

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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THE APPLE APP STORE AND THE LIMITS OF COMPETITION LAW: CAN INDIA'S SECTION 4 FRAMEWORK ADEQUATELY ADDRESS ANTI-STEERING AND PAYMENT RESTRICTIONS?

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Abstract

India's Competition Commission has spent years examining whether Apple's App Store rules amount to an abuse of dominance under section 4 of the Competition Act 2002. The rules at issue are the requirement that digital purchases run through Apple's own payment system and the restrictions on telling users about cheaper options elsewhere. Apple's agreement in June 2026 to supply India-specific financial data has moved the case closer to a decision, but it has also shown how much of the dispute now concerns penalties and procedure rather than conduct. This paper asks whether the section 4 framework can adequately address anti-steering and payment restrictions. It argues that the substantive provisions are broad enough to reach the conduct, particularly through the limbs on unfair conditions, denial of market access and leveraging, while self-preferencing fits less comfortably. The real limits lie in market definition for a single-brand ecosystem, the absence of a settled justification test, slow ex post enforcement, remedy design and an unresolved penalty framework.

Keywords: Competition Act 2002; abuse of dominance; section 4; Apple; App Store; anti-steering; self-preferencing; digital markets

I. INTRODUCTION

In June 2026 Apple agreed to give the Competition Commission of India (CCI) financial information about its Indian operations, ending a long period in which it had resisted the request and sought to have the proceedings paused.¹ The underlying investigation concerns the rules

¹'Apple set to share India financial data with CCI as App Store antitrust probe advances' (*Media News 4 U*, 5 June 2026) <<https://www.medianews4u.com/apple-set-to-share-india-financial-data-with-cci-as-app-store-antitrust-probe-advances/>> accessed 5 October 2026.

Apple applies to developers who distribute apps to iPhone users through the App Store. Digital goods and services must be sold through Apple's own in-app purchase system, which carries a commission, and developers are restricted in telling users about cheaper ways to pay outside the app. Press reports indicate that the Director General's (DG) investigation found that Apple abused its dominant position in the market for iOS app distribution.² That finding is not a final decision of the Commission, Apple denies any wrongdoing, and to the author's knowledge no final order had been reported by early October 2026.³

The facts invite a deceptively simple question. Is section 4 of the Competition Act 2002, India's abuse of dominance provision, an adequate instrument for dealing with anti-steering and payment restrictions imposed by a digital gatekeeper? Anti-steering rules do not fit neatly into the classical categories of abuse. They work by controlling the information a consumer receives and the channel through which a consumer pays, and they do so inside an ecosystem the dominant firm designed and owns.

This paper argues that the text of section 4 is broader than critics sometimes assume and that anti-steering and mandatory payment rules can be reached through at least four of its limbs. The difficulty lies elsewhere. It lies in defining a relevant market for a single-brand ecosystem where the firm's share of the wider smartphone market is modest, in the absence of a settled framework for assessing the security and privacy justifications that gatekeepers invoke, in the time that ex post enforcement takes, in remedies that depend on the cooperation of the party being regulated, and in a penalty regime whose validity is now itself in litigation. Self-preferencing, the second theme of the paper, fits the statute less comfortably still and is better treated as a secondary strand of the case.

The analysis is doctrinal and comparative. Two limitations should be stated at the outset. The DG's report and the CCI's confidential orders are not public, so the account of the Indian proceedings rests on court records and press reports. The paper does not decide whether Apple has contravened section 4. It asks whether the framework can answer that question and produce an effective remedy.

²Apple Reportedly Agrees to Hand Over India-Specific Financial Data to CCI in Years-Long Antitrust Case' (*Technical Tiwari*, June 2026) <<https://www.technicaltiwari.com/2026/06/Apple-Reportedly-Agrees-to-Hand-Over-India-Specific-Financial-Data-to-CCI-in-Years-Long-Antitrust-Case.html>> accessed 5 October 2026.

