Name:

Enrolment No:

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2019

Course: Competition Law **Semester: 9**
Program: BA., LL.B. (HONS.) ENERGY LAWS/
B.Com. LLB. (Hons.) Taxation Laws/ BBA. LL.B. Corporate Laws **Time: 03 hrs.**
Course Code: LLBL556/LLBL557 **Max. Marks: 100**

Instructions: All the questions are compulsory.

Q1	Short answer questions (*attempt in maximum four lines*)	**Marks**	**CO**
I	Whether the Competition Act is applicable to J&K	**2**	**CO1**
II	Monopolising or attempting to monopolise, or combine or conspire with any other person or persons, to monopolise any part of trade or commerce among several states, or with foreign nations, is prohibited under ……………………..	**2**	**CO4**
III	Define monopolistic competition	**2**	**CO2**
IV	What do you mean by Competition Advocacy	**2**	**CO2**
V	Role of NCLAT under Competition Act	**2**	**CO2**
	SECTION B		
Q 2	Write short notes on: a) Leniency Provisions b) Role of Sectoral regulators in promoting competition	**10**	**CO2** **CO1**
Q 3	Write short notes on any two: a) Interim orders of the Commission b) Hardcore cartels c) Essential Facilities Doctrine	**10**	**CO4** **CO2** **CO1**
	SECTION-C		
Q 4	Explain the concept of vertical agreements. How would you differentiate the prosecution in vertical agreement cases with that of horizontal agreements?	**10**	**CO3**
Q 5	Discuss the potential concerns related to Competition Act, 2002 with respect to issues in online platforms.	**10**	**CO4**

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<tr><td colspan="4">SECTION-D</td></tr>
<tr><td>Q 6</td><td>In an order (Notice given by PVR Limited (PVR) (C-2015/07/288)) dated May 4, 2016 the Competition Commission of India (CCI), by majority, conditionally approved the proposed combination between PVR and DLF Utilities Limited (DLF) under the provisions of the Competition Act, 2002 (Competition Act) and the Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Regulations, 2011 (Combination Regulations) (CCI Order). The proposed combination was in relation to acquisition by PVR of DLF’s film exhibition business comprising of 39 screens in the respective relevant markets of Delhi, Gurgaon and Noida:
In terms of the CCI Order, among other commitments, PVR was: –
Required to terminate its agreements in the relevant markets of Noida and Gurgaon and DLF (costing it around 22 screens);
– submit an certificate that, it will not expand organically or inorganically in Noida and Gurgaon (for next three years) and in South Delhi (for next five years); and
– submit a certificate that, for the next five years it will not acquire directly or indirectly any interest in the properties in which it is terminating the agreement

DLF was required to submit an undertaking that it will either continue to operate for a period of five years or sell/ lease or transfer some of the assets in the relevant market of South Delhi (of 7 theatre screens) to an effective and viable competitor of PVR

Determination of relevant market
The delineation or defining of relevant market (comprising of relevant product market and relevant geographic market) in a combination transaction is the backbone for any merger analysis. In the instant case, the CCI has taken the purposive and pragmatic interpretation of the term ‘relevant market’ (in line with its decisional practice in the matter of Carnival Cinemas/ Big Cinemas (C-2015/01/236) and has defined the relevant product market as market for exhibition of films in multiplex theatres (in Gurgaon, Noida and Chandigarh) and at some geographies such as South Delhi and North, West & Central Delhi it also includes high-end single screen theatres.

In light of the aforesaid facts:

(a) Discuss the types of merger remedies and its utilities explaining the type of remedies given in this case.
(b) Explain the process of determining relevant market in combination cases by CCI and why it is an important step in a merger review.</td><td>10+10</td><td>CO2, CO4, CO3</td></tr>
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Q 7	Mr Sher Khan filed information with CCI against Honda Siel Cars India Limited, Volkswagen India Private Limited and Fiat India Automobiles Limited. By way of a prima facie order under Section 26(1) of the Act, CCI directed DG to conduct an investigation based on the allegation that the three original equipment manufacturers (OEMs) placed restrictions on: i. their authorized dealers from making over-the-counter sales of their spare parts and diagnostic tools; and ii. the supplier of the spare parts making direct sales in the market. Later CCI passed an order accepting the DG's request to expand the scope of the investigation to include eleven other OEMs in India. CCI passed final order in this case against OEMs. **Answer the following questions:** **a.** With reference to above, identify and analyse the competition concerns under section 3 and 4 of the Competition Act, 2002. **b.** Few OEMs challenged the constitutionality of orders passed by CCI in this case. Explain and analyse in light of recent judgment.	**20+10**	**CO2, CO4**