


Name:			
Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2022			
Course: Competition Law Program: BBA. LL.B.(Hons) (Corporate Law) Course Code: CLCP5001		Semester: IX Time : 03 hrs. Max. Marks: 100	
Instructions: All questions are compulsory.			
SECTION A (5Qx2M=10Marks)			
S. No.	Write a short note on:	Marks	CO
Q1.	Gun Jumping	2	CO1
Q2.	Objective and use of Competition Compliance Programme	2	CO1
Q3.	Export Cartels	2	CO1
Q4.	Network Effects	2	CO1
Q5.	Herfindahl Hirshman Index (HHI)	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q6.	Explain the concept of 'Control' with help of provisions related to Combination regulation in India. Cite relevant caselaw.	5	CO2
Q7.	Describe and discuss relevant factors to be taken into account for establishing dominant position under the Competition Act.	5	CO2
Q8.	Discuss Hub and spoke cartels with the help of examples.	5	CO2
Q9.	Analyse and explain the individual liability under the Competition Act.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q10.	Critically comment on the interface between intellectual property and Competition law as provided in the Competition Act while discussing relevant provisions and the case law. Briefly discuss the amendments proposed by Competition Law Review Committee in this regard.	10	CO3
Q11.	Critically discuss the role of Big Data as a source of Market Power for the digital platforms with help of cases and examples.	10	CO3

SECTION-D
(2Qx25M=50 Marks)

Q12.	<p>Association of Restaurant & Hotel of India (ARHI) filed an information against Plan your trip PYT and Boravel Stays Operators Limited (BOYO) alleging price parity, deep discounting and other exclusionary conduct amounting to violation of Sections 3 and 4 of the Competition Act. Subsequently, Hab Private Limited (HabHotels) requested and was impleaded as an informant in the matter. Ruptub Solutions Private Limited (Reebo) separately filed an information against the same parties with similar allegations, which was clubbed with the matter. For the sake of brevity, ARHI, HabHotels, and Reebo are collectively referred to as the "Informants".</p> <p>Informants <i>inter alia</i> claimed that PYT imposed "price parity" and "room parity" clauses on hotel partners, whereby the hotel partners (i) were not allowed to sell rooms at any OTA or their own online portal at a price below than the price offered on MMT-Go's platform and (ii) could not refuse rooms on MMT-Go's platform if rooms were accessible on any other OTA. It was additionally argued that PYT offered deep discounts and indulged in very low prices and predation. The Informants submitted that PYT denied market access to HabHotels and Reebo by (i) charging excessive commission and (ii) giving preferential treatment to BOYO through confidential commercial agreements. PYT was also allegedly charging a service fee from customers at the behest of its hotel partners but not paying up to its partners. The Informants further argued that if a hotel partner wished to remove itself from PYT platform, PYT would, instead of removing the hotel partner's name, indicate "sold out" or "no rooms available" for that hotel, thereby severely affecting the hotel's business.</p> <p>a) With reference to above facts, discuss the factors to be taken into account for defining the Relevant Market. Also differentiate between online and offline markets in such a case.</p> <p>b) With reference to above, identify and analyse the competition concerns under section 3 and 4 of the Competition Act, 2002.</p>	<p style="text-align: center;">15</p> <p style="text-align: center;">15</p>	CO4
Q13.	<p>Discuss the types of merger remedies and their design explaining the test and factors for analysing Combinations in India. Cite relevant case(s) approved with modifications by Competition Commission of India.</p>	20	CO4