³Apple and India's CCI: The Fight Over a \$38 Billion Fine Formula' (*Mac Observer*, September 2026) <<https://www.macobserver.com/news/apple-india-cci-38-billion-fine-formula/>> accessed 5 October 2026.

II. THE APP STORE AND THE INDIAN PROCEEDINGS

A. The architecture of the restrictions

Apple distributes apps to iPhone users in India through a single channel, the App Store, and in India it does not permit users to install apps from other marketplaces. Two rules are central. The first requires that digital content, subscriptions and in-app features be sold through Apple's in-app purchase system, which charges a commission that has historically been up to 30 per cent, with lower rates for small developers and for subscriptions after the first year. The second restricts developers from using buttons, calls to action or links inside the app that direct users to a purchase mechanism outside the app.⁴ The first rule can be called the payment mandate and the second the anti-steering rule. Together they mean that a developer who wishes to reach iPhone users cannot easily offer a cheaper price through its own website or a rival payment provider and cannot tell its customers that one exists.

The economic stakes in India are not trivial. Sensor Tower data cited in the business press show in-app purchase revenue across Android and iOS in India growing from about USD 520 million in 2021 to over USD 1 billion in 2025, with a projection of USD 1.25 billion for 2026.⁵

B. The procedural history

The investigation grew out of complaints filed from 2021 onwards by app developers and industry bodies, among them Match Group and the Alliance of Digital India Foundation.⁶ After the DG's inquiry, the matter moved to the stage at which the Commission hears the parties and decides. Here the case took an unusual turn. In November 2025 Apple challenged before the Delhi High Court the 2023 amendments to the Competition Act and the 2024 regulations that allow the CCI to calculate penalties on the basis of global turnover, and its filing put its maximum exposure at around USD 38 billion.⁷ The CCI called for Apple's financial information by an order of 31 December 2025, rejected Apple's request to pause the case, and in January 2026 issued what was reported as a final warning that it would proceed without Apple's response if none was given.⁸

⁴Apple, 'App Review Guidelines' <<https://developer.apple.com/app-store/review/guidelines/>> accessed 5 October 2026, guidelines 3.1.1 and 3.1.3.

⁵'Apple vs CCI: India's probe advances but App Store changes remain uncertain' (*Business Standard*, 4 June 2026) <https://www.business-standard.com/amp/technology/tech-news/apple-vs-cci-india-s-probe-app-store-changes-126060400690_1.html> accessed 5 October 2026.

⁶(n 2).

⁷Aditya Kalra and Arpan Chaturvedi, 'Apple contests India's antitrust penalty law with risk of \$38 billion fine, filing shows' (*Reuters*, 2025) <<https://finance.yahoo.com/news/apple-contests-indias-antitrust-penalty-174453263.html>> accessed 5 October 2026.

⁸Aditya Kalra, 'India warns Apple it will proceed with antitrust case after company plays for time' (*Reuters*, 15 January 2026) <<https://www.yahoo.com/news/articles/india-warns-apple-proceed-antitrust-115203650.html>> accessed 5 October 2026.

On 15 May 2026 a bench of the Delhi High Court allowed the investigation to continue but asked the CCI not to pass a final order while Apple's challenge was pending.⁹ Following a hearing on 21 May, Apple sought a final extension until 25 June 2026 to file its India-specific financial information, and the CCI granted it.¹⁰ For some years the contest has been conducted largely on the terrain of procedure and penalty, and the question of whether the conduct is an abuse has been deferred. The limits of competition law in this field are as much institutional as doctrinal, a point developed in Part VI.

