

Delhi HC not to stay CCI probe into WhatsApp privacy policy

Letters Patents Appeal filed by WhatsApp, Facebook dismissed as 'devoid of merit'

KR SRIVATS

New Delhi, August 25

The Delhi High Court, on Thursday, refused to stay the investigation ordered by the Competition Commission of India (CCI) into the privacy policy introduced by messaging service WhatsApp last year.

A Division Bench of Chief Justice Satish Chandra Shama and Justice Subramonium Prasad dismissed pleas by WhatsApp and its parent, Facebook. The Letters Patents Appeal (LPA) filed by WhatsApp and Facebook were dismissed as devoid of merit.

Interim stay

The appellants then requested the court to extend the interim stay so that they could file replies before the CCI. The court rejected this, too. In

January 2021, WhatsApp announced privacy policy and terms of service updates. Users have to mandatorily accept the new terms and policy in their entirety, including those concerning expanded data collection and sharing with other Facebook companies.

Under the previous privacy policy dated August 25, 2016, users could choose whether or not they wanted to share their WhatsApp data with Facebook.

In March 2021 the CCI passed an order forming a prima facie opinion of the violation of Section 4 of the Competition Act, and directed an investigation.

The CCI had noted in its order that the 'take-it-or-leave-it' nature of the privacy policy and terms of service of WhatsApp



App and the information-sharing conditions merited a detailed investigation in terms of the market position and power enjoyed by the messaging service.

'Immense relevance'

The regulator also noted that data and data analytics have immense relevance for the competitive performance of digital enterprises. For Facebook, data from WhatsApp can supplement the consumer profiling it does through the data collection

on its platform. The CCI remarked that under competitive market conditions, users would have sovereign right and control over decisions related to the sharing of their personalised data.

WhatsApp and Facebook challenged the CCI's probe in Delhi High Court, claiming that since WhatsApp's 2021 policy had been challenged before the Supreme Court, the CCI should not have taken up the matter. However, agreeing with the CCI, the Single Judge Bench of Delhi High Court dismissed the petition and allowed the probe to continue.

WhatsApp and Facebook challenged the Single Judge Bench's order before the Division Bench.

The Division Bench, after hearing the arguments of WhatsApp, Facebook and CCI in July, had reserved its order. The pleas of the petitioners were dismissed on Thursday.

'Undersupply of doses, a key driver of low vaccination in low-, middle-income nations'

OUR BUREAU

Mumbai, August 25

Researchers studying communities in 14 low- and middle-income countries (LMIC) and territories found that a combination of undersupply of vaccines and treatments, underfunding of health systems and poor adaptation to local needs, were among the few key drivers behind low vaccination rates.

This report from the People's Vaccine Alliance, the International Treatment Preparedness Coalition (ITPC) and Matakari Global Solutions, contradicts the allegations from pharmaceutical companies and wealthy countries that people in lower-income countries are vaccine-hesitant, said a note on the report.

The countries covered in the study include Bangladesh, Democratic Republic of the Congo, Haiti, Jamaica, Liberia, Madagascar, Nepal, Nigeria, Peru,



Senegal, Somalia, Somaliland, Uganda and Ukraine.

'Systemic racism'

The People's Vaccine Alliance, a global coalition of civil society organisations campaigning for equitable access to Covid vaccines, tests and treatments, described the report as evidence of "systemic racism" in the global Coronavirus response.

According to the report, testing and vaccination sites have been inaccessible, meaning true infection and death rates are likely to be far higher than official fig-

ures. Vaccine supply was still a major problem, with vaccines being delivered inconsistently and in insufficient numbers, leading to stock fluctuations at vaccination sites.

"Doses can arrive with little or no notice or information about what kind of vaccine will be delivered or whether they are suitable to conditions in a country," said the note.

Saeed Mohamad, from Somaliland's Ministry of Health, is quoted saying: "Sometimes we will find out that the Somaliland shipment is on a plane in the air, en route, and we do not know when it's going to expire and how much resources we will have."

Overriding patents

Further outlining the hurdles, the report said access to antiviral treatments was non-existent in most countries surveyed. "Health Workers on the ground in

some countries are not even aware that treatments like Paxlovid (from Pfizer) exist.

"Some countries will have access to doses through generics licensing agreements, but that is unlikely to happen this year, meaning the grave inequities experienced with the global vaccine rollout will be repeated with treatments," said the note, adding that Peru, among other middle-income countries, is considering overriding patents to secure access.

And even at the time of a pandemic, essential community health workers have often gone unpaid, it added. A clinician in Haiti, Marie Delcarne Petit-Homme, told researchers: "Sometimes doctors and nurses can go 6 months, a year without receiving remuneration. Lower bands have it worse, they don't really have access to remuneration. Sometimes we are forced to leave the country if we want a better pay."

Bayer launches drug for chronic kidney disease in India at 1/15th global cost

OUR BUREAU

Mumbai, August 25

Bayer is rolling out Kerendia, its oral drug to treat people with chronic kidney disease (CKD), and the India launch comes a little over a year after the drug was approved in the US.

With about 40 per cent of people with Type II diabetes estimated to get CKD, the drug adds to the doctor's toolkit to manage the disease as it slows down its progression, said top executives with the company.

Bayer's Finerenone, sold under the brandname Kerendia, is

priced at ₹97 per pill, and needs to be taken once a day. Manoj Saxena, Managing Director, Bayer Zydus Pharma, told *BusinessLine*, and the India-specific pricing is one-fifteenth the global price.

Kerendia is being imported from Germany and sold in India through the existing Bayer Zydus joint venture, he added. CKD is an "under recognised and under diagnosed" disease that silently progresses, said Saxena. Clinical trials on the drug before it was launched, was done in a diverse population that included Indians, he added. Finerenone is the

first non-steroidal, selective mineralocorticoid receptor antagonist to show reduction in the risk of kidney and heart problems in CKD patients with Type II diabetes. While CKD can develop for other reasons as well, diabetes is a leading cause, according to studies. And, India is home to about 74 million people living with diabetes, second to China.

Pointing out that Kerendia offers a new treatment approach for vulnerable patients, he said it slows down the progression of CKD and reduces the risk of kidney failure.

Now, telcos don't need approval to set up infra on private property

OUR BUREAU

New Delhi, August 25

Telecom companies will not require approval from authorities for laying cables or installing mobile towers or poles on private properties, according to new Right of Way (RoW) Rules notified by the government recently.

The government also notified the rules for using electric poles and foot over bridges for installation of small mobile radio antennas or laying overhead telecom cables, along with the charges, to ease the launch of telecom networks, especially 5G services. "Where the licensee proposes the establishment of



overground telegraph infrastructure over any private property, the licensee shall not require any permission from the appropriate authority," said the notification dated August 17.

RoW portal scheme

Speaking to mediapersons on Thursday, Ashwini Vaishnav, Minister for Communications

and IT, said the government has developed a scheme in the RoW portal, where the State governments and major infrastructure Ministries such as Railways and Highways have joined to work together.

"Now, anybody who wants to install a tower, pole, lay fibre, they can all apply on one common portal and a very simplified process has been created...the average time required to set up a telecom infrastructure used to be 343 days, now that has come down to 16 days.

"So, that is the impact of the Prime Minister's reforms, and we are committed to doing similar reforms," he said. He said

the entire telecom industry is now ready to launch 5G very quickly, not only in cities but also in the rural areas throughout the country.

However, telecom service providers (TSPs) companies will need to submit an intimation, in writing, to the appropriate authority, prior to the establishment of a mobile tower or pole over a private building or structure, according to the Indian Telegraph Right of Way (Amendment) Rules, 2022.

In their intimation to government authorities, TSPs will need to submit details of the building or structure, where the establishment of a mobile tower

or pole is proposed, and a copy of certification by a structural engineer, authorised by the appropriate authority, attesting to the structural safety of the building or structure, where the mobile tower or pole is proposed to be established.

