



## **COURSE MANUAL**

### **Competition Law**

**Course Code:**

**Name of the responsible Faculty Instructor:**

Prof. Prama Mukhopadhyay, Assistant Professor  
Prof. (Dr.) Ritam Arora, Assistant Professor

**Fall 2026  
(AY2025-26)**

This document is prepared by the course instructors and contains basic information relevant to the execution of the course. It is the official record for all intents and purposes as far the elective course, *Competition Law*, 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**

Course Code:

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

No. of Credit Units: **4 Credits**

Level: **UG and PG**

Medium of Instruction: **English**

Pre-requisites (if applicable): **Company Law I (Company Law for LL.B.)**

Equivalent Courses: N/A

## Part II

### 1. Acknowledgement of Course Ideators

This elective has been conceptualized and developed jointly by **Prof. (Dr.) Ritam Arora** and **Prof. Prama Mukhopadhyay**. The course reflects their shared academic vision, drawing from the teaching experience, research, and engagement with the discipline of competition law and policy.

They acknowledge the institutional support and commitment to academic excellence that made this course possible. They are grateful to their colleagues and institutional leadership, whose insights and feedback continue to enrich and strengthen the competition law curriculum.

As this is a dynamic field, they remain committed to reviewing and updating the content in response to new developments and student feedback. They are also thankful to the academic and administrative teams whose support made this possible.

### 2. Course Description

Competition law constitutes one of the central legal mechanisms through which modern economies regulate market power, promote efficiency, and safeguard consumer welfare. The discipline emerged historically in response to monopolistic concentrations of economic power and has evolved into a sophisticated regulatory framework addressing complex forms of anti-competitive conduct.

This course provides a comprehensive introduction to the doctrinal, economic, and institutional foundations of competition law, with a primary focus on the Indian Competition Act, 2002, while drawing comparative insights from the United States and the European Union. Students will examine the core substantive pillars of competition law: anti-competitive agreements, abuse of dominance, and merger control, alongside the enforcement architecture of the Competition Commission of India (CCI).

In addition to doctrinal foundations, the course engages with contemporary developments shaping competition law globally. Particular attention will be paid to digital markets, data-driven platforms, and artificial intelligence, which are transforming market structures and challenging traditional enforcement tools. Issues such as algorithmic collusion, data concentration, platform self-preferencing, and killer acquisitions will be explored alongside recent regulatory initiatives including the Competition (Amendment) Act, 2023 and emerging debates on digital market regulation.

By combining doctrinal analysis, economic reasoning, comparative perspectives, and applied case studies, the course equips students with the analytical tools necessary to assess complex market conduct and regulatory responses in modern competition regimes.

### 3. Course Aims

- Explain key concepts such as market power, relevant market, and barriers to entry.
- Distinguish between horizontal and vertical agreements and assess their competitive effects.
- Evaluate conduct under abuse of dominance provisions.
- Understand the legal and economic framework of merger control.
- Critically assess policy debates concerning competition law reform and enforcement strategies.
- Critically evaluate case law, regulatory reports, and scholarly debates on digital and algorithmic markets.
- Develop research papers, presentations, and policy briefs on contemporary challenges in competition.

### 4. Teaching Methodology

The course will be taught through a combination of lectures, seminar-style discussions, and applied learning methods. Additionally, experiential components such as policy exercises, brief-writing, and mock submissions will provide hands-on opportunities to apply theoretical concepts in realistic scenarios.

### 5. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
<ul style="list-style-type: none"><li>• Demonstrates the ability to understand and apply legal principles and rules learnt in class to different factual situations.</li></ul>	30%	In-depth case discussions in class to engage with students' understanding of cases.	Students' ability to grasp and critically evaluate the topics/issues discussed in the syllabus will be tested in the following ways:
<ul style="list-style-type: none"><li>• Comprehend the rationale behind different kinds of business behaviour and critically analyse its impact on markets while taking into consideration the different objectives of competition law.</li></ul>	40%	Lectures and case studies of ongoing cases for which there may not be satisfactory Competition agency rulings.	(i) First internal assessment as decided by the course instructor. (ii) Second internal assessment as decided by the

