
CRITICALLY ANALYSING THE ROLE OF BIG-TECH COMPANIES IN DIGITAL MARKET UNDER COMPETITION LAW

Ishwita Mondal, NIMS University, Jaipur

Neha Bhowmik, NIMS University, Jaipur

Joysree Das, NIMS University, Jaipur

ABSTRACT

In this 21st century innovation and technology is fostering very rapidly where the whole world is connected through internet and becoming digitalized. The concept of digital market has also evolved, consumer use digital market for shopping and even for making payments as well. The digital market works on the basis of data collected and algorithms, which is different than the physical market. Competition is considered as the essence of any market. But the issue arises when the Big-Tech Companies like Amazon, Google, Meta, Instagram started dominating the market and disrupts the competition in the market. Digital market poses unique challenges those are network effects, Data Accumulation, Tying and Bundling, Predatory Pricing, Self-preferencing etc. which effects the market as a whole. The primary legislation was the Competition Act, 2002 which regulates competition in the market. Section 3 and 4 of the act deals with anti-competitive agreements and abuse of dominant position but the act was enforced in pre-digitalised era so this paper tries to analyze whether the competition act is sufficient to regulate digital market. Competition Commission of India (CCI) plays crucial role by initiate investigation, impose penalty and promote fair competition. Through various case laws dealt by CCI this paper tries to understand the role of CCI in regulating the digital market. As Digital market rapidly growing all over world and issues are increasing too so, other countries are also responding like European Union adopted Digital market Act (DMA) and United Kingdom enacted The Digital Market, Competition and Consumers Act (DMCC) Act 2024 to combat the challenges involved in digital market and to maintain fair competition among Big Tech Companies. The paper ends with the problem arises while regulating the digital market and contains some suggestion which can be effective in administering the digital market.

Keywords: Competition, Big Tech Companies, Digital Market, Abuse of Dominance, Competition Act, 2002

INTRODUCTION

After Liberalisation, Privatisation and Globalisation Indian economy is blooming rapidly marked by digitalization and technological advancement. Through this we can connect to the whole world easily and can access necessary things very easily from our comfort zone. India is the third largest digitalized country after US and China.¹ Between 2014 and 2019, India's digital economy grew on average 2.4 times faster than country's economy as a whole.² After Covid -19 most of the people started depending on technology at every step of life as everything are now available through smart phone and internet. People can get easy access of market through online i.e., digital platform including online payments i.e., through payment gateways. The Big-Tech companies like Apple, Google, Meta played a vital role for the growth of digital market in India.

Like the "competition" in the traditional market it also became the integral part of digital market as well. The digital landscape is characterized by the concentration of the power in the hands of a few "gatekeepers".³ It became a need to regulate the activities of Big Tech companies to protect the consumer interest and to ensure a fair competition in the market as they came up with dominant position, monopolistic practice. So, they became barrier to small business from entering into market.

As there is a boom of digital market in India's economy Big Tech companies also possess a threat to the small companies as it is controlled by innovation and algorithms. Traditionally, competition law focuses on the product markets and the effects of those products on the price of the product but in case of digital markets, market dominance takes place from aggregation of data and network effects which contributes in creation of high entry barriers and reduce competition.

The competition Act, 2002 was established with the aim to prevent abuse of dominance, anti-competitive practice and promote fair competition, protect consumer interest. In Pre digital era the competition act was enacted and it deals with issues in physical market. When the digital

¹ M. Larionava, A. Shelepov, India, *Developing Regulation of Technological Platforms for Digital Economy Growth*, 19 IORJ 127,128 (2024).

² *Id.*

³ Rupprecht Podszun, *From Competition Law to Platform Regulation-Regulatory Choices for the Digital Markets Act*, DE GRUYTER (Jan.17,2026, 7:20 PM)
<https://www.degruyterbrill.com/document/doi/10.1515/econ-2022-0037/html>.

market arrives, it became complex to deal with the issue of new price setups, online platforms and high competition. Now it became a concern that whether Competition law is enough to address the issues and challenges like the anti-competitive practice, dominant power & unfair competition in Digital market.

DIGITAL MARKET AND ROLE OF BIG TECH COMPANIES

Digital Market is an online commercial platform through which it connects the consumer who use the goods and services, business who supply those goods and services. Digital markets are understood as the economic environment which constantly changes and rapidly shifts its technology, consumer behaviour, policies etc. where the digital platforms facilitate trade, commerce and business. Digital market basically uses collection of data to help efficient production of goods and services. These are different from traditional markets because the services are often free to users and their profit lies in extraction of value through data collection and ecosystem control which provides top notch market power to the firms.