Street furniture

Also, TSPs using street furniture for the installation of small cells will be required to pay ₹300 per annum in urban areas and ₹150 per annum in rural areas per street furniture, said the notification, adding that for installing cable using street furniture telcos will be required to pay ₹100 per annum.

Google removes more than 2,000 loan apps from India Play Store

Launches cybersecurity upskilling programme for 1 lakh developers

OUR BUREAU

New Delhi, August 25

Tech giant Google, on Thursday, said it has removed more than 2,000 loan apps from its India Play Store since January for violating terms, misrepresenting information and questionable offline behaviour, as the company looks to tighten policies in the coming weeks for greater checks in this space.

Speaking at an event here, Saikat Mitra, Senior Director and Head of Trust and Safety, Google Asia-Pacific region (APAC), said the company is committed to complying with regulations in all jurisdictions it operates in and termed online harm as a "global phenomenon".

"We have removed 2000-plus loan apps from India Play Store from January till now...We are in the process of some more



policy changes that are going to come out in a matter of few weeks...which will make it more explicit on requirements," said Mitra, adding that the proposed move will lead to tighter checks.

He said the crackdown was based on leads and inputs received, violation of policy, lack of disclosures and misinformation.

The loan app problem has peaked and may subside, given the focus and attention the issue is garnering, he said, adding that the nature of the problem

varies between markets.

Predatory loans

For instance, the US market has a problem of predatory loans, while in India, it is a combination of misrepresentation, non-compliance with policies and regulations and improper offline or real world behaviour of such apps when it comes to recovery.

Meanwhile, Google announced new online safety initiatives in India, including multi-city cybersecurity roadshows to upskill about one lakh developers and digital safety-focused grants of \$2 million from Google.org to non-profit organisations, including Collective Good Foundation, Point of View and HelpAge India, which will enable high-risk groups such as women, micro entrepreneurs, seniors and the LGBTQIA+ community to leverage the opportunity of the Internet with safety and confidence.

'Booster doses required as reduced immune response observed at pre-reinfection points'

OUR BUREAU

New Delhi, August 25

Even with complete doses of vaccination followed by breakthrough Covid infection, reduced immune response was observed at pre-reinfection points, emphasising the need for booster doses, said an ICMR-NIV study. The study appeared in the *Journal of Infectious Diseases* published by Taylor & Francis.

Breakthrough cases

Apparently, the known immune escape of Omicron and its sub-lineage could also be the reason for the reinfection among these breakthrough cases, it said.

The authors have added that irrespective of the immune status, with vaccination or natural infections, many breakthrough and reinfections have been observed across the globe. Along with booster dose vaccination, the continuation of

non-pharmaceutical interventions — use of mask, hand hygiene and physical distancing — would be the good strategy to curb the spread of infection.

The research paper has carried out four case studies, where a few weeks after receiving two doses of vaccine, these patients underwent breakthrough infection with Kappa or Delta variant, and were reinfected several months later with Omicron variants.

It was found that the infection occurred at mean of 31 days (±9.5 days) post second dose of Covishield vaccination.

Two cases of breakthrough infection (Kappa variant) were asymptomatic, while two cases (one Kappa and Delta variant each) were symptomatic and displayed fever, sore throat, productive cough, headache, myalgia, generalised weakness, loss of appetite and loss of smell

and taste. Subsequently, these four cases got reinfected with SARS-CoV-2 BA.2 sub-lineage, post-breakthrough infection, at a mean of 275 days (±7.5 days). Of the reinfection cases, one patient was asymptomatic, while three

other patients had mild fever, cold, cough and sore-throat.

Recurrence of SARS-CoV-2 virus infection has been reported to vary between 2.3 per cent and 21.4 per cent, according to the article.

Short haul, visa-on-arrival destinations see pick up in bookings

At present, the waiting time for Schengen visas is about 30 days

ABHISHEK LAWL

New Delhi, August 25

As the festival season approaches, Indians have upped enquiries and bookings for short-haul, easy visa and visa-on-arrival destinations over the coveted Schengen visa, for which the waiting time is up to 10-30 days at present.

