

Name:	
Enrollment Number:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination, May 2021

Course: Competition Law
Programme: B. Tech ET LL.B (Hons.) IPR

Semester: X
Time: 03 hrs.

Course Code: LLBL 502

Max. Marks: 100

SECTION A

1. Each Question carries 5 Marks
2. Instruction: Word Limit 150-200 words

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Q1	Analyse the scope of powers of the Director General, CCI.	2
Q2	Enlist and illustrate the role of CCI in Competition Advocacy.	1
Q3	Write a short note on role of NCLAT under Competition Act.	4
Q4	Discuss 'Gun jumping' with help of relevant case law.	1
Q5	Explain the various circumstances under which commission can pass interim orders.	2
Q6	What do you understand by term predatory pricing?	1

SECTION B

1. Each Question carries 10 marks
2. Word Limit 350-500 words.

Q7	Critically explain the interrelation between intellectual property rights and Competition law in India with the help of case laws.	4
Q8	"The Competition Act, 2002 was enacted in view of the market development and thereby resulting in opening up of the Indian Economy, removal of controls and consequent economic liberalization which required the Indian economy be enabled to allow competition in the market from within the country and outside." Critically comment in light of evolution of Competition Law in India.	1
Q9	What do you understand by term Dominant Position? With the help of decided cases in India and EU, explain the factors used to determine the dominant position.	3
Q10	Explain Leniency programme under the Competition Act and related regulations. Critically discuss recent cases.	2
Q11	Discuss the potential concerns related to Competition Act, 2002 with respect to issues in online platforms. Cite relevant case law.	3

SECTION C

- 1. Each Question carries 20 marks.**
- 2. Word Limit 500-750 words for each question.**

Q12

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:

In terms of the CCI Order, among other commitments, PVR was: –

Required to terminate its agreements in the relevant markets of Noida and Gurgaon and DLF (costing it around 22 screens);

– submit an 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

– 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

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

Determination of relevant market

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.

In light of the aforesaid facts:

- (a) Enlist the relevant market(s) identified by the CCI in this merger where there was AAEC. Also discuss the factors in these relevant markets which were causing competition concerns.
- (b) Discuss and provide reasons for the merger remedies and modifications provided by CCI in this case.