



COMPETITION COMMISSION OF INDIA

Case No. 36 of 2023

In Re:

Ayudha Foundation,
C/o Harish Kharbanda,
1672, Opposite R. K. Ashram Metro Station Gate No.2
Paharganj,
New Delhi - 110 055

Informant

And

Talk Charge Technologies Pvt. Ltd
JMD Megapolis, 323-324, 3rd Floor,
Badshahpur Sohna Road Highway, Sector 48,
Gurugram,
Haryana - 122 019

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 Ayudha Foundation through President, Gopal Aggarwal (“**Informant**”) under Section 19(1) (a) of the Competition Act, 2002 (“**the Act**”) against Talk Charge Technologies Pvt. Ltd (“**OP**”) alleging abuse of dominant position under the Act.
2. OP is an internet-based platform that provides a range of services to users, with the primary emphasis on enabling online recharges for mobile phones, DTH (Direct to Home) services, and data cards. Additionally, users have the option to utilize the OP platform for settling utility bills including those for electricity, gas, water, and other services. The platform also provides discounts, cashback, and promotional offers to users, making it an attractive option for those looking to save on their recharges and bill payments. The cashback (“TC Cashback”) earned is credited to the digital wallet and as per the company is real money that can be used further to do other transactions.
3. The Informant has stated that he has been availing the digital wallet service of the OP for the last 2- 3 years and was benefitting from the cashback services of the company. The Informant further states that since September 2023, OP has started imposing 20% additional charges (server cost, processing fee, gateway cost, and other convenience charges) on using the deposited amount in its digital wallet, which allegedly amounts to abuse of dominance by the OP.
4. The Informant further stated that the OP arbitrarily applied additional charges without providing complete details of the surcharge amount in the GST bill when requested by the Informant.
5. The Informant has also averred that according to the OP's assertion the application functions as a closed wallet. Consequently, the funds deposited and cashback received through any transaction by using a digital wallet can be utilized for all app-related services available on the Talk Charge app. As per the Informant, there is a limit on paying bills through the app which prevents the Informant from spending the additional amount in the wallet and such restriction is in violation of the Act.



6. The Informant has prayed for appropriate relief from the Commission if the OP is found in violation of any provisions of the Act. The Informant has also sought interim relief under Section 33 of the Act praying that an immediate financial sanction should be imposed on the OP.
7. The Informant has also made subsequent submissions dated 14.02.2024 and 15.02.2024 asserting that the OP's latest modifications to its cashback policy, cap of 10% on wallet usage per month and the mandatory nature of its Priority Pass subscription service for payments demonstrate a persistent misuse of its dominant market position.
8. From the perusal of the Information, subsequent submissions and material available on record, the Commission notes that the Informant is primarily aggrieved by the imposition of extra fees, including server costs, processing fees, gateway costs, and other convenience charges, without disclosing the complete details in the GST bill.
9. Although the Informant has not specifically mentioned the alleged violation of any of the provisions of the Act, it appears from the Information that the Informant's grievances are the subject matter of examination under Section 4 of the Act.
10. For an analysis of the case under Section 4 of the Act, the first requirement is to delineate the relevant market as per Section 2(r) of the Act which comprises of relevant product market and relevant geographic market in terms of Section 2 (t) and 2(s) of the Act, respectively. The next step is to assess the dominance of OP in the relevant market so delineated, in terms of the factors enumerated under Section 19(4) of the Act. Once the dominance of an OP is established, the final step is to analyse the allegations pertaining to abuse of dominance in terms of Section 4 of the Act.
11. As regards the determination of relevant market, it is noted that the Informant has not delineated any relevant market in the Information. However, on perusal of the Information and information available in the public domain, the Commission delineates the relevant market as '*the market for digital payment platforms in India*'.



12. Further, the Commission notes that there are several players operating in the *'market for digital payment platforms in India'* which include several domestic and global players. In such a structure of the market, the Informant does not seem to be dependent on the OP. Furthermore, the Informant has not provided any evidence of OP being dominant. In the absence of the dominance of the OP in the relevant market, there is no occasion to examine the allegation of abusive conduct against it under the provisions of the Act.
13. In view of the foregoing, the Commission is of the considered opinion that no case of contravention of the provisions of Section 4 of the Act is made out against the OP for causing an investigation into the matter. Therefore, the matter is ordered to be closed forthwith under Section 26(2) of the Act. Consequently, no case for grant of relief(s) as sought under Section 33 of the Act arises and the prayer for the same also stands rejected.
14. The Secretary is directed to communicate to the Informant, accordingly.

Sd/-

(Ravneet Kaur)
Chairperson

Sd/-

(Anil Agrawal)
Member

Sd/-

(Sweta Kakkad)
Member

Sd/-

(Deepak Anurag)
Member

New Delhi

Date: 23/02/2024

Case No. 36 of 2023

Page 4 of 4