

Name:	 UPES <small>UNIVERSITY WITH A PURPOSE</small>
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination, December 2020

Course: Competition law	Semester: IX
Program: BA LL.B (Hons.) (Crim Law/ Energy Law/ Labour Law/ Const Law) / BBA LLB CL / B COM LLB TL	Time 03 hrs.
Course Code: LLBL 556 / LLBL 557	Max. Marks: 100

SECTION A

1. Each Question will carry 5 Marks
2. Instruction: Write short notes.

S. No.		CO
Q 1	What do you understand by term predatory pricing?	CO 1
Q2	Explain the following a. Per Se Rule b. Rule of Reason	CO 3
Q3	Competition Impact Assessment	CO 1
Q4	What do you understand by term essential facilities doctrine?	CO 3
Q5	‘Green Channel’ and 2019 amendments in Combination Regulations in India —	CO 4
Q6	Enumerate the role of CCI in Competition Advocacy.	CO 4

SECTION B

1. Each question will carry 10 marks
2. Instruction: Write short / brief notes

Q 7	What do you understand by term Anti-Competitive Agreement? Also explain how these agreements are dealt under competition law.	CO 2

Q 8	Write an explanatory note on evolution of Competition Law in India. Differentiate between MRTP era and new competition law regime.	CO 2
Q 9	What do you understand by term relevant market? Explain the factors how a relevant market is identified with relevant provisions and cases.	CO 1
Q 10	Enjoying Dominant position is per se not bad but abuse of dominant position is bad. Critically comment with help of case laws.	CO 3
Q 11	The nexus between IPR and Competition law has been described by some as unhappy marriage but in reality, the condition is different. On the basis of above mentioned statement critically explain the interrelation between IPR law and Competition law in India with the help of case laws.	CO 2

Section C

1. Each Question carries 10 Marks.
2. Instruction: Write analytical long answer.

Q12	<p>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:</p> <p>In terms of the CCI Order, among other commitments, PVR was: –</p> <p>Required to terminate its agreements in the relevant markets of Noida and Gurgaon and DLF (costing it around 22 screens);</p> <p>– submit a 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</p> <p>– 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</p> <p>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</p> <p>Determination of relevant market</p> <p>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.</p> <p>In light of the aforesaid facts:</p> <p>(a) Enlist the relevant market(s) identified by the CCI in this merger. Discuss relevant factors which were taken into account in identifying such relevant markets.</p>	CO 4
-----	--	------

	<p>(b) Briefly discuss the types of merger remedies. Discuss the remedies and modifications provided by CCI in this case.</p>	
--	---	--