



COURSE MANUAL

Name of the Elective Course:
Competition Law, Policy and Enforcement

Course Code:

Name of the responsible Faculty Instructor:
Prof. Prama Mukhopadhyay
Assistant Professor

FALL 2025
(AY2025-26)

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intends and purposes as far the elective course, ____*Competition Law, Policy and Enforcement*_____, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: **Competition Law, Policy and Enforcement**

Course Code:

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **_4_ Credits**

Level: **UG or PG or Both**

Medium of Instruction: **English**

Pre-requisites (if applicable):

Equivalent Courses: N/A

Part II

1. Acknowledgement of Course Ideators

2. Course Description

Competition law and policy play a pivotal role in fostering economic growth, ensuring fair market practices, and protecting consumers' interests. Competition law helps maintain a level playing field for businesses by enabling new entrants to compete alongside established players, promoting market diversity, and preventing the concentration of economic power. Additionally, it contributes to consumer welfare by ensuring choice, quality, and affordability.

With rapid technological developments and complex market structures, Competition Authorities across the globe are grappling with intricate issues in digital markets. In India, competition law has gained increasing significance in recent years. The legal regime is undergoing reforms to align with global best practices. The 2023 amendments to the Competition Act, 2002, mark a significant milestone in the development of Indian competition law.

This course offers a comprehensive discussion of the Competition Act, 2002, with a special focus on the 2023 amendments. The course covers the core substantive areas of competition law: the regulation of anti-competitive agreements, abuse of dominance and combinations.

In addition to substantive provisions, the course explores enforcement mechanisms, with an emphasis on the powers and functioning of the Competition Commission of India (CCI), as well as the evolving jurisprudence on public and private enforcement.

While the primary focus is on the Indian jurisdiction, the course draws comparative insights from other jurisdictions, such as the European Union and the United States, where relevant, to enhance understanding of key concepts and global enforcement trends.

The course also addresses practical challenges in the field of competition law and provides theoretical perspectives on these issues, encouraging students to critically reflect on both doctrinal and policy dimensions of market regulation.

3. Course Aims

- To introduce various kinds of anti-competitive practices and the legal framework governing the same.
- To understand the economic aspects of various anti-competitive practices.
- To understand mechanisms of enforcement of competition law and challenges pertaining to that.
- To provide students with a thorough understanding of competition law in India, including its theoretical foundations, practical challenges, and emerging issues in digital markets and enforcement.
- To explore how competition law advances key policy goals such as market access, consumer welfare, innovation, and economic efficiency.

4. Teaching Methodology

This course will be taught both from theoretical and practical perspectives through lectures, in-class discussions, and presentations. Students are required to read the reading materials before coming to the class. Students are expected to participate in classroom discussions.

5. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
Students should be able to understand the basic facets of competition law and policy.	50%	Discussion of cases and legal principles	Research Paper and Presentation
Students should be able to apply the rules properly and identify anti-competitive conducts and analyse its effect on the market.	40%	Discussion of cases and legal principles	Research Paper and Presentation
Students should be able to understand the enforcement mechanism of competition law.	10%	Discussion of cases and legal principles	Research Paper and Presentation

6. Grading of Student Achievement

To pass this course, students shall obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessments (including moot court, mid-term exam, presentations, research paper) and the end term examination. Internal assessments shall carry a total of 70 marks. **End of semester exam shall carry 30 marks out of which students have to obtain a minimum of 30% marks to fulfil the requirement of passing the course.**

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	Pass 1 – Pass with basic understanding of the subject matter
40 – 44	P2	1	Pass 2 – Pass with rudimentary understanding of the subject matter
Below 40	F	0	Fail - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course
Incomplete	I	0	Incomplete - “Extenuating circumstances” preventing the student from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “I” grade. If an “I” grade is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

7. Criteria for Student Assessments

Assessment of the participants will be based on the following criteria.

Assessment	Weightage	Remarks
Research Paper	50 Marks	Required to submit research paper.
Presentation	20	Required to present the research paper.
End Semester Examination (Compulsory)	30 Marks	There will be a compulsory end-semester examination/component for all participants of the course who have successfully met the requisite attendance as per the governing JGU policies.

Part III

Course/Class Policies

Cell Phones, Laptops and Similar Gadgets

All electronic devices should be used only for educational purposes.

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to disabilitysupportcommittee@jgu.edu.in

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Part IV

Keywords Syllabus

Competition Law, Policy, Enforcement, India, EU

Course Design and Overview (Weekly Plan)

Week	Topics
1.	Introduction
2	Enterprise
3-6	Anti-Competitive Agreements
7	Market Definition and Market Power
8-9	Abuse of Dominance
10-11	Combination
12-13	Procedure and Enforcement
14	Revision

Module Descriptions:

Part V Relevant Readings / Essential Readings

Week 1: Introduction

- What is competition?
- Why is competition needed?
- What is competition law?
- What is competition policy?
- What are the goals of competition law?
- What is the development trajectory of competition law in India?
- What is the framework of Indian competition law?

Essential Reading

- Whish & Bailey, *Competition Law*, Chapter 1, pp. 1–25

Suggested Readings

- Jones & Sufrin, *EU Competition Law*, Chapter 1, pp. 1–59
- Geeta Gouri, “Convergence of Competition Policy, Competition Law and Public Interest in India,” *Russian Journal of Economics* (2020)
- Vijay Kumar Singh, “Competition Law and Policy in India: The Journey in a Decade,” *NUJS Law Review* (2011)
- Gregory Mankiw, *Principles of Economics*, 2nd Ed., South-Western, pp. 259–328

Week 2: Enterprise

- What is an Undertaking?
- What is an Enterprise?
- What is functional approach?
- What is economic/commercial function?
- What is sovereign function?

Essential Readings

- The Competition Act, 2002: Sections 2(h), 54
- Ariel Ezrachi, *EU Competition Law: An Analytical Guide to the Leading Cases*, Chapter 1
- Case C-41/90, *Höfner and Elser v. Macrotron GmbH* [1991] ECR I-1979
- *CCI v. Coordination Committee of Artists and Technicians of W.B. Film and Television*, (2017) 5 SCC 17
- *Union of India v. CCI*, AIR 2012 Delhi 66
- Case C-49/07, *MOTOE v. Hellenic Republic* [2008] ECR I
- *Surinder Singh Barmi v. BCCI*, Case No. 61/2010

Suggested Readings:

- *Mr. Umar Javeed & Ors. v. Google LLC*, Case No. 39/2018, para 210
- *Reliance Big Entertainment Ltd. v. Karnataka Film Chamber of Commerce* [2012] 108 CLA 116 (CCI)
- *Rajat Verma v. Public Works Department, Government of Haryana*
- Joined Cases C-180/98 to C-184/98, *Pavel Pavlov and Ors. v. Stichting Pensioenfonds Medische Specialisten*
- Case C-309/99, *Wouters v. Algemene Raad van de Nederlandse Orde van Advocaten*

Week 3-6: Anti-Competitive Agreements

- What is the meaning of agreement, understanding and concerted practice?
- What is the meaning of anti-competitive agreement?
- What is appreciable adverse effect on competition?
- What is the concept of single economic entity?

Essential Readings

- The Competition Act, 2002: Sections 3, 19(3)
- *Builders Association of India v. Cement Manufacturers*, Case No. 29/2010
- *CCI vs. Coordination Committee of Artists and Technicians of W.B Film and Television*, (2017) 5 SCC 17
- *Excel Crop Care Ltd. v. CCI*, Civil Appeal No. 2480/2014
- *Samir Agarwal v. CCI*, Civil Appeal No. 3100/2020
- *All India Tyres Dealers' Federation v Tyre Manufacturers*, MRTP Case: RTPE No. 20 of 2008
- *Mr. Ramkant Kini v Dr. L.H. Hiranandini Hospita*, Case No.39 of 2012
- *Ajay Devgan Films v. Yash Raj Films Pvt. Ltd.*, Case No. 66/2012
- *Shamsher Kataria v. Honda Siel Cars India Ltd.*, Case No. 03/2011
- *Hyundai Motor India Ltd. v. CCI*, Competition Appeal (AT) No. 06/2017
- *In re: Maruti Suzuki Discount Control Policy*, Suo Motu Case No. 01/2019

Suggested Readings

- Whish & Bailey, Chapter 3
- Jones & Sufrin, Chapter 3
- *CCI v. Bharti Airtel*, (2019) 2 SCC 521
- *In re: Domestic Airlines*, Case No. 01/2011
- *FICCI–Multiplex Association v. United Producers/Distributors Forum*, Case No. 1/2009
- *Automobile Dealers Association, Hathras v. Global Automobiles Ltd.*, Case No. 33/2011
- *Exclusive Motors Pvt. Ltd. v. Automobili Lamborghini SPA*, Case No. 52/2012
- *Aamir Khan Productions Pvt. Ltd. v. Union of India*, W.P. No. 358/2010
- *Automobiles Dealers Association Hathras, v Global Automobiles Limited*, Case No. 33/2011
- *Fx Enterprise Solutions India Pvt. Ltd. v. Hyundai Motor India Ltd.*, Case No. 36/2014
- *Neeraj Malhotra v. Deutsche Post Bank Home Finance Ltd.*, Case No. 5/2009
- *Neha Gupta & Ors. v. Tata Motors Ltd. & Ors.*, Case No. 21/2019
- *Nishant P. Bhutada v. Tata Motors*, Case No. 16/2020
- *Harshita Chawla v. WhatsApp Inc.*, Case No. 15/2020

- Case C-73/95P, *Viho Europe BV v. Commission* [1996] ECR I-5457
- Samir Gandhi, Arunima Chatterjee & Shreya Singh, “India: Cartel,” *Global Competition Law Review* (March 2020)
- Aditya Bhattacharjee & Oindrila De, “India’s Cartel Penalty Practices, Optimal Restitution and Deterrence,” *Institute of Economic Growth Working Paper* No. 424
- Vikash Kathuria, “Vertical Restraints under Indian Competition Law: Whither Law and Economics,” *Journal of Antitrust Enforcement* (2021)

Week 7: Market Definition and Market Power

- What is relevant market?
- What is relevant product market?
- What is relevant geographic market?
- What is market power?

Essential Readings

- Sections- 2(r), 2(s), 2(t), 19(5), 19(6) and 19(7)
- Whish & Bailey, Chapter 1, pp 26-50
- Commission Notice on the definition of the relevant market for the purpose of Union Competition Law 2024 (EU)
- *Case 27/76, United Brands v Commission* [1978] ECR 207
- *Belaire Apartment Owners’ Association v. DLF Ltd & HUDA*, 2011 Comp LR 0239 (CCI), Main Order dated August 12, 2011; Supplementary Order by Mr. R Prasad (Member, CCI) dated August 12, 2011 and Supplementary Order dated January 3, 2013, *DLF Ltd. V. CCI*, 2014 CompLR 01 (CompAT)
- *Uber India Systems Private Limited v. Competition Commission of India*, Civil Appeal No. 641 of 2017; *Meru Travel Solutions Private Limited vs Competition Commission of India (COMPAT)* Appeal No. 31/2016.
- *MCX Stock Exchange Ltd. Vs. National Stock Exchange of India Ltd. And Ors*, Case No. 13 of 2009

Suggested Readings

- Jones & Sufrin, Chapter on Market Definition
- Malik et al., “Legal Treatment of Abuse of Dominance in Indian Competition Law,” *Review of Industrial Organization* (2019)
- CCI on SSNIP: <http://www.livemint.com/Opinion/...>

Week 8-9- Abuse of Dominance

- What is a dominant position?
- What amounts to abuse of dominance?
- What are the types of abuse of dominance?

Essential Readings

- The Competition Act, 2002: Sections 4, 19(4)
- Case 85/76, *Hoffmann-La Roche v. Commission* [1979] ECR 461
- *Belaire Apartment Owners' Association v. DLF Ltd.*, 2011 CompLR 239 (CCI)
- *MCX Stock Exchange Ltd. vs. National Stock Exchange of India Ltd. and Ors*, Case No. 13 of 2009
- *Coal India Ltd. v. CCI*, 2017 CompLR 447 (CompAT)
- *Umar Javeed v. Google LLC*, Case No. 39/2018
- *Harshita Chawla v. WhatsApp Inc.*, Case No. 15/2020
- *Competition Commission of India v Schott Glass India*, Civil Appeal No. 5843 of 2014