There are certain techniques through which digital marketing is conducted.⁴ The techniques include search engine optimization, SEO, content marketing, social media marketing, email campaigns, and pay-per-click advertising. These techniques are basically used to attract and engage a large number of consumers. The nature of digital marketing is derived by its instructiveness, measurability and data driven characteristics. Just because interactions occur online, businesses can gather detailed insights into consumer behavior and preferences, enabling precise audience segmentation and personalized outreach. The primary objectives of digital marketing are basically met by the big tech companies by using real-time analysis of data, tracking the conversion rate of the price base of the products, clicking through the rate system, and return on investment metrics. The ability to measure the outcomes of a particular product and its price is something that distinguishes traditional marketing and digital marketing because it is not possible to measure the outcomes continuously in terms of traditional marketing methods and thereby it allows the big tech companies who are engaged in digital marketing to create dominance in the market.⁵

⁴ Thomas Akhgar, David du Parc Braham, *Competition Enforcement and Regulatory Alternatives*, 20 Competition Law Journal 187,187 (2024).

⁵ Svetlana Avdasheva, Gyuzel Yusupova, Dina Korneeva, *Competition Legislation Towards Digital Platforms: Choice Between Antitrust And Regulation*, 3 Public Administration Issues 61, 62 (2022), <https://vgmu.hse.ru/article/view/25015/20535> .

One beneficial importance of big tech companies running their businesses through digital marketing is the fact that there is a directional communication between brands and customers by using platforms such as social media which helps in facilitating direct engagement, thereby allowing the businesses to respond quickly to feedback and foster the community of its consumers and therefore it also helps in building the loyalty of the particular brand which will insist the consumers to choose that brand all over again.⁶

HOW THE BIG TECH COMPANIES ARE DISRUPTING COMPETITION IN DIGITAL MARKET

In recent times people are so advanced with technology that from purchasing goods and services to using social media everything now is done in online. While choosing vegetable or any clothes, and furniture we as a consumer check everything online now before going to physical market. It ends up in online because of reasonable price, condition and other facility which consumer will like. The advent of the information and digital age has brought about the ascendancy of a handful of tech companies - such as Google, Microsoft, Apple and so on - that dominate the digital landscape today and these companies have been able to successfully establish a dominant position within their respective markets/niches.⁷ And due to it the smaller companies find it difficult to sustain in the digital market and this makes concentration of power in the hands of Big Tech Companies. The website of the companies collects personal data from the consumers in order to use their online platform. So, often they used those data to personally reach to the consumer according to their need and preferences. Like in case of Facebook once a user finds for a content then on next it will show you different contents based on same theme automatically it becomes appealing to the user to use it more. It becomes possible as Digital Market works or shows contents on basis of algorithms. While the innovations have generated consumer benefits, they have also raised serious competition law concerns due to the ability of such firms to create appreciable adverse effects on competition and reduce competition.⁸ There are few aspects through which the Big Tech companies create a dominance in the market those

⁶ Ondrej Blazo, *Efficiencies under the Digital Markets Act – is there space for the rule of reason?*, 69 ACTA UNIVERSITATIS CAROLINAE – IURIDICA 53, 56 (2023).

⁷ Tejas Jain, *Big Tech's Market Dominance: Challenges and Interventions*, CENTRE FOR BUSINESS LAWS AND TAXATION RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB (Jan.18, 2026, 6:30 PM) <https://www.cbltrgnul.in/post/big-tech-s-market-dominance-challenges-and-interventions> .

⁸ Sangeeta Chakravarty, Dr.Versha Vahini, *Digital Competition Law And Big Tech Regulation: A Comparative Analysis Of The EU Digital Markets Act And India's Digital Competition Bill*, 23 Lex Localis Journal Of Local Self-Government 3059, 3061 (2025) <https://lex-localis.org/index.php/LexLocalis/article/view/801021/1667> .

are: -

Network Effects and Market Foreclosure- Network effects occur when the value of a digital platform increases as more users join it.⁹ In digital markets, this creates “winner-takes-most” scenario where dominant platforms become indispensable intermediaries.¹⁰ Once a platform reaches a critical mass, new entrants face severe disadvantages because consumers and businesses prefer established platforms with larger user bases.¹¹ This leads to market tipping and long-term foreclosure of competition.¹² For example WhatsApp who dominate through consumer as large part of population use the WhatsApp if there any other app comes by providing similar facility still population will choose WhatsApp over such app due to which other cannot enter in the digital market.