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
<ul style="list-style-type: none"> <li>Build familiarity with comparative enforcement frameworks, including per se and object-effect doctrines under U.S. and EU antitrust regimes.</li> </ul>			course instructor. (iii) Third internal assessment as decided by the course instructor. (iv) End-term examination
<ul style="list-style-type: none"> <li>Comprehend the background to economic principles and their importance in legal arguments.</li> <li>Equip students to undertake effects-based analysis and rule-of-reason assessments in identifying anti-competitive conduct.</li> </ul>	20%	Lectures and in-class discussions.	
<ul style="list-style-type: none"> <li>Encourage critical evaluation of emerging competition risks in digital markets, including algorithmic collusion, platform self-preferencing, and data monopolization.</li> </ul>	10%	Seminar style discussion on contemporary competition law issues in digital markets.	

## 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	<b>Outstanding</b> – 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	<b>Excellent</b> - 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	<b>Very Good</b> - 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	<b>Good</b> - 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	<b>Fair</b> – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	<b>Acceptable</b> - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	<b>Marginal</b> - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
45 – 49	P1	2	<b>Pass 1</b> – Pass with basic understanding of the subject matter
40 – 44	P2	1	<b>Pass 2</b> – Pass with rudimentary understanding of the subject matter
Below 40	F	0	<b>Fail</b> - 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	<b>Incomplete</b> - “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
Type of Assessment	Marks 20 (Prof. Prama)/ Marks 30 (Prof. Ritam)	In-class test (written) What this test: analytical clarity
Type of Assessment	35 Marks (Prof. Prama) / 30 Marks (Prof. Ritam)	Research Paper
Type of Assessment	15 Marks (Prof. Prama)/ 10 Marks (Prof. Ritam)	Presentation on the Research paper (Prof. Prama)/ Class Participation (Prof. Ritam)  Class participation components: Quality of interventions (not frequency) Engagement with readings Ability to respond to counter-questions Case-based comments

Assessment	Weightage	Remarks
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**

The class will cover between one and two topics each week as per the lecture program. The instructor will tell students at least a week before how far ahead to read in the required readings for the next week, and if there are any changes in the readings. Students are expected to complete all the required readings and case laws. If a student is unable to attend a lecture, they should inform the course instructor in advance and reach out to them for assistance. Students are expected to prepare for and participate in class discussions on a regular basis.

#### **Cell Phones, Laptops and Similar Gadgets**

The respective course instructor will explain the policy on first day of the class.

#### **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](mailto: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, Digital market, Artificial intelligence, Anti-Competitive Agreements, Abuse of Dominance, Merger/Combinations, India, EU.

### **Course Design and Overview (Weekly Plan)**

<b>Week</b>	<b>Topics</b>
1-2	Introduction to Competition Law
3	Market Definition and Market Power
4	Competition Law Enforcement and Framework
5-7	Anti-Competitive Agreements
8-9	Abuse of Dominance
10-11	Merger Control
12-13	Digital Markets and Artificial Intelligence
14	Revision

## Part V Relevant Readings / Essential Readings

### Week 1-2: Introduction to Competition Law

- Introduction to Competition Law (Week 1)
- Schools of Competition Analysis (Week 1)
- The Economics of Competition Law (Week 2)
- Goals of Competition Law (Week 2)
- The Techniques and Tools of Competition Law (Week 2)
- The Concept of Enterprise under section 2(h) (Week 2)
- Application of Competition Law (Week 2)
- The New Economy (Week 2)

### Essential Readings:

*The Competition Act 2002*, sections 2(h), 54 and 2023 amendment

### Books:

- R. Whish, & D. Bailey, *Competition Law* (OUP, 11<sup>th</sup> ed, 2024) Ch 1
- Daniel Crane 'Ordoliberalism and the Freiburg School' in Daniel A Crane and Herbert Hovenkamp (eds) *The Making of Competition Policy: Legal and Economic Sources* (Oxford University Press, 2013) pp.252-281.
- Geeta Gouri 'A Commissioners Primer to Economics of Competition Law in India' