



**NATIONAL LAW UNIVERSITY & JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A., LL.B.(HONS.) FYIC**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER (IX) – ACADEMIC YEAR 2024-25**

<b>SL. NO</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T/P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>BL906.8 (BUSINESS LAW, SP-VI)</b>	<b>COMPETITION LAW</b>	<b>4 PER WEEK</b>	<b>1 PER WEEK</b>	<b>4</b>	

- A. CODE AND TITLE OF THE COURSE: BL906.8  
(BUSINESS LAW, SPECIALIZATION PAPER – VI),  
COMPETITION LAW**
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)**
- C. MEDIUM OF INSTRUCTION: ENGLISH**
- D. COURSE COMPILED BY: MS. PREETY BORAH MARAK**
- E. COURSE EDITED BY: MR. ANKUR MADHIA**
- F. COURSE INSTRUCTOR: MR. ANKUR MADHIA & PREETY  
BORAH MARAK**

## **1 .COURSE OBJECTIVES:**

Competition law is a rapidly expanding field that mirrors the dynamics of the free-market economy and the growing trend of global integration. The significant economic shifts in recent years have heightened interest in this area, making competition lawyers key players in major law firms and institutions, where they provide expertise in complex transactions. This course aims to provide students with a foundational understanding of the various facets of Competition Law, with a particular emphasis on its practical application by the Competition Commission of India (CCI). While the course focuses on Competition Law, it also provides a framework that can be beneficial for understanding related areas such as combinations and Intellectual Property Rights (IPR).

The course will explore the key areas of competition law: anti-competitive agreements, abuse of a dominant position and regulation of combinations. For each of these areas the course will begin by examining the substantive legal provisions and their judicial interpretations, identifying what practices are permissible and which are prohibited. The course will cover the enforcement mechanisms of these legal provisions, offering a clear understanding of which authorities are responsible for enforcing the different areas of competition law and what investigative and sanctioning powers they possess. Students will be provided with readings on selected decisions of the Competition Commission of India and judgments from relevant courts, which will be discussed in class. Links to these documents will be made available for each session. Additionally, students should refer to the updated legal provisions available on the CCI's official website: [cci.gov.in](http://cci.gov.in).

### **The primary objectives of this course are as follows:**

- a) To introduce students to the legal aspects of Competition laws in a comparative perspective.
- b) To familiarize students with anti-competitive practices and abuse of dominance.
- c) To gain an understanding of case law analysis through in-depth discussions of judicial and arbitral decisions related to combinations and threshold controls.
- d) To understand the CCI's enforcement mechanisms & their coordination

with sectoral-regulators in areas like telecommunications, energy, and finance.

## **2. TEACHING METHODOLOGY**

The teaching methodology will include interactive lectures filled with engaging illustrations and real-world examples. The tutor will use flow diagrams and charts to make complex topics easy to grasp and more visually interesting. Students will actively participate through presentations and lively case discussions. This course will give the students the opportunity to dive into research on competition law topics, making the learning process both fun and insightful.

## **3. COURSE LEARNING OUTCOMES**

- Understands the key principles and sources of the Competition Act, 2002, and relevant amendments.
- Develops the ability to apply competition law principles to specific legal scenarios, identifying potential breaches and suggesting legal remedies.
- Gains clarity on the conflicts between IPR and competition laws, investment issues under competition law, and the modern dimensions of competition law
- To enable the students to take up professional practice in competition law and policy in India and abroad.

## **4. COURSE EVALUATION METHOD:**

The course evaluation is divided into:

Sl. No.	Marks Distribution	
1	Seminar Paper	60 marks
2	Seminar Paper Presentation	30 marks
3	Moot Memorial	50 marks
4	Moot Oral	50 marks
5	Attendance	10 marks
6	Total	200 marks

## **5. DETAILED STRUCTURE OF THE COURSE**

### **MODULE I- Introduction to Competition Law**

Meaning, Constitutional provisions regulating Trade & Competition, Nature & Scope of competition law and policy, Development of Competition law- Competition Act vis-à-vis MRTP Act, Monopolistic trade practices, Restrictive trade practices, Sachar Committee Report, High Powered Committee on MRTP Act & Companies Act, Raghavan Committee Report, Report of the Monopolies Inquiries Commission (Dr. Hazari Report), Basic Economic and Legal Principles, Restraint of Trade under Indian Contract Act.