Predatory Pricing: - Predatory Pricing it signifies dominant companies deliberately setting their prices below the market price so as to draw a higher rate of consumers. An extreme form of predatory pricing can also drive non-dominant players out of the market, making way for monopoly control in the market.¹³

Predatory pricing is generally practiced by the E-commerce platform like Amazon, Flipkart. These platforms act as a third party between the merchants and the Consumer. It can happen that the E-Commerce platform individually or sometimes both the E-Commerce Platform or merchant can jointly involve in the practice of predatory pricing. This makes that particular platform more attractive to the consumer as they get the product at lower price and this appeals them to visit that website whenever they intend to purchase something. Even sometimes the E-Commerce platform can charge less from the merchant to list their product in the digital market. So, the merchants tend to be attached with that that particular platform instead of changing it. The main aim of predatory pricing is to eliminate the other competitors to enter into the market resulting in not obeying the basic Competition rule of the market. For example, company like Uber provide discount to frequent user, amazon sell their product without any profit so that price will less and it will attract consumer by this way they can hold their position and JIO

⁹ Lina M. Khan, *Amazon's Antitrust Paradox*, 126 THE YALE LAW JOURNAL 710, 722 (2017).

¹⁰ *Id.*

¹¹ *Id.*

¹² Aarti Sukhram, *Competition Law and Digital Market: Regulation of Big Tech in India*, 2 THE INDIAN JOURNAL FOR RESEARCH IN LAW AND MANAGEMENT 1, 7 (2025).

¹³ MANUPATRA ACADEMY, <https://www.manupatracademy.com/legalpost/abuse-of-dominant-position-in-digital-markets> (last visited Jan. 20, 2026).

provide more offer than other SIM card company so that consumer can use their service.

Steering: -It basically intended to not to allow the customer to use any other service or any other alternatives outside its own platform. For example, if a platform who sells stationaries allows payment only through their own system.

Self-Preferencing and Leveraging of Dominance- Self-preferencing concerns in digital market can arise when platforms use their position in one market to favour their own products in an ancillary market, thus distorting competition in related market.¹⁴ While self-preferencing this can be seen similar to traditional leveraging theories of harm in which firms leverage market power in one market to fore close competitors in related market.¹⁵ Historically, allegations of self-preferencing in traditional retail have been less prominent than in digital marketplaces, as these practices are often seen as standard competitive behavior.¹⁶ But it becomes a matter of concern when the practice disrupt a fair competition in the market and effects consumer.

Tying and Bundling Practices

Tying and bundling refer to the situation when a seller of multi-products make the purchase of one product subject to the purchase of another.¹⁷ Pure Bundling occurs when two products are sold jointly only, making it impossible to acquire the products individually. It is of two types Technical Tying and Contractual Tying. Technical Tying means when the company restricts the adaptability of other company's product in its device. Contractual means if any consumer want to purchase something then he need to buy the other thing associated with it. Competition concerns may also arise in situations where dominant firms place interoperability restrictions on suppliers, customers, or rivals.¹⁸ As such, tying conduct and related interoperability

¹⁴ *Competition Policy In Digital Markets: The Combined Effects of Ex Ante And Ex Post Instruments In G7 Jurisdiction*, OECD(Jan. 18, 2026, 8.00 Am)

https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/10/competition-policy-in-digital-markets_554eb7d5/80552a33-en.pdf.

¹⁵ *Id.*

¹⁶ Gabriella Antoie, Mariella Gonzales, Sophie Shao, *Self-Preferencing in Retail Digital Market Place: Evidence from Transaction Data*, American Bar (Jan. 18, 2026, 8.00 Am)

<https://www.americanbar.org/content/dam/aba/publications/antitrust/source/2025/august/self-preferencing-digital-marketplace.pdf>.

¹⁷ Amil Jafarguliyev, *Tying and Bundling in Digital Markets under the European Union Competition Law and Digital Markets Act*, Faculty of Law, Lund University, 1, 7(2023),

<https://share.google/YkZdTfkTM9pMrGSoD>.

