

## NATIONAL LAW UNIVERSITY JODHPUR

End Term Examination August- December 2025

Semester – LLM I Semester (Corporate Laws)

Subject: Competition Law

Time: 3 hours

Mark: 100 marks

*Instructions:*

- i. All the questions carry **equal marks**.
  - ii. Answer any **four out of the six questions**.
  - iii. Please substantiate your statement(s)/argument(s) with relevant case laws, whenever necessary.
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Q.1) The Monopolies and Restrictive Trade Practices (MRTP) Act, 1969, was replaced by the Competition Act, 2002, marking a significant shift in India's approach from curbing monopolies to promoting competition. Also, critically examine the limitations of the MRTP Act that necessitated the enactment of the Competition Act, 2002. In your answer, discuss how the objectives and enforcement mechanisms under the Competition Commission of India (CCI) reflect this new economic and legal philosophy.

(Marks 25)

Q.2) Competition law has evolved through various economic schools of thought from the Harvard Structuralist School and the Chicago Efficiency School to the emerging Neo-Brandeisian Movement. Explain the key principles of these schools in brief and analyse how the shift towards the Neo-Brandeisian approach reflects changing concerns about digital markets, data concentration, and consumer welfare.

Support your answer with relevant examples.

(Marks 25)

Q.3) Four major cement companies in India, Alpha Cements, Bharat Cement Ltd., CoreMix Pvt. Ltd., and Durabuild Ltd., hold more than 70% of the national market share. Over the past year, cement prices across states have risen simultaneously, despite stable production costs. An anonymous whistleblower reports to the Competition Commission of India (CCI) that companies met in secret at industry conferences to coordinate prices and restrict supply. As the legal advisor to the CCI, answer the following with the help of case laws:

1. Identify the possible violation under the Competition Act, 2002 and the relevant section(s).
2. Explain the presumption of appreciable adverse effect on competition (AAEC) applicable in such cases.
3. Discuss the type of evidence (direct or circumstantial) the CCI may rely on to establish cartelization.

(10\*10\*5 marks)

Q.4) Tying occurs when a seller makes the purchase of one product conditional on the purchase of another. Explain the concept of tying arrangements under Section 3(4) of the Competition Act, 2002. Discuss how such practices can harm competition, citing relevant case law. (25 marks)

Q.5 The integration of Facebook and WhatsApp raised serious concerns about data concentration, market power, and potential abuse of dominance in India's digital ecosystem. Examine how the Competition Commission of India (CCI) has approached issues of data-driven dominance and privacy as a non-price factor of competition in cases involving Facebook and WhatsApp. (25 marks)

Q.6) Write short notes on:

(Marks 12.5\*2)

- (a) Combinations
- (b) Essential Facility Doctrine