### **MODULE II- Competition Act, 2002**

Competition Act, 2002- Overview, Definitions - Agreement, Cartel, Consumer, Enterprise, Goods, Services, Practice, Market, Relevant Market, Relevant Turnover, Ideas of Agreement, Dominant Position, Combination and Effects of Anti- Competitive Activities, Establishment of CCI, Quorum of CCI, Investigation and Inquiry Process, Jurisdictional Boundary of the CCI, Enforcement Powers of the CCI, Appeal Provisions, Scope of Judicial Review under Article 226 of the Constitution of India, Settlement or Commitment under the Competition Act.

### **MODULE III- Anti-Competitive Agreements and Its Effect on Competition**

Anti-competitive agreements – Meaning, Existence of an Agreement, Standard of Proof- Direct Evidence, Indirect (Circumstantial) Evidence, Economic Evidence Rule of Per se and Reason, Prohibition of Anti-Competitive Agreements- Cartel (Price Fixing, Output Controls, Market Sharing, Bid Rigging, Hub-and-Spoke Cartel), Appreciable Adverse Effect on Competition (AAEC) in India, Exemption, Concerted practices and Parallel behavior, and Collusive Bidding, Tie-in-arrangements, Exclusive Supply Agreement, Resale Price Maintenance Agreement, Protection of Consumers, Unilateral Effect and Coordinated Effect, Effects of Horizontal and Agreements & Effects Doctrine.

### **MODULE III- Abuse of Dominant Position**

Dominance in Relevant Market, Abuse of Dominant Position, Types of Abuse – Unfair Terms and Conditions, Discriminatory Pricing (CCI is not a Price Regulator), Predatory Pricing, Determination of Cost, Differential Pricing, Denial of Market Access (including Non-Price Parameters), Imposing Supplementary Obligations & Leveraging of Dominant Position, Objective Justification – Effects Doctrine & IPR as a Defense.

### **MODULE IV- Regulation of Combinations**

Concept of Combination in India, Combinations: Merger, Acquisition, Amalgamation and Takeover - Horizontal, Vertical and Conglomerate Mergers, Threshold Limits (De Minimis Exemption), Combinations Regulations, Obligation to Notify a Combination, Green Channel, Penalty for Non-Filing (Gun Jumping), Exclusions & Exemptions (Acquisition by Public Financial Institutions, Foreign Portfolio Investor, Alternative Investment Fund, Sector Specific Exemptions – Solely as an Investment, In the ordinary Course of Business, Schedule I Item 1A, 2,3,4,5,6,7,8,9,10), Offshore Combinations, Powers of CCI over Combinations, Penalties for Omissions or making false statements, Procedure for Investigation of a Combination and Miscellaneous Competition Act, 2002.

### **MODULE V- Emerging Trends in Competition Law (Interface with Sectoral Regulator)**

Competition Advocacy in India, Intellectual Property Rights and Competition Law, Friends in Disagreement, Jurisdiction of the CCI over IPR Issues, Challenges to CCI's Jurisdiction, Competition Act, 2002 v. Copyright Act, 1957 & Competition Act v. Patents Act, 1970, Scope of IPR Exemption- Reasonable Restrictions, Coverage of IPR Exemption, Telecom Regulatory Authority of India and Competition Law, International Dimensions of European Competition Law - WTO and its impact on Competition Law with reference to UNCTAD, Applicability of Competition law in agricultural sector.

## **6. PRESCRIBED READINGS**

*(Students are advised to go through the recent editions of the recommended books)*

### **Books:**

1. Competition Law in India by Abir Roy and Jayant Kumar.
2. Competition law in India and Interface with Sectoral Regulators by Chatterji Souvik.
3. Emerging Competition Law by Sinha Manoj and Mallaya, Susmitha P
4. Competition Law by Whish and David Bailey.
5. Competition Law in India: Policy, Issues and Developments, T Ramappa
6. Competition Law of the EC and UK by Mark Furse.
7. Competition Law Today by Vinod Dhall
8. Commentary on MRTP Law, Competition Law & Consumer Protection Law by S.M. Dugar.
9. Competition Law in India: A Practical Guide by Abir Roy.