¹⁸ *Supra* note 14, at 6

restrictions have been a longstanding focus of digital competition enforcement.¹⁹

Discrimination in Price: - Discrimination in Price the businesses ask different price from the different consumer for the same product based on the need and demand. By this way company create monopoly and gain more profit. They increase the price whenever they see an increase in demand and consumer will access such service whatever the price. For example, Companies like Airlines increase their price for the last hours so those who are buying early ticket will get them for less price or actual price and those who buy at the last moments will get them for high price therefore different price for different consumer for the same service.

REGULATING DIGITAL MARKET THROUGH COMPETITION LAW IN INDIA

As Digital market is rapidly increasing the issues like dominant position, unfair competition & abusive practice, limited choice is also raising. The digital market is different from physical market as digital market involves digital technologies, modern business etc. It connects between the supplier and consumer through internet so it comes up with unique challenges. The Big Tech companies like Google, Apple is having market power which creating barrier for small companies to enter into digital market. For competition law enforcement, digital marketplaces face several issues, including identifying market power, combating anti-competitive behavior, preventing data-based discrimination and resolving cross-border competition.²⁰ Here the Competition Act, 2002 comes to play.

Section 3 of the act deals with Anti-Competitive Agreements which means that no Enterprise should be involved or enter into any agreement with other enterprise related to distribution, production, supply or any other thing through which adverse effect on competition is created on the market.

Section 4 of the act deals with abuse of dominant position which means that dominant position itself is not against the competition law but using the position to create any competitive environment is harmful.

Section 4(2) deals with the condition in which it is considered that any Enterprise has abused

¹⁹ *Id.*

²⁰ Anadi Tewari, *A Critical Evaluation of India's Proposed Digital Competition Act*, 5 Competition Commission of India journal on competition law and policy 79, 80 (2024) <https://ccijournal.in/index.php/ccijoclp/article/view/197/89>.

its dominant position. Section 4(2)(a)(i) deals with imposing unfair condition on selling or purchasing of goods. Section 4(2)(a)(ii) deals with Predatory Pricing. Section 4(2)(C) states that if any enterprise denies market access to other enterprise, then it will be considered as abuse of dominant position. Section 4(2)(e) deals with self-preferencing and leveraging which means using dominance in one market to enter into another market.

Section 19(4)(d) states where a enterprise will be considered that it has abuse its dominant position if it uses its economical position for commercial purpose. Data Dominance can be assessed under this section where data exploitation by the companies leads to unfair condition.

Tying and Bundling practices it dealt under section 3(4). It prevents the agreements between the enterprises at any stage which cause adverse effect on the market.

Most importantly Section 18, which mandates the Competition Commission of India to eliminate practices having adverse effects on competition, promote and sustain competition, protect consumer interests, and ensure freedom of trade in markets in India.

However, the rise of digital platforms and data-driven business ecosystems has fundamentally challenged the conventional framework of competition law.²¹ Digital markets are characterized by multi-sided platforms, strong network effects, large-scale data aggregation, and algorithmic decision-making, which enable Big Tech firms such as Google, Amazon, Apple, Meta, and Microsoft to attain entrenched market power that is resistant to traditional antitrust scrutiny.²² These characteristics complicate the application of traditional dominance assessment under Section 4, particularly in defining the relevant market under Section 2(r), relevant product market under Section 2(t), and relevant geographic market under Section 2(s) of the Competition Act, 2002.

Scholars argue that the conventional competition law approach is insufficient to address non-price dimensions of harm such as monopolisation of data, self-preferencing, discriminatory algorithmic rankings, and diminished innovation incentives²³. While such practices may fall within the ambit of abuse of dominance under Section 4(2)—including unfair conditions, denial of market access, and leveraging dominance in one market to enter another—the evidentiary

²¹ Aarti Sukhram, *Competition Law and Digital Market: Regulation of Big Tech in India*, 2 THE INDIAN JOURNAL FOR RESEARCH IN LAW AND MANAGEMENT 1, 14 (2025).

²² *Id.*

²³ *Id.* at 7.

and conceptual thresholds under traditional antitrust analysis often prove inadequate in digital market contexts. In India Sections 3 and 4 of the Competition Act, 2002, where enforcement now extends beyond price-based harms to include data control, platform neutrality, and digital gatekeeping practices. This evolving approach evidences a transition towards dynamic enforcement in digital markets.²⁴ On 12th March, 2024 the digital competition law committee proposed for special regulation on digital market in India and Digital Competition Bill (DCB) was introduced. The bill primarily aims to establish an ex-ante regulatory regime for the 'Systematically Significant Digital Enterprises' offering 'Core Digital Services'.²⁵ But the bill was withdrawn in September 2024 as it faced criticism from the stakeholders and even from government intermediaries.