III. THE SECTION 4 FRAMEWORK

A. Structure of the provision

Section 4(1) prohibits an enterprise or group from abusing its dominant position. The provision does not condemn dominance as such. This was made clear by the Supreme Court in *Competition Commission of India v Steel Authority of India Ltd*, which treated the existence of dominance as a gateway and abuse as the contravention.¹¹ Section 4(2) then lists conduct that counts as abuse. The list includes imposing unfair or discriminatory conditions or prices in the purchase or sale of goods or services, limiting production or technical and scientific development to the prejudice of consumers, practices resulting in denial of market access, making contracts subject to supplementary obligations unconnected with their subject matter, and using dominance in one relevant market to enter or protect another.¹²

Dominance is defined as a position of strength in the relevant market in India that enables the enterprise to operate independently of competitive forces or to affect competitors, consumers or the market in its favour.¹³ The Commission must have regard to the factors in section 19(4), which include market share, size and resources, the importance of competitors, economic power, vertical integration, consumer dependence, entry barriers and any other relevant factor.¹⁴

B. Market definition and dominance in a single-brand ecosystem

The first practical obstacle to applying section 4 to Apple is the market. Counterpoint Research data reported in the press put the iPhone's share of the Indian smartphone market at around

⁹'Delhi High Court asks CCI not to pass final orders in probe against Apple' (*Bar and Bench*, 15 May 2026) <<https://www.barandbench.com/news/delhi-high-court-asks-cci-not-to-pass-final-orders-in-probe-against-apple>> accessed 5 October 2026.

¹⁰(n 1).

¹¹*Competition Commission of India v Steel Authority of India Ltd* (2010) 10 SCC 744.

¹²Competition Act 2002, s 4(2)(a) to (e).

¹³Competition Act 2002, Explanation (a) to s 4.

¹⁴Competition Act 2002, s 19(4).

nine per cent.¹⁵ If the relevant market is smartphones, or even smartphone operating systems considered as a competitive choice for consumers, a firm with that share is unlikely to be dominant. Apple's likely argument is that users choose between iOS and Android at the point of purchase, and that choice disciplines App Store terms.

The informants' answer is that the relevant market is narrower and defined by the service in question, namely the distribution of apps to iOS users. The Indian authorities have accepted this style of reasoning before. In *Umar Javeed v Google LLC* the CCI defined separate markets for licensable operating systems for smart mobile devices and for app stores for the Android operating system, and found dominance in each.¹⁶ In *Shamsher Kataria v Honda Sael Cars India Ltd* the Commission had earlier treated the market for spare parts and repair services for a given brand of car as distinct from the market for the cars themselves, because customers locked into a brand had no substitute for brand-specific parts.¹⁷ The reasoning resembles the aftermarket analysis associated with *Eastman Kodak Co v Image Technical Services Inc* in the United States.¹⁸

There is, however, a difference between the cases. Kodak and Honda concerned aftermarkets where the lock-in arose after the consumer had bought the primary product, and the doctrine's central worry is the consumer who could not have foreseen the later exploitation. Apple will argue that the consumer who buys an iPhone knows that apps come from the App Store, and that the relevant competition therefore occurs at the point of purchase. The counter-argument rests on information and switching costs. The consumer buying a phone is unlikely to compare App Store commission rates, which are charged to developers and not to users, and the accumulated cost of leaving the ecosystem, including purchased apps, data, subscriptions and peripheral devices, is considerable. This is the point on which the case is most likely to be contested on appeal.

IV. ANTI-STEERING AND PAYMENT RESTRICTIONS UNDER SECTION 4

A. Unfair conditions and prices: section 4(2)(a)

The most natural fit is section 4(2)(a)(i), which reaches unfair or discriminatory conditions in the sale of goods or services. Apple's developer terms are standard form contracts imposed on

¹⁵(n 2).

¹⁶*Umar Javeed v Google LLC* (CCI, Case No 39 of 2018, 20 October 2022).

¹⁷*Shamsher Kataria v Honda Sael Cars India Ltd* (CCI, Case No 03 of 2011, 25 August 2014).

