

TBA BULLETIN

January 12 to January 18

The TBA Bulletin is a weekly summary of the most important legal news from India and around the world.

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ANTITRUST

- Delhi HC ordered CCI to respond on Amazon's petition in Future-Amazon expeditiously

COMPANY LAW

- SC upheld winding up of Devas Multimedia Pvt.

INFORMATION TECHNOLOGY

- Uber India sued for absence of a grievance redressal mechanism

ANTITRUST

NATIONAL

Delhi HC has ordered the CCI to make a decision on Amazon's notice as soon as possible

- The Delhi HC has asked the CCI to deliberate on the show-cause notice sent to Amazon on the revocation of approval granted to it for an investment transaction with Future Coupons Pvt. Ltd (FCPL), which Future Group has challenged.
- The HC declined to rule on the matter and dismissed the petition filed by the Confederation of All India Traders (CAIT) which sought to defend around 6,000 dealers who had supplied items worth 10,000 crore to the Future Group and to have the money returned to them.
- According to the petition, Amazon gained CCI's

permission for its investment in FCPL in 2019 by deception, fraud, misrepresentation, and false representation.

- CAIT further stated that traders should not be made scapegoats or suffer financial losses as a result of business giants such as Amazon and the Future Group fighting.
- After the US-based e-commerce giant dragged Future Group to arbitration at the Singapore International Arbitration Centre (SIAC) in October last year, claiming that Future Retail Ltd (FRL) had breached a contract by entering into the more than 24,713 crore merger deal with rival Reliance Retail, the two companies have been locked in a bitter legal battle.
- Amazon's claim of control over FRL through its investment in FCPL is unlawful, no foreign business is authorised to own or

manage a multi-brand retailer like FRL.

- According to CAIT, if such misrepresentations are permitted to continue, every corporation will distort the facts of transactions in order to obtain the CCI's permission and then conceal a different transaction.

Source: [Link](#)

COMPANY LAW

NATIONAL

SC affirmed Devas Multimedia Pvt.'s winding-up order

- The SC affirmed a winding-up order against Devas Multimedia Pvt., a corporation with a \$1.3 B award against Antrix Corp., ISRO's commercial arm and a wholly owned subsidiary of the Indian government.
- Antrix Corp. filed a winding-up petition against the corporation in January, 2021.
- The National Company Law Tribunal's (NCLT) Bengaluru bench ordered Devas to be wound up in May, 2021, citing the company's fake incorporation to syphon cash to questionable international accounts. Devas was formed with a fraudulent intent, according to the NCLT, and so its existence in the perspective of the law is void from the start. Even after its establishment, the

firm engaged in deceptive practices.

- This was upheld by the National Company Law Appellate Tribunal in September last year.
- The matter was subsequently taken to the SC, which rejected to intervene with the tribunals' orders and dismissed the appeals.
- A Paris court recently granted Devas' shareholders a lien on an apartment where the Indian deputy chief of mission lives. Devas Mauritius Ltd., Devas Employees Mauritius Pvt., and Telecom Devas Mauritius Ltd. had just received a favorable order from the Superior Court of Montreal, Quebec, just before this. The shareholders' petition to confiscate property belonging to the Airport Authority of India and Air India was granted by the court.

Source: [Link](#)

INFORMATION TECHNOLOGY

NATIONAL

Uber has been hauled to court for failing to provide a grievance redressal mechanism

- In a public interest lawsuit filed in the Bombay HC against Uber India, the plaintiffs are requesting that the court order Uber to establish a robust

customer grievance-redressing procedure.

- Uber is in breach of the 2020 Motor Vehicle Aggregators Guidelines, which mandate the company to set up 24-hour call centres with a working phone number and email address.
- According to the petition, the corporation has not secured a new business licence as required by the Motor Vehicles Amendment Act of 2019.
- An aggregator, according to the legislation, is a digital middleman that connects a passenger with a driver for transportation.
- In response, Uber argued in its affidavits that the Maharashtra government has not released any rules under the Motor

Vehicles Modification Act, 2019 detailing the procedure for licence application after the 2019 amendment. As a result, Uber will be unable to obtain a licence in order to continue operating.

- It added that even other aggregators who provide services comparable to Uber have not secured such a licence.
- Uber claims to offer a 24-hour hotline and support system, as well as an emergency button in the app during the journey, post-trip feedback, a share-your-trip function and ride check, and restitution via social media.
- The matter is likely to be heard in February.

Source: [Link](#)

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Sources: BloombergQuint and Livemint.