ROLE OF CCI IN CONTROLLING DIGITAL MARKET WITH CASE LAWS

As mentioned earlier, as per Section 18 Competition Commission of India has duty or power to investigate into matter which can cause adverse effect on competition. CCI can initiate an investigation on receiving information from any individual, consumer or association and as well from receiving information from govt. this are dealt under section 19(1)(a) and 19(1)(b) respectively. Then CCI can order Director General for enquiry in to the matter under section 26(2). CCI also has the power to impose penalty for non-compliance of the order. CCI has also given some precedent related to the adverse effect which harms the healthy competition in digital market.

Delhi Vyapar Mahasangh V. Amazon and Flipkart Case No. 40/2019, CCI

Delhi Vyapar Mahasangh alleged that Amazon and Flipkart engaged in anti-competitive conduct on their e-commerce platforms through exclusive seller arrangements, deep discounting, preferential visibility, and exclusive launches. The petitioners argued that such practices exploited network effects and platform control to foreclose competition and disadvantage traditional and independent sellers. The key issue was whether this conduct caused an appreciable adverse effect on competition under Section 3 of the Competition Act,

²⁴ Arshiya Shaikh, *Competition Law in Digital Markets: Abuse of Dominance by Digital Platforms*, LAW ARTICLE (Jan. 19, 2025, 9:48 PM) <https://lawarticle.in/competition-law-in-digital-markets-abuse-of-dominance-by-digital-platforms/>

²⁵ Lokesh Bulchandani, *Overview of India's Digital Competition Bill, 2024*, GW(Jan.18,2026,9.00AM) <https://competitionlab.gwu.edu/overview-indias-digital-competition-bill-2024>.

2002. The CCI found a prima facie case and ordered a DG investigation under Section 26(1).

Umar Javeed, Sukarma Thapar & Aaqib Javeed V. Google LLC Case No. 39/ 2018, CCI

The petitioners alleged that Google abused its dominant position in the market for licensable mobile operating systems by imposing restrictive conditions on device manufacturers, including compulsory pre-installation of Google apps and restrictions on Android forks. The issue was whether such conduct amounted to abuse of dominance under Section 4 of the Competition Act, 2002. The CCI found that Google leveraged its dominance in Android to strengthen downstream markets and, in October 2022, held Google guilty, imposing a penalty of ₹1,337.76 corer along with corrective directions.

Meta Platforms Inc. V. Competition Commission of India Case No. 30/2021, NCLAT

The defendant Meta introduced WhatsApp's 2021 Privacy Policy mandating extensive data collection and sharing with its group entities on a take-it-or-leave-it basis. The Competition Commission of India examined whether such compulsory data accumulation strengthened Meta's dominant position and foreclosed competition in related digital markets, amounting to abuse under Section 4 of the Competition Act, 2002. The CCI recognized data as a source of market power in digital markets and imposed a penalty of ₹213.14 corer on Meta for unfair and exclusionary conduct.

Mohit Manglani v. Flipkart & Ors. (2015) Case no. 80 of 2014 at the CCI

The Informant alleged that Flipkart, Amazon and other e-commerce platforms are violating competition law by trying to monopolise the supply and distribution of various products in the market and Informant alleged that these e-commerce platforms have entered into exclusive contracts with various dealers and suppliers thereby leaving the consumer with no choice but to buy from these platforms.²⁶ The Commission here found a case of non-contravention and suggested that an arrangement, even if it is exclusive in nature, between a manufacturer and an e-portal may not create any entry barriers for other players in the market.²⁷

Alphabet Inc. V. Competition Commission of India (2025) Competition Appeal (AT) no.4 of

²⁶ Sumit Jain, Vikrant Singh, *Competition in Digital Markets: An Indian Perspective*, SSRN 1, 6 (2024).