Suggested Readings

- Whish & Bailey, Chapter 5
- *RKG Hospitalities Pvt. Ltd. v. Oravel Stays Pvt. Ltd.*, Case No. 03/2019
- *XYZ v. Alphabet Inc.*, Case Nos. 07/2020, 12/2021, 35/2021
- *Amit Mittal v. DLF Limited*, Case No. 73 of 2014
- *Fast Track Call Cab v. ANI Technologies*, Case Nos. 6 & 74/2015
- *MKansan News Pvt. Ltd. v. Fastway Transmission Pvt. Ltd.*, Case No. 36/2011
- Draft CCI (Determination of Cost of Production) Regulations, 202

Week 10-11: Combination

- What is combination?
- What are the threshold limits?
- What is deal value threshold?
- What is the scope of exemptions available under the Act and the Combination Regulations?
- What is the meaning of control?
- What is the procedure of notifying a combination?
- What is gun jumping?
- What is green channel?

Essential Readings

- The Competition Act, 2002: Sections 5, 6, 20, 29–31
- Combination Regulations, 2024
- *Jio-Hathway Combination*, C-2018/10/610
- *Walmart–Flipkart*, CCI Case No. C-2018/05/571
- *Etihad–Jet Airways*, Order dated 12.11.2013
- *Sun Pharma–Ranbaxy*, Orders dated 05.12.2014 & 17.03.2015
- *Torrent Power Ltd.*, Order dated 14.01.2025

Suggested Readings

- Competition (Criteria of Combination) Rules, 2024
- Competition (Minimum Value of Assets or Turnover) Rules, 2024
- Competition (Criteria for Exemption of Combinations) Rules, 2024
- *PVR and DT Cinemas*, C-2015/07/288, CCI, Order dated 4.5. 2016
- *In re: Proceedings against Goldman Sachs (India) Alternative Investment Management Private Limited under Section 43A of the Competition Act, 2002*
- Prateek Bhattacharya, Competition Commission of India's 'Control' Quandary - Practice, Precedent, and Proposals (March 1, 2021). European Competition Journal
- Avaantika Kakkar and Vijay Pratap Singh Chauhan, Evolving Character of the Indian Merger Control Regime, CCI Journal on Competition Law & Policy (2022)
- Green Channel Route: Resolving the Impediment and Procedural Infirmities , Kluwers (2021)

Week 12-13: Procedure and Enforcement

- What is the procedure to conduct investigation?
- What is public enforcement?
- What is private enforcement?
- What is the method of calculation of penalty?
- What is leniency?
- What is leniency plus?
- What is settlement?
- What is commitment?

Essential Readings

- The Competition Act, 2002: Sections 26, 27, 33,36,41,46, 48A,48B
- Lesser Penalty Regulation, 2009
- Competition Commission of India (Settlement) Regulations, 2024
- Competition Commission of India (Commitment) Regulation, 2024
- *Cartelization in respect of tenders floated by Indian Railways for supply of Brushless DC Fans and other electrical items,Suo Moto Case No. 03 of 2014*
- *In Re: Cartelization in respect of Zinc Carbon Dry Cell Batteries Market in India, Suo Motu Case No. 02 of 2016*
- *In re: Anticompetitive conduct in dry cell batteries market in India, Suomotu case no. 01 of 2017, order 30.08.2018*
- *Excel Crop Care Ltd. v. CCI & Anr., Civil Appeal No. 2480/2014*
- *Kshitiz Arya Anr. V Google LLC and Ors., Case No. 19 of 2020*

Suggested Readings

- *Nagrik Chetna Manch v. Fortified Security Solutions and others, case No. 50 of 2015, order dated 01.05.2018 (CCI)*
- *Cartelization of broadcasting service providers by rigging the bids submitted in response to tender floated by sports broadcasters Suomotu case no. 02 of 2013, order dated 11.07.2018*
- Whish & Bailey, Chapters 7 & 8
- The Competition Commission of India (Determination of Turnover or Income) Regulations, 2024
- The Competition Commission of India (Determination of Monetary Penalty) Guidelines, 2024
- Somashekar T.S., Praveen Tripathi, Cartel leniency programme in India- why no race here? Journal of Antitrust Enforcement, 2023
- Aditi Gopalakrishnan, Toshit Shandilya, Shreya Singh and Karan Sood (AZB & Partners), Cartel leniency in India: Overview, Practical Law (Thomson Reuters), November 2020.

Week 14: Revision