¹⁸*Eastman Kodak Co v Image Technical Services Inc* 504 US 451 (1992).

all developers without negotiation, and the anti-steering rule is a condition of access to the iOS user base. The Commission has treated one-sided contractual terms imposed by a dominant party as an abuse before. In *Belaire Owners' Association v DLF Ltd* it held that clauses in apartment buyer agreements, which gave the builder rights without corresponding obligations, were unfair conditions imposed by an enterprise in a dominant position.¹⁹ The anti-steering rule is arguably a stronger case. A rule that forbids a seller from telling its customer about a lower price elsewhere has no obvious function other than to protect the commission.

The pricing limb in section 4(2)(a)(ii) is harder to deploy. A claim that a commission of up to 30 per cent is itself an unfair price requires a benchmark of what a fair price would be, and Indian competition law has little experience of excessive pricing cases. The better argument is that the commission is not challenged in isolation. The payment mandate and the anti-steering rule together remove the competitive constraint that would otherwise discipline the commission, so that the rate is high because it is insulated from price comparison. This is the logic of the European Commission's 2024 decision on Apple's music streaming app rules, which treated anti-steering obligations as an unfair trading condition under Article 102 of the Treaty on the Functioning of the European Union and imposed a fine of EUR 1.8 billion.²⁰

B. Supplementary obligations and denial of market access: section 4(2)(c) and (d)

Section 4(2)(d) prohibits making a contract subject to supplementary obligations that have no connection with its subject matter by their nature or according to commercial usage. The payment mandate can be framed as a tie: the service the developer wants is distribution, and Apple requires it to take payment processing as well. The weakness is the words of connection. Apple will say that payment processing is integral to a managed store, since the store collects the commission, handles refunds and polices fraud. The Commission looked at a comparable structure in the Google Play billing case, where it examined the requirement that app developers use Google's billing system and found contraventions of section 4.²¹ That decision is the closest Indian precedent and is the one Apple's case will be measured against.

Section 4(2)(c), denial of market access, and section 4(2)(b), limiting technical and scientific development to the prejudice of consumers, add a further dimension. In India, payments innovation is a policy priority and the Unified Payments Interface (UPI) has made account-to-account payment cheap and ubiquitous, with merchant discount rates on most transactions generally held at zero under the Payment and Settlement Systems Act 2007.²² A developer

¹⁹*Belaire Owners' Association v DLF Ltd* (CCI, Case No 19 of 2010, 12 August 2011).

²⁰Commission Decision of 4 March 2024 in Case AT.40437 *Apple: App Store Practices (music streaming)*.

²¹*Alliance of Digital India Foundation v Alphabet Inc* (CCI, Case No 7 of 2020, 25 October 2022).

²²Payment and Settlement Systems Act 2007, s 10A, inserted by the Finance (No 2) Act 2019.

forced into a card-based in-app purchase system with a commission of up to 30 per cent cannot offer its Indian customers the cheaper rail that public infrastructure makes available. This gives the Indian case a local dimension that foreign proceedings lack.

C. Effects and the standard of proof

The text of section 4(2) describes conduct and does not expressly require proof of anticompetitive effect. In practice the Commission and appellate bodies have looked at likely effects, and the Court of Justice's decision in *Intel Corp v Commission* shows how an effects test can be built into an Article 102 analysis even where the rule is framed in terms of conduct.²³

The Indian position is not settled. An effects-based reading puts weight on what developers and users would have done in its absence, which requires a counterfactual that Apple will say cannot be known because the rule has applied from the start.

D. Justifications

Apple's defence rests on security, privacy, quality control and the need to be paid for the intellectual property and services it provides. Section 4 contains no express objective justification clause of the kind found in European case law, and Indian decisions have not developed a structured test. Without a test, a dominant firm can wrap any restriction in the vocabulary of safety, and the Commission can reject genuine justifications without explaining why.