²⁷ *Id.*

2023

In this case Alphabet Inc. (Google) started abusing its dominant position by imposing unfair and discriminatory rules in the Android ecosystem and play store conditions. The CCI also held that Google had violated section 4(2)(a)(i) of the Act, by engaging in discriminatory practices as it did not use GPBS for its own application, i.e., YouTube, accordingly a penalty was imposed on Google for violating Section 4 of the Act, thereafter Google filed an instant appeal challenging the CCI's order.²⁸ The NCLAT held penalty imposed by the CCI on Google's entire turnover was held to be unsustainable and ought to have been imposed only on the relevant turnover.²⁹

C. Shanmugam and Manish Gandhi vs. Reliance Jio Infocomm Ltd., (2017) Case no. 98 of 2016

Informants in this case alleged that Reliance JIO had launched "Reliance JIO" services by providing all of its services (which included voice calls, internet data, roaming services, browsing, etc.) free of cost for three months and indulged in predatory pricing on account of its strength to bear the losses, further the Informants alleged that Reliance JIO had mala fide intention of abusing its dominant position to control and regulate the industry independently of the market forces and enjoy monopoly in the telecom industry.³⁰ CCI concluded that Reliance JIO has not abused its dominant position so prima facie there is no case against Reliance JIO.³¹

INTERNATIONAL LAWS AND REGULATIONS

The unprecedented growth of digital markets and the concentration of economic power in the hands of large technology firms have compelled jurisdictions across the globe to recalibrate their competition law frameworks. Traditional antitrust rules, designed primarily for industrial markets characterised by price-based competition, have struggled to address the structural and behavioral challenges posed by data-driven, multi-sided digital platforms. The United Kingdom, the United States, and the European Union have responded through distinct

²⁸ TAXMANN, <https://www.taxmann.com/post/blog/analysis-key-competition-law-rulings> (last visited Jan. 27, 2026).

²⁹ *Id.*

³⁰ Ankit Rastogi, *Shanmugam vs. Reliance Jio Infocomm Ltd*, INDIAN CASE LAW (Jan. 27, 2026, 6:54 PM), <https://indiancaselaw.in/shanmugam-vs-reliance-jio-infocomm-ltd/>.

³¹ Lakshmi Menon, *Predatory pricing*, IPLEADERS (Jan. 27, 2026, 6:58 PM), https://blog.ipleaders.in/all-you-need-to-know-about-predatory-pricing/#C_Shanmugam_and_Manish_Gandhi_vs_Reliance_Jio_Infocomm_Ltd_2017.

regulatory models, combining classical competition law principles with emerging digital-specific regulations.

UNITED KINGDOM

The Competition in United Kingdom is primarily governed by the Competition Act, 1998. But the act was considered as insufficient to manage the evolving digital market as a result Digital Markets, Competition and Consumer Act, 2024 was enforced.

This Act redesign for all the competitor, updated law related to digital market, penalties for any kind of violation. This Act protect consumer through prohibit drip pricing where company need to reveals all price including taxes, extra charges there should be no secret and extra charges and another one is any kind of fake review through advertisement, false comment, and review by which consumer face loss those review are banned under this Act. The competition and market Authority (CMA) was adopted under Digital Market, Competition and Consumers Act (DMCC) Act 2024 to regulate, investigate the matter, and imposing penalties if any non-compliance occur to any provision of the Act.

The DMCC Act 2024 gives the CMA the power to directly enforce consumer protection laws through administrative enforcement in a manner similar to its Competition Act powers, as a result, the CMA has the power to fine companies up to 10% of global turnover for consumer law breaches, as well as to award compensation to consumers and in addition, the DMCC Act also introduces new substantive protections for consumers, in particular in relation to fake reviews, drip pricing and subscription contracts, as well as amendments to existing protections, and makes it easier for the government to make further changes and introduce additional protections in the future.³²

EUROPEAN UNION

The European Union has developed the most comprehensive and interventionist regulatory framework for competition law in digital markets. Traditional competition enforcement is based on Articles 101 and 102 of the Treaty on the Functioning of the European Union which deals with anti-competitive agreements and abuse of dominant position in the market.

³² ASHURST, <https://www.ashurst.com/en/insights/digital-markets-competition-and-consumers-act-support-and-resources/> (last visited Jan. 22, 2026).

