


Name:			
Enrolment No:			
UPES End Semester Examination, May 2023			
Course: Competition Law Program: BTech LLB Course Code: CLCC5001P		Semester : X Time : 03 hrs Max. Marks: 100	
Instructions: All questions are compulsory. Kindly attempt all parts of a question together.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1.	Define ' <i>appreciable adverse effect on competition</i> ' under Competition Act, 2002	2	CO1
Q 2.	Define 'penetrative pricing'.	2	CO1
Q 3.	What is a DG report under Competition law?	2	CO1
Q 4.	What is the difference between the 'per se' rule and the 'rule of reason'?	2	CO1
Q 5.	Define 'relevant market' under Competition law	2	CO1
SECTION B (4Qx5M= 20 Marks) Short answer type questions			
Q 6.	What is an 'enterprise' under Competition Act, 2002. Use case laws to illustrate.	5	CO2
Q 7.	To what extent can competition advocacy be considered an effective tool for promoting competition in markets? What is the role of competition advocacy in shaping regulatory and policy frameworks, promoting competition culture, and facilitating the implementation of competition law in India.	5	CO2
Q 8.	Mention scenarios in which resale price maintenance in vertical agreements can have both pro and anti-competitive effects?	5	CO2
Q 9.	Discuss the importance of leniency programs in deterring and detecting cartel conduct in India.	5	CO2

SECTION-C (2Qx10M=20 Marks) Long answer type questions			
Q 10.	Evaluate the role of the Director General in the investigation and enforcement of competition law in India. Discuss the legal framework and principles that guide the Director General's decision-making process.	10	CO3
Q 11.	Examine the legal and economic factors that are considered when assessing the impact of vertical agreements on competition in the Indian market. Analyze recent cases and their impact on the Indian market.	10	CO3
SECTION-D (2Qx25M=50 Marks) Case study-based questions			
Q 12.	<p>Assume that there are three major players in the Indian market for after-sales services for cars, namely Company X, Company Y, and Company Z. Company X is a dominant player in the market with a market share of 60%, while Company Y and Company Z have market shares of 25% and 15%, respectively.</p> <p>The Competition Commission of India (CCI) has initiated an investigation against Company X for alleged abuse of dominance in the market for after-sales services for cars. The CCI found that Company X had imposed restrictive terms and conditions on its dealerships, which had foreclosed competition in the market for after-sales services. Additionally, it was discovered that Company X had been providing preferential treatment to some of its dealerships, thereby limiting the ability of other dealerships to compete in the market.</p> <p>Moreover, it was also found that Company X had entered into an exclusive agreement with a major automobile manufacturer to provide after-sales services exclusively to its customers, effectively foreclosing competition in the market for after-sales services for that particular brand of cars.</p>	25	CO4

	<p>Based on these findings, discuss the potential anti-competitive effects of Company X's conduct on the market structure, consumer welfare, and innovation. Analyze the legal standard for establishing abuse of dominance under Indian competition law and the factors considered by the CCI in determining whether a company is a dominant player in the market. Additionally, suggest measures that could be taken to promote competition in the market and protect consumers.</p>		
Q 13.	<p>Assume that Company X, a major player in the Indian market for pharmaceuticals, has proposed a merger with Company Y, a dominant player in the Indian market for medical devices. The merger is expected to create significant synergies and efficiencies, and lead to better research and development capabilities, resulting in new and innovative healthcare products.</p> <p>However, the Competition Commission of India (CCI) has expressed concerns about the potential anti-competitive effects of the merger, particularly in relation to the possible foreclosure of smaller competitors, and the increase in market power and pricing flexibility of the merged entity.</p> <p>In light of the above scenario, discuss the legal and economic factors that would be considered by the CCI to determine whether the proposed merger will cause a significant adverse effect on competition in the relevant market. Analyze the role of the CCI in regulating combinations in India, and the types of remedies that may be imposed by the CCI to address any anti-competitive effects of the merger.</p>	25	CO4