The better approach is to ask three questions. Is the stated objective legitimate? Is the restriction suitable to achieve it? Could a less restrictive measure achieve the same result? On security, the argument that a user who follows a link to an external website is at greater risk than one who pays inside the app is difficult to sustain for well-known developers, and a warning screen or a security check on link-outs would be a lesser measure. The district court in *Epic Games Inc v Apple Inc* reached a similar view under California's Unfair Competition Law when it found the anti-steering rules to be anticompetitive, even though it rejected Epic's Sherman Act claims on market definition grounds.²⁴

V. SELF-PREFERENCING

A. The conduct and the doctrine

Self-preferencing describes a platform operator treating its own products more favourably than those of rivals that depend on the platform. In the App Store context the complaints take several

²³Case C-413/14 P *Intel Corp v Commission* EU:C:2017:632.

²⁴*Epic Games Inc v Apple Inc* 559 F Supp 3d 898 (ND Cal 2021), affirmed in relevant part in *Epic Games Inc v Apple Inc* 67 F 4th 946 (9th Cir 2023).

forms. Apple's own apps may be pre-installed and enjoy default status. Its own services, such as its music subscription, avoid the commission that rival services must pay, which allows Apple to price below competitors without sacrificing margin.

The Court of Justice's judgment in *Google Shopping* confirms that self-preferencing can be an abuse under Article 102 but also shows how much work the doctrine requires. The General Court and the Court of Justice upheld the Commission's finding that Google had favoured its own comparison shopping service in its general search results, and the Court of Justice stressed that such conduct is abusive only where it departs from competition on the merits and is capable of producing anticompetitive effects, so that it was not enough to attach the label of self-preferencing.²⁵ The label did not do the work.

B. Fit with section 4

The Indian statute has no free-standing prohibition on self-preferencing, so the claim has to be built from existing limbs. Section 4(2)(a)(i) catches discriminatory conditions, and the commission that Apple's rivals pay but Apple does not is a plausible instance of discrimination between Apple and its competitors. Section 4(2)(e), which prohibits using dominance in one relevant market to enter into or protect another, is the more natural home. The dominant position in iOS app distribution would be the lever, and the protected markets would be those in which Apple's own apps compete with developers' apps, such as music streaming or gaming. The CCI has applied this type of reasoning before. In *Matrimony.com Ltd v Google LLC* it found that Google had abused its dominance in online general web search, in part through the way it displayed its own specialised results, and imposed a penalty of about INR 136 crore.²⁶

Two difficulties limit the use of section 4 here. First, the need to identify a second market in which Apple competes and to show that the conduct protects its position in it makes the case more evidence-heavy than the anti-steering case. Second, the remedy for self-preferencing, such as non-discriminatory ranking or equal access to interfaces, is hard to specify and to monitor under a statute built to impose a cease-and-desist order and a penalty. This suggests that self-preferencing should be treated as a complement to the core anti-steering case and not as its main theory, and that a regulatory instrument may handle it better than an enforcement decision.

²⁵Case T-612/17 *Google LLC v Commission* EU:T:2021:763; Case C-48/22 P *Google LLC v Commission* EU:C:2024:726.

²⁶*Matrimony.com Ltd v Google LLC* (CCI, Case Nos 07 and 30 of 2012, 8 February 2018).

VI. THE LIMITS OF COMPETITION LAW

A. Time

The first limit is duration. The Indian complaints date from 2021, and in 2026 there is still no final order. The same pattern appears elsewhere. The European Commission's music streaming decision came in March 2024 after a complaint filed in 2019, and the Digital Markets Act (DMA) proceedings on anti-steering were opened in March 2024 and produced a fine of EUR 500 million and a cease-and-desist order in April 2025.²⁷ Section 33 of the Competition Act allows the CCI to grant interim relief during an inquiry, but it has been used sparingly, and in a fast-moving digital market the ordinary pace of an enforcement case means that a restriction may run for five years or more before it is examined.