The Digital market Act (DMA), 2022 was adopted by European Union with an aim to regulate the process of Digital market. The Digital Markets Act (DMA) establishes a set of clearly defined objective criteria to identify “gatekeepers”, they are large digital platforms providing so called core platform services, such as for example online search engines, app stores, messenger services and the gatekeepers will have to comply with the do’s (i.e. obligations) and don’ts (i.e. prohibitions) listed in the DMA.³³ The DMA is one of the first regulatory tools to comprehensively regulate the gatekeeper power of the largest digital companies and it complements, but does not change EU competition rules, which continue to apply fully.³⁴

The main aim of this Act to promote fair competition in digital market the big tech company while coming up with an innovation in online market should ensure fair competition. All the consumer and businesses should not get effected from abuse of dominant position by any companies. If any provision of the Act gets violated fine or penalties will be imposed. The provision of this act deals with transparency and easy data access the business should provide appropriate, true advertisement regarding price, quality or any program and no discrimination against any consumer while access in data.

The Digital Markets Act (DMA) is a landmark EU regulation that aims to level the playing field for all online platforms, regardless of their size, it also aims to strengthen data privacy and protection rules, further enhancing the rights of EU digital service consumers and together with the Digital Services Act, the DMA forms the European Commission’s Digital Services Act package—a single set of rules designed to create a safer, more open digital environment by outlining what online platforms operating in the EU must and must not do.³⁵

CONCLUSION AND SUGESSTION

As the technology is evolving day by day the digital market is also growing rapidly. So, the issues in digital market like network effects, data collection, self-preferencing, steering, tying and bundling are also arising rapidly and became a matter of concern. The main jurisprudence or essence of competition may it be in physical or digital market is to maintain a fair

³³ DIGITAL MARKETS ACT (DMA), https://digital-markets-act.ec.europa.eu/index_en (last visited Jan. 22, 2026).

³⁴ *Id.*

³⁵ GRANT THORNTON, <https://www.granthornton.ie/insights/factsheets/digital-markets-act-an-overview-of-the-new-eu-regulation/> (last visited January 22, 2026).

competition and everyone gets chance to sustain in the market. The concerns which are arising out of digital market possess a unique challenges as digital market is way different than the traditional market. In digital market it mainly involves manipulation of data and algorithms. The Competition Act, 2002 was in force to control competition in the market but the act was slow or insufficient to control the evolving digital market.

The first loop hole arises in considering the “market”. As per Competition law the law should be enforce when there are anti-competitive practices in “relevant geographical market” and “relevant geographical market” but in case of digital market it is very difficult to set the boundaries of market as it has no specific boundary, so it is the need to define market as per the situation involve in digital market. Network effect in digital market should be considered or analyze on the basis of no. of people logged in to the digital market or how much active user are present in the market unlike in traditional market it was considered on the basis of sale and purchase. The Big-Tech companies like Amazon, Google, Meta mainly acts as a gate-keeper of the digital market it is necessary to bring strict rules to control them and maintain a fair competition in the market. The Big-Tech companies often practices price discrimination, self-preferencing, leveraging, steering etc. to dominate the market and abuses their economic power as a result consumer left with no other option left other than choosing the big tech companies. So, a proper and specific law should be enforced to regulate the digital market. By taking reference from United Kingdom and European Union it is required to enforce ex-ante regulation and by regulating the gatekeepers by imposing penalty upon them.

The Competition (Amendment) Act, 2023 is India’s decisive step toward modernizing antitrust regulation in the digital era by introducing deal value thresholds, penalties based on global turnover, settlement and commitment mechanisms, hub-and-spoke cartel recognition, and broader definitions of control, the law strengthens the Competition Commission of India’s ability to scrutinize Big Tech behavior, prevent monopolistic abuse, and protect the future of innovation.³⁶ While the Indian government and CCI have make progress, a dynamic regulatory approach, international cooperation, and updated legal frameworks are necessary to foster a competitive digital economy through this it can balance will ensure that India’s digital market

³⁶ Shivendra Singh, *Striking a balance between Innovation and Monopoly: The New Indian Competition Law and its impact on Big Tech*, ACADEMIKE (Jan. 28, 2026, 7:25 PM) <https://www.lawctopus.com/academike/striking-a-balance-between-innovation-and-monopoly-the-new-indian-competition-law-and-its-impact-on-big-tech/>.

remains vibrant, inclusive, and fair for all stakeholders.³⁷

³⁷ LAWVS, <https://lawvs.com/articles/competition-law-and-big-tech-challenges-in-the-indian-market#:~:text=The%20CCI%2C%20the%20key%20regulatory,the%20rapidly%20evolving%20digital%20economy> (last visited Jan. 28, 2026).