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NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination November – 2024
Semester: LL.M. (Corporate Law)
Subject: Competition Law

Marks: 100

Time: Three hours

Instructions:

1. *Students are required to answer any four questions only.*
2. *All questions carry equal marks.*
3. *Use of Bare Act or any other reference material is not permitted.*

Q.1). The aim of the Competition law is not to curtail the businesses carried out by enterprises, therefore achieving dominant position in the market Per se is not wrong it is the abuse of dominant position which is wrong and which has to be stopped. Critically comment. Also, explain the factors that are taken into consideration by Commission to decide dominant position and its abuse by an enterprise in the relevant market.

(Marks: 25)

Q.2). With the advent of science and technology the horizons and boundaries of market have completely changed and now the markets are being dominated by data. In the light of above-mentioned statement explain how Big Data has changed the dimensions of the market. Also, explain the pros and cons of the Big Data on the market and how competition law regulators are struggling in dealing with the issues of Big Data.

(Marks: 25)

Q.3). “Zomafone” an enterprise working multiple fields in market decided to enter into the field of telecommunication. In order to disrupt the market, it lowers down the prices of the services offered at extreme low prices. There were serious allegations against the enterprise by other market players that this practice adopted by “Zomafone” amounts to Predatory Pricing. In the light of abovementioned statement explain the term Predatory Pricing. Explain the test adopted by the commission in order to determine Predatory Pricing. Also, explain the concept of Penetrative Pricing.

(Marks: 25)

Q.4). The Competition Act, 2002 tries to preserve the market for all by opening the gateways of market so that each and every player can have full and complete access to the market. On the other hand, IPR talks about exclusive rights and thereby securing the market only for those having these IP rights. In the light of above-mentioned statement explain how these two laws co-exist. Also, explain whether these IP rights are absolute in nature or there can be reasonable restrictions can be imposed in certain situations.

(Marks: 25)



Q.5). Black Ice Ltd. is an American based Consultancy firm having assets over \$8bn. It is planning to acquire 40% of shares of Grand Day Indian Ltd. which has assets worth Rs 20,000 crores in India. Both companies entering in these combinations tries to enhance their business in India and abroad. Considering the fact that this combination will cross the threshold provided under the act, answer the following.

- A. What is the legal procedure that need to be adopted if the enterprises entering into a combination crosses the threshold limit provided under the provisions?
- B. Also, explain the concept of Green Channel route under Combinations.

(Marks: 12.5 + 12.5 = 25)

Q.6). Write short notes on the following

- a. Cartels
- b. Tie-in agreements
- c. Leverage Dominance
- d. Rule of reason
- e. Relevant market

(Marks: 5 X 5 Marks = 25)