B. Remedies

The second limit concerns remedies. Section 27 allows the Commission to direct an enterprise to discontinue the abusive practice, to impose a penalty and to make such other order as it thinks fit.²⁸ The harder question is what replaces the rule. If Apple is told to permit external links, the practical effect depends on details: whether a warning screen is shown, whether the link may be as prominent as the in-app purchase button, whether Apple may charge a fee on external purchases and at what rate. Each detail can restore the original restriction in a different form.

The United States provides a cautionary example. After the injunction in *Epic Games*, Apple introduced a link-out mechanism that carried a commission on purchases made through the link, and in April 2025 the district court found that Apple had wilfully violated the injunction and imposed further restrictions.²⁹ A competition authority that has issued a cease-and-desist order and lacks a monitoring mechanism may find itself in a long compliance dispute with a party that has every incentive to comply narrowly. The Competition Act contains compliance and penalty provisions but no equivalent of the detailed obligations and ongoing supervision of an ex ante regime.

C. Penalty design

The third limit is the penalty framework, which in the Indian case has become part of the dispute itself. The Competition (Amendment) Act 2023 introduced the concept of global turnover into the penalty provisions, and the 2024 regulations and guidelines on turnover and

²⁷Apple Inc, Form 10-Q for the quarter ended 28 March 2026, Part II, Item 1 <<https://www.sec.gov/Archives/edgar/data/0000320193/000032019326000013/aapl-20260328.htm>> accessed 5 October 2026; Regulation (EU) 2022/1925 (Digital Markets Act), art 5(4).

²⁸Competition Act 2002, s 27(a) to (g).

²⁹*Epic Games Inc v Apple Inc* (ND Cal, Case No 4:20-cv-05640-YGR, 30 April 2025).

penalty determination set out how it is to be applied.³⁰ The government's stated justification is that multinational enterprises can structure their Indian operations so that local turnover understates the scale of the enterprise, and a penalty tied to local turnover would then be negligible. That is a respectable concern. Before the amendment, the Supreme Court had held in *Excel Crop Care Ltd v Competition Commission of India* that penalties should be calibrated to the relevant turnover, meaning turnover from the products or services affected by the contravention, in order to satisfy proportionality.³¹ Apple argues that the global turnover approach is arbitrary and disproportionate for conduct confined to India, and it points to a theoretical exposure of USD 38 billion.³²

Two points follow. First, there is a real tension between deterrence and proportionality, and the resolution will be made by the High Court and not by the Commission. Whatever the outcome, the penalty is a poor tool for the problem at hand. A fine, however large, does not change the rule that restricts developers. Second, India-specific disclosure, as in the June 2026 concession, suggests a practical compromise in which the penalty is first sized on relevant Indian turnover and the global turnover provision is held in reserve for cases of evasion. That compromise would be consistent with *Excel Crop*.

D. The case for ex ante regulation

The fourth limit is conceptual. Section 4 evaluates conduct after it has occurred and asks whether it was abusive. Several jurisdictions have responded with ex ante rules. The DMA places obligations on designated gatekeepers, including a requirement to allow business users to communicate and promote offers to their customers and to conclude contracts with them outside the platform.³³ Japan has enacted legislation on smartphone software competition that imposes duties on designated providers, and the United Kingdom's Digital Markets, Competition and Consumers Act 2024 gives the CMA power to impose conduct requirements on firms with strategic market status, a status the CMA conferred on Apple and Google in respect of mobile platforms in October 2025.³⁴

India considered a similar approach. The Committee on Digital Competition Law recommended an ex-ante framework in 2024, and a draft Digital Competition Bill was

³⁰Competition (Amendment) Act 2023; Competition Commission of India (Determination of Monetary Penalty) Guidelines 2024; Competition Commission of India (Determination of Turnover or Income) Regulations 2024.

³¹*Excel Crop Care Ltd v Competition Commission of India* (2017) 8 SCC 47.

³²(n 7).

³³Regulation (EU) 2022/1925, art 5(4); Apple Inc (n 27).

