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NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination August-December 2025

Semester UG VIIth

Subject: Competition Law (Honours)

Time: Three Hours

Marks: 100

Instructions:

1. The question paper contains six (06) questions out of which the student must attempt any five (05).
2. Students must start each answer by clearly identifying to which question they are responding.
3. No materials, aids and instruments are permitted in this examination.
4. All questions carry equal marks.

- Q.1) The Harvard School's *S-C-P* model of competition regulation has found new lease of life in competition discourse with the advent of Neo-Brandeisian movement. The revival rejects the narrow '*consumer welfare*' and '*price-efficiency*' standards of competition regulation especially for developing economies with concentrated markets, digital gatekeepers and power asymmetries. Critically evaluate the theoretical continuity and divergence between Harvard School and its new avatar-Neo-Brandeisian in competition regulation and its regulatory advantages for developing economies over current model of price-efficiency. (Marks: 20)
- Q.2) Examining the Doctrine of Restraint of Trade under common law, analyse how American Supreme court departed from the Doctrine under Sherman Act, 1890 by propounding *de novo* "Rule of Reason" as the measure of anti-competitive restraints and monopolisation by Trusts. (Marks: 20)
- Q.3) Analyse the essential requirements of a 'cartel' under Competition Act 2002 and examine how Competition Commission of India establishes collusion from circumstantial evidences like parallel pricing? (Marks: 20)
- Q.4) The debate on the powers of CCI to inquire into combinations, which were not notified, after one year from the date of their consummation ("*look-back*") due to the statutory limitation under Competition Act 2002 has been renewed through recent judgments of *GIP/IDFC Alternatives* (2022) and *Amazon/Future Coupons* (2021). Analyse, with the help of decided cases, the regulatory challenges faced by the competition authorities due to the bar on competition assessment of such combinations and what remedies can the authority provide in such cases. (Marks: 20)
- Q.5) Examine the factors which are considered by CCI in its inquiry into allegations of abuse of dominance, with the help of decided case laws. (Marks: 20)

Q.6) Write short notes on:

a. Predatory Pricing

b. Functional test of "Enterprise" under Competition Act 2002

(Marks: $10 * 2 = 20$)