### **Legislations:**

- The Sherman Anti-Trust Act, 1890
- The Clayton Act, 1914
- Federal Trade Commission Act, 1914
- Competition Act, 1998 (UK)
- Enterprise Act, 2002 (UK)
- MRTP Act, 1969 (India)
- The Competition Act, 2002 (India)
- The Competition Amendment Bill, 2012(India)
- Notifications issued by Competition Commission of India
- General Regulations, 2009
- CCI (Lesser Penalty) Regulations, 2009
- Determination of Cost of Production Regulations, 2009
- Other CCI Regulations (As amended till date)

**Case Laws:**

- Coal India Ltd & Anr. v. Competition Commission of India & Another, CIVIL APPEAL NO.2845 of 2017.
- Institute of Chartered Accounts of India v. Competition Commission of India & Others, W.P.(C) 2815/2014.
- Google India Pvt. Ltd v. Matrimony.com Ltd, Competition Commission of India (Case Nos. 07 and 30 of 2012)
- Alliance of Digital India Foundation v. Competition Commission of India & Others (Case No. 37 of 2022 with Case No. 17 of 2023).
- Brahm Dutt v. Union of India, AIR 2005 SC 730
- CCI v. Steel Authority of India Ltd. (2010)10 SCC 744
- Mahindra Electric Mobility Limited v. Competition Commission of India 2019 OnLine Del 8032.
- Excel Crop Care Ltd v. CCI, (2017) 8 SCC 47
- CCI v. Co-Ordination Committee of Artists and Technicians of W.B. Film And Television, civil appeal no. 6691 of 2014 decided on 7.03.2017 (SC)
- Builders Association of India v. Cement Manufacturers, Case No. 29/2010, decided on 20.6.2012 (CCI)
- Exclusive Motors Pvt. Ltd v. Automobile Lamborghini SPA, Case No. 52/2012, decided on 6.11.2012 (CCI)
- Shamsher Kataria v. Honda Siel Cars India Ltd., 2014 Comp LR 1 (CCI)
- Rajasthan Cylinders and Containers Limited v. Union of India, Civil Appeal No. 3546 of 2014 decided on 1.10.2018 (SC)
- Samir Agrawal v. CCI, Civil Appeal No.3100 of 2020 decided on 15.12.2020 (SC)
- Belaire Apartment Owners' Association v. DLF Ltd & HUDA, 2011 Comp LR 0239(CCI)
- Surinder Singh Barmi v. Board for Control of Cricket in India (BCCI) [2013]113 CLA579 (CCI), 2013 CompLR 297 (CCI), [2013]118 SCL 226 (CCI)
- Surinder Singh Barmi v. Board for Control of Cricket in India (BCCI) [2013]113 CLA579 (CCI), 2013 CompLR 297 (CCI), [2013]118 SCL 226 (CCI)

- Indian Exhibition Industry Association v. Ministry of Commerce and Industry and Indian Trade Promotion Organisation, 2014 Comp LR 87 (CCI);
- Indian Trade Promotion Organisation v. CCI (CompAT)
- Etihad Airways and Jet Airways Combination Order, CCI, Order dated 12.11.2013
- Sun Pharma and Ranbaxy Combination Order, CCI, Orders dated 5.12.2014 and 17.3. 2015
- Wal-Mart and Flip Kart Combination Order, CCI, Order dated 4.8.2016
- PVR and DT Cinemas, C-2015/07/288, CCI, Order dated 4.5. 2016 (<http://www.cci.gov.in/sites/default/files/event%20document/C-2015-07-288.pdf>)
- In Re: Cartelization in respect of Zinc Carbon Dry Cell Batteries Market in India, Suo Motu Case No. 02 of 2016
- Nagrik Chetna Manch v. Fortified Security Solutions and others, case No. 50 of 2015, order dated 01.05.2018 (CCI)
- Telefonaktiebolaget LM Ericsson (PUBL) v. Competition Commission of India, 2016 OnLine Del 1951
- Competition Commission of India v. Bharti Airtel Ltd, Civil Appeal NO (S). 11843 OF 2018

### **Journals**

- Indian Competition Law Review (ICLR)
- The Competition Law Review (Comp L Rev)
- Competition Law Insight
- Competition Law International
- OECD Journal of Competition Law and Policy
- European Competition Journal (ECJ)
- Antitrust Law Journal (ALJ)