Australia is witnessing increased interest in view of the cricket fixtures scheduled there in October, but the waiting time again for a visa is eight weeks.

The current waiting time for visas include 15 working days for Europe (Schengen), 30 days for Greece, and 7-10 weeks for the UK. Some of the European nations where Schengen visa is not required are witnessed increased queries.

Sources say daily applications across visa facilitation offices are at the pre-Covid

levels, if not more. "The visa challenge is two-pronged — obtaining appointment slots, coupled with extended processing time. Our US tours are in demand from customers who are already holding valid visas," Daniel D'Souza, President & Country Head, Holidays, SOTC Travel, told *BusinessLine*.

According to Rajeev Kale, President & Country Head, Holidays, MICE, Visa, Thomas Cook (India), given the current visa challenges for Europe, "internal data indicates interest for visa on arrival/easy and quick visa destinations".

Popular short-haul destinations that have been seeing an increase in bookings include Dubai, Abu Dhabi, Turkey, Singapore, Thailand, Malaysia, Indonesia, Vietnam, Cambodia, Maldives, Egypt and Mauritius.

In the immediate neigh-



The popular short-haul destinations that have been seeing an increase in bookings include Dubai, Abu Dhabi and Singapore

bourhood, Nepal and Bhutan are among the most sought-after countries.

The mid- and long-haul countries witnessing interest for the later part of the year include Switzerland, France, Croatia, Finland and also the Australia-New Zealand segment.

Rikant Pittie, Co-founder, EaseMyTrip, said some countries such as France, Spain and Demark have either eased visa issues or are

"speeding-up the processes". "The [visa] situation is because of the unprecedented applications, which are causing the delay. It is just the pent-up demand that is being witnessed," he said.

Bookings across tour operators for the festival season are up 25-40 per cent, compared to pre-Covid period. Hotel bookings are up 40 per cent y-o-y.

Among the domestic destinations, the favourites in-

cludes Kashmir, Himachal Pradesh, Andaman, Rajasthan, Kerala and north-eastern States.

Air fare movement

According to Indivier Rastogi, President and Group Head, Global Business Travel, Thomas Cook (India) & SOTC, the impact of fare cap removal is likely to be seen by mid-September-October onwards. The increase is 20-25 per cent for Andaman, 15-20 per cent for Goa, 5 per cent for Kerala and Himachal and 10-15 per cent for Kashmir.

Airfares from various hubs such as Mumbai, Pune, Delhi, Bengaluru are witnessing an uptick from September 15, compared to the beginning of the month due to the upcoming Durga Puja/Navratri holidays.

EaseMyTrip's Pittie, however, feels that festivals could be a reason for companies to announce sales and offers, thereby "ensuring good deals and higher bookings".

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Corporate Identification Number: L55101KA2008PLC046866

NOTICE OF 14TH ANNUAL GENERAL MEETING OF COFFEE DAY ENTERPRISES LTD.