³⁴Act on Promotion of Competition for Specified Smartphone Software (Japan) 2024; Digital Markets, Competition and Consumers Act 2024 (UK), pt 1; Competition and Markets Authority, decisions designating Apple Inc and Google LLC with strategic market status in respect of mobile platform services (October 2025).

published for consultation with a category of systemically significant digital intermediaries and obligations that included anti-steering.³⁵ As far as the author is aware, the Bill has not been enacted and has drawn industry objections that it would be premature. The Apple case is an argument for revisiting the question, because it shows that an ex post case on a clearly defined practice can take longer than the practice's commercial life cycle. It is also an argument for caution, because the same case shows that enforcement of any rule, however it is made, will depend on the quality of compliance monitoring.

VII. RETHINKING THE FRAMEWORK

Five reforms, most achievable within the existing statute, would help.

First, the Commission should state clearly that an anti-steering rule is assessed as an unfair condition under section 4(2)(a)(i), and should adopt a structured justification test along the lines described in Part IV. Under it, a rule whose function is to prevent users learning of alternatives is presumptively unfair, and the dominant firm may rebut the presumption by showing a legitimate objective, suitability and the absence of a less restrictive alternative.

Second, the Commission should be willing to articulate its approach to market definition in single-brand ecosystems, with reference to switching costs, information asymmetries and the dependence of developers on the user base. A reasoned approach will also protect the final order on appeal, since the reasoning used for Android in the Google decisions cannot simply be transferred to a closed ecosystem.

Third, the Commission should use interim measures under section 33 in digital cases where the practice is continuing and the harm is cumulative, framing relief narrowly, for example by permitting developers to display external pricing information without altering the commission structure.

Fourth, the Commission should treat settlements and commitments as a real alternative to a contested decision where the conduct is capable of a behavioural remedy. The 2023 amendments introduced both procedures for contraventions of section 4, and a well-designed commitment with a monitoring trustee, clear metrics and a defined role for an independent technical expert would address the compliance problem seen in the United States and Europe.³⁶

The stage the Apple case has reached may limit what is available.

Fifth, Parliament or the courts should clarify the relationship between global turnover and

³⁵Ministry of Corporate Affairs, Report of the Committee on Digital Competition Law (27 February 2024) and draft Digital Competition Bill 2024.

³⁶Competition Act 2002, ss 48A and 48B, inserted by the Competition (Amendment) Act 2023.

proportionality. A default of relevant turnover, with global turnover reserved for evasion or for cases in which relevant turnover cannot be established, would respect *Excel Crop* and would reduce the incentive to litigate penalty and merits separately.

VIII. CONCLUSION

The question posed in this paper was whether India's section 4 framework can adequately address anti-steering and App Store payment restrictions. The answer has two parts. On substance, the framework is more capable than its critics suggest. Anti-steering rules and a mandatory payment system can be analysed as unfair conditions, as supplementary obligations, as denial of market access and as an obstacle to payments innovation, and the Commission has relevant precedent in the Google decisions and in its treatment of one-sided contractual terms. On process and remedy, the framework is less adequate. Defining a relevant market in a single-brand ecosystem remains uncertain. The absence of a structured justification test leaves room for both over-deference to platform rhetoric and unexplained rejection of real security concerns. Ex post enforcement takes years, remedies depend on the good faith of the party being regulated, and the penalty regime has become a source of litigation in its own right. Self-preferencing is the weaker strand. It can be brought within sections 4(2)(a) and 4(2)(e), but it demands more evidence and more remedial specificity than an enforcement case can readily deliver, and it is where an ex ante regime is most plausibly superior. The Apple case does not show that competition law has failed or that a new statute is the only answer. It shows that section 4 should be applied with more structure on justification and market definition, that interim relief and commitments should be used more confidently, that the penalty framework should be reconciled with proportionality, and that Parliament should consider a narrow ex ante rule on anti-steering, coordinated with payments regulators. The case is best understood as a test of whether a general abuse of dominance provision, drafted in 2002, can govern the platform economy of 2026.