



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2021

Course:
COMPETITIVE
LAW
Program: Ba
LLB EL
Course Code:
CLCC 5001

Semester 9
Duration : 03 hrs.
Max. Marks: 100

Instructions: ATTEMPT ALL QUESTIONS

SECTION A
(Type the answers in test box)

Objective Type Questions/Definitions/fill in the blanks

5Q x2M=10 Marks

Q. No.		Marks	CO
1	Explain the term Predatory pricing.	2	CO 1
2	Which act was replaced by Competition Act, 2002?	2	CO 1
3	New Economic Policy was adopted in which year.	2	CO 1
4	What is the maximum term of office of chairperson and other persons?	2	CO 1
5	Which Section of Competition Act talks about Relevant Market?	2	CO 1

SECTION B
(Scan and upload)

(Conceptual based question)

4Q x5M=20 Marks

Q. No.		Marks	
1	What do you understand by term Essential Facilities Doctrine?	5	CO 2
2	Write a short note on term "Green Channel" under competition law.	5	CO 2
3	Explain the various circumstances under which commission can pass interim order.	5	CO 2
4	Write a short note on competition impact assessment.	5	CO 2

SECTION-C
(Scan and upload)

(Descriptive/Analytical Questions)

2Qx10M=20 Mark

Q.No.		Marks	CO
1	The nexus between IPR and Competition law has been described by some as unhappy marriage but in reality, the condition is different. On the basis of above-mentioned statement critically explain the interrelation between IPR law and Competition law in	10	CO 3

	India with the help of case laws.		
2	“Dominance Per se is not illegal, but the abuse of the dominant position is illegal”. Critically Comment.	10	CO 3
SECTION-D			
<i>(Scan and upload)</i>			
(Case Studies/ Application Based Questions)		2Qx25M =50 Marks	
Q.No.		Marks	CO
1	<p>Minda ltd, a renowned automobiles spare part company manufacturing a variety of spare parts such as horns, spark plugs, ball bearings etc. imposed conditions restricting to sell these items to their own dealers only and no product will be sold in open market Further they imposed a condition on their dealers that they cannot sell these products at a price lower than the price stipulated by the company. Aggrieved by this restrictive practice adopted by Minda Ltd. Players in the open market and dealers decide to file a complaint to CCI. On the basis of facts mentioned critically analyse the following.</p> <p>a. Decide and check, whether the conditions imposed by Minda ltd, are justified? (12.5 marks)</p> <p>b. What difference it would have created in the situation if the condition was imposed by MINDA ltd, was such that if any player of open market wants to procure the product of MINDA they can only procure the product from company owned outlet and not any other dealer of the company. (12.5 marks)</p>	25	CO 4
2	<p>Mr. Javed, a dominant businessman in the field of electronic industry from Maharashtra, dealing in electronic items decided to enhance his market and therefore in addition to normal brick and mortar market he also entered into e-commerce market. In order to gain strong position in the market Mr. Javed used promotional schemes, referral schemes etc. While using such schemes he sold the product below the cost price of the product. In very short span of time, he also established his dominant position in online industry. A complaint has been filed against Mr. Javed to CCI, alleging that under the garb of promotional schemes, anti-competitive practices are being carried on and he is also abusing his dominant position. On the basis of abovementioned facts discuss the following.</p> <p>a. Whether Mr. Javed has indulged into abuse of dominant position. (5 Marks)</p> <p>b. What do you mean by Predatory Pricing and whether the give situation falls under the ambit of predatory pricing? (5 Marks)</p> <p>c. What is the difference between dumping of a product and predatory Pricing? (5 Marks)</p> <p>d. How one should look at promotional schemes. Whether these schemes are allowed? Do we have exact parameter to maintain check and balance on promotional scheme? (10 Marks)</p>	25	CO 4