NOTICE is hereby given that

- the 14th Annual General Meeting (AGM) of the Company will be held on Friday, 16th September 2022 at 11:00 A.M. IST through Video Conference (VC)/Other Audio Visual Means (OAVM) (e-AGM), to transact the Ordinary Business and Special Business as set out in the Notice of AGM (Notice), without the presence of the members at a common venue.
- The AGM will be convened in accordance with the section 108 of the Companies Act, 2013, read with Rule 20 of the Companies (Management and Administration) Rules, 2014, Regulation 44 of the Securities and Exchange Board of India (SEBI) (Listing Obligations and Disclosure Requirements) Regulations, 2015 and any other applicable provisions along with the circular dated May 5, 2020 read with circulars dated April 8, 2020 and April 13, 2020 issued by Ministry of Corporate Affairs (MCA Circulars), circular dated May 12, 2020 issued by SEBI and continuing circular General Circular No.02/2021 dated 13.01.2021 (SEBI Circulars).
- The Notice of the 14th AGM and the Annual Report for FY2022 of the Company have been sent, through electronic mode to all the Members whose email IDs are registered with the Company/Depository Participant(s). The Notice and the Annual Report are also available on the Company's website at www.coffeeday.com and on the website of the stock exchange(s) where the shares of the Company are listed, namely the BSE Limited at www.bseindia.com and the National Stock Exchange of India Limited at www.nseindia.com, and on the website of the National Securities Depository Limited (NSDL) at https://www.evoting.nsdl.com/
- The Company has completed the dispatch of the Notice along with the Annual Report on Thursday, 25th August, 2022, through electronic mode. The requirements of sending physical copy of the Notice of the 14th AGM and Annual Report to the Members have been dispensed with vide the aforementioned circulars.
- Members holding shares in dematerialized form are requested to get their email address registered with the concerned depositories. Members holding shares in physical form are requested to furnish their email address and mobile number with the Company's Registrar & Share Transfer Agent, Link Intime India Pvt. Ltd. at rnt.helpdesk@linkintime.co.in with a copy to the Company investors@coffeedaygroup.com to get their email address registered. Members are requested to quote their DP ID & Client ID / Folio No., in case shares are held in dematerialized / physical form, as the case may be, in all correspondence with the Registrar and Share Transfer Agent and/or the Company.
- Pursuant to the requirements under the aforementioned Act, Rules, Regulations and the circulars, the items of business to be transacted at the AGM shall be transacted through electronic means. The Members (holding shares both in physical and in electronic form) are provided with the facility to cast their votes on all resolutions set forth in the Notice of AGM, through remote e-voting, prior to the date of the AGM and e-voting during the AGM for those Members who could not cast their votes earlier through remote e-voting. The Company has engaged the National Securities Depository Limited (NSDL) for facilitating the voting through electronic means as the authorized agency.
- The remote e-voting period commences on Tuesday, 13th September, 2022 at 09:00 A.M. and ends on Thursday, 15th September, 2022 at 05:00 P.M. IST. During this period, Members of the Company holding shares, in physical or dematerialized form, as on the cut-off date of Friday, 9th September, 2022 may cast their votes, electronically.
- In case a person has become a Member of the Company after sending the Notice of the AGM but on or before the cut-off date i.e. September 9, 2022, he/she may obtain the login ID and password by sending a request to NSDL on email ID: evoting@nsdl.co.in. However, if he/she is already registered with NSDL for remote e-voting then he/she can use his/her existing user ID and password to cast the vote.
- Members will be able to attend the e-AGM or view the live webcast of AGM provided by NSDL at https://www.evoting.nsdl.com, by using their remote e-voting login credentials. Members are encouraged to use this facility of webcast.
- Members are requested to note that:
 - The remote e-voting module shall be disabled after 05:00 p.m. on September 15, 2022;
 - Once the vote is cast on a resolution, the Member shall not be allowed to change it subsequently;
 - The facility for e-voting shall be made available to the Members during the AGM as well, which would be for those Members who have not been able to vote during the remote e-voting period;
 - Members who have cast their vote by remote e-voting prior to the AGM may also attend/participate in the e-AGM, but they shall not be entitled to vote again;
 - A person whose name is recorded in the Register of Members or in the Register of Beneficial Owners maintained by the Depositories as on the cut-off date i.e. Friday, September 9, 2022 and is otherwise not barred from doing so, only shall be entitled to avail the facility of remote e-voting as well as e-voting during the AGM.
- The manner and procedure for e-voting for all Members is set out in the Notice. In case of any query pertaining to e-voting, Members may refer the Frequently Asked Questions (FAQs) and e-voting user manual for shareholders available at the download section of www.evoting.nsdl.com or call on toll free no.: 1800-222-990 or at telephone nos.: 91 22 2499 4545/1800-222-990, who will address the grievance connected with facility for the voting by electronic means. Alternatively, Members may also write to Mr. Sadananda Poojary, Company Secretary at Investors@coffeedaygroup.com.

By order of the Board of Directors
For Coffee Day Enterprises Limited

Sd/-
Sadananda Poojary
Company Secretary

Date: 25th August 2022
Place: Bengaluru

