs (one covered in Pilot Program and another not). Thus, the foundation of that direction has ceased to exist.

42. Be that as it may, it is also relevant that the Commitment Applicant closed the Pilot Program and ceased accepting real money gaming advertisements from January 2026 and placed its compliance on record before the Commission. Thus, the conduct that had raised *prima facie* concerns, had apparently ceased few months before the Online Gaming Act came into force.

43. In this background, the Commission has examined the commitment application submitted by Google under Section 48B of the Act. The Second Revised Commitment Application offered by Google proposed opening Play Store and Google Ads to legally permissible skill-based real-money games that fulfilled the prescribed certification requirements. The offer was based on the assumption that real-money games could lawfully be distributed and advertised. With the commencement of the Online Gaming Act, that assumption no longer holds. The proposal to allow such games on Google Play and Google Ads can no longer be executed because their distribution and advertising are now prohibited by law. Thus, though

the Commission was *prima facie* satisfied with the said commitment offer, and accordingly proceeded further in terms of the Commitment Regulations 2024, the same has now become incapable of effective implementation.

44. Google *vide* its IA No. No. 392 of 2025 dated 18.09.2025, had sought permission to submit a revised commitment under which it would close the Pilot Program and prohibit advertisements for all RMGs. In this regard, the Commission notes that closing the Pilot Program, prohibiting advertisements and discontinuing payment facilitation, as was proposed, are not voluntary measures which the Commitment Applicant may offer in exchange for the conclusion of the commitment proceedings; rather they are requirements of the law. Accepting such an offer may amount to treating mandatory statutory compliance as a negotiated competition remedy. Thus, the prayer for liberty to file a revised commitment application on the aforesaid lines proposed was found to be not maintainable and was thus declined.

45. Further, Regulation 7 of the Commitment Regulations 2024 requires the Commission to consider, among other matters, whether the proposed commitment terms are capable of implementation. As detailed above, the Second Revised Commitment Application cannot be implemented and thus, cannot be accepted by the Commission.

46. The Commission now proceeds to examine as to whether any useful purpose would be served by continuing with the inquiry under Section 26 of the Act in the present matter, having regard to the peculiar and unusual combination of facts and circumstances. The *Prima Facie* Order recorded only a *prima facie* view and did not determine that a contravention had occurred. The conduct under examination concerned an economic activity that was marked at the relevant time by substantial regulatory uncertainty. Google filed a commitment application and the same was at an advanced stage in terms of Commitment Regulations 2024 in light of which the investigation in the matter was kept in abeyance. Meanwhile, the Parliament imposed a prohibition on the said RMG market. Thereafter, Google discontinued the Pilot Program and the relevant advertising permissions in January 2026, before the Online Gaming Act came into force. It is thus, a peculiar case in which the legislature has occupied the field.

47. Further, the Act is primarily corrective in purpose, while also providing proportionate and deterrent consequences for contraventions. The Preamble and Section 18 of the Act requires the Commission to preserve competitive markets, protect consumers and ensure freedom of trade. The reliefs sought by the Informant can no longer be granted, as they would be contrary to the Online Gaming Act. Continuing the present inquiry would neither restore market access nor improve consumer choice or remedy an ongoing distortion or prevent recurrence of the conduct identified in the *Prima Facie* Order. No meaningful relief, therefore, survives in the present matter.

48. The Commission further notes that the Informant sought withdrawal of the Information during the hearing held on 25.08.2026 citing a change in law as the reason therefor. In this regard, the Commission notes that the proceedings under the Act are inquisitorial and *in rem*, and the Informant is not the *dominus litis*. Accordingly, the Commission is not bound to close a matter merely because an Informant no longer wishes to pursue it. The withdrawal does indicate that the Informant is no longer seeking any individual or interim relief. More importantly, the change in law is not confined in its application to the Informant or any particular service provider but applies uniformly to all erstwhile service providers operating in the relevant market and, thus, addresses the position on a market-wide basis. It further supports the conclusion, independently reached by the Commission in view of the changed legal framework, that no useful purpose would be served by continuing the proceedings.

49. The nature of an order under Section 26(1) of the Act is also relevant in this context. As held by the Hon'ble Supreme Court in *Competition Commission of India v. Steel Authority of India Ltd., (2010) 10 SCC 744*, a direction under Section 26(1) of the Act is merely an administrative direction to the Commission's investigative wing. It does not determine the rights or obligations of the parties or entail any civil consequences. Further, in *Google Inc. & Ors. v. Competition Commission of India & Anr*., the Hon'ble High Court of Delhi held that the Commission has the power to recall an order passed under Section 26(1) of the Act. The Court, however, clarified that this power must be exercised sparingly and only where the Commission can, without entering into any factual controversy, conclude that the information or reference on which the investigation was ordered no longer warrants investigation.

50. Having considered the matter as a whole, the Commission is of the view that the cumulative market wide impact of the supervening legislation, the absence of any lawful or effective remedy, advanced stage of the commitment proceedings of a commitment offer which was *prima facie* satisfactory, the discontinuance of the Pilot Program and relevant advertisements, and the Informant's request for withdrawal makes continuation of the inquiry unnecessary.

51. Accordingly, in exercise of the powers available under Section 36(1) of the Act read with Regulation 3 of the Competition Commission of India (General) Regulations, 2024 (‘**General Regulations 2024**’), and having regard to the exceptional developments recorded above, the Commission recalls its direction dated 28.11.2024 issued under Section 26(1) of the Act and directs that the present inquiry be closed. The Commission clarifies that this closure is based on the facts and the legal position prevailing on the date of this order. If the relevant provisions of the Online Gaming Act are stayed, struck down, repealed or otherwise cease to operate, and the Commitment Applicant indulges in any alleged anti-competitive conduct, the Commission reserves the right to take cognizance of such conduct and exercise its powers under Sections 19 and 26 of the Act. It is also made clear that this order records no finding on the merits of the impugned conduct.

52. It is further clarified that this finding is confined to the exceptional facts of the present case.

53. Before parting with the order, the Commission deems it appropriate to deal with the request of the parties seeking confidentiality over certain documents/information filed by them under Regulation 36 of the General Regulations 2024. Considering the grounds given by the parties for the grant of confidential treatment, the Commission grants confidentiality to such documents / data / information in terms of Regulation 36 of the General Regulations 2024, subject to Section 57 of the Act, for a period of three years from the date of passing of this order. It is however made clear that nothing disclosed in this order shall be deemed to be confidential or deemed to have been granted confidentiality, as the same has been used and disclosed for the purposes of the Act, in terms of the provisions contained in Section 57 thereof.

54. All pending IAs filed by the parties shall be deemed to be disposed of in light of this order.

55. The Secretary is directed to forward a copy of this order to the Informant, the Commitment Applicant (through their respective authorised representatives), and the DG, by speed post and/or email, as appropriate. The Secretary is further directed to upload a copy of this order on the website.

Sd/-
(Ravneet Kaur)
Chairperson

Sd/-
(Sweta Kakkad)
Member

Sd/-
(Deepak Anurag)
Member

New Delhi
Dated: 08 / 09 /2026