



COMPETITION COMMISSION OF INDIA

Case No. 32 of 2023

In Re:

Deepak Kumar

VPO Barahi, Tehsil Bahadurgarh, District Jhajjar, Haryana – 124 507

Informant

And

Air India Limited

#113, Airlines House, Gurudwara Rakabganj Road, New Delhi – 110 001

Opposite Party

CORAM

Ms. Ravneet Kaur

Chairperson

Mr. Anil Agrawal

Member

Ms. Sweta Kakkad

Member

Mr. Deepak Anurag

Member

ORDER UNDER SECTION 26(2) OF THE COMPETITION ACT, 2002

1. The present Information has been filed by Shri Deepak Kumar ('Informant'), under Section 19(1)(a) of the Competition Act, 2002 (the 'Act'), against Air India Limited ('OP'), alleging contravention of the provisions of the Act.
2. From the facts stated in the Information, it is noted that the Informant is an individual who is a former pilot with Air India Limited. The OP is an airlines company operating domestic and international flights in India. In 2022, OP was acquired by Tata group. Subsequently, the Commission *vide* its order dated 01.09.2023 approved the merger of Tata SIA Airlines Limited into the OP, and the acquisition of certain shareholding by Singapore Airlines Limited in the OP, subject to compliance of voluntary commitments offered by the parties.
3. The Informant seems to be aggrieved by such merger of Tata SIA Airlines Limited and Air India Limited. As per the Informant, the same has led to an adverse impact on his career and service record. The Informant has alleged that under the garb of the said



transaction, the Informant's service records have been maliciously destroyed by the OP. The Informant has also made allegations of criminal nature against certain individuals, alleging their complicity in such actions of the OP.

4. The Informant has *inter alia* alleged contravention of the following provisions of the Act by the OP:
 - (a) Section 3(3) – Tata Group and the OP have formed a cartel as Singapore Airlines is trying to acquire share in the OP by concealing all material facts related to the service of the Informant.
 - (b) Section 3(3)(d) – There exists bid-rigging in the process adopted for acquisition of Air India Limited.
 - (c) Section 3(4)(d) – Principal Employer of the Informant i.e., the OP, is refusing to deal with the Informant.
 - (d) Section 4 – The OP is abusing its dominant position by (i) directly and indirectly imposing prohibitory orders upon the Informant; (ii) limiting and restricting the scientific and technical development of the Informant's career as a pilot; (iii) adopted predatory practices against the Informant; and (iv) denying him market access by withholding his service records/ not approving his flying records/ destroying his service records/ fabricating the public registers/ creating false documents, to screen the accused persons and defaming the Informant by making grave remarks about him in his removal from service records, which is not only to the prejudice of the Informant but also to the end consumers and passengers who are general public not knowing such dishonest intentions.
5. Based on the above, the Informant has filed the present Information seeking relief that merger of Air India Limited with any other airline or business group be not approved by the Commission.
6. From the documents annexed with the Information, the Commission notes that there is no evidence placed on record by the Informant which may suggest any case of cartelisation or bid-rigging. Rather, there seems to exist an *inter-se* dispute relating to the service of the Informant between the Informant and the OP.
7. In view of the Commission, no competition issue or concern arises from the facts and allegations stated by the Informant. As such, the Commission is of the considered



opinion that no *prima facie* case of contravention of any provisions of the Act can be made out against the OP in the present matter. Hence, the matter is directed to be closed in terms of the provisions contained in Section 26(2) of the Act.

8. The Secretary is directed to communicate the same to the Informant, accordingly.

Sd/-
(Ravneet Kaur)
Chairperson

Sd/-
(Anil Agrawal)
Member

Sd/-
(Sweta Kakkad)
Member

Sd/-
(Deepak Anurag)
Member

New Delhi
Date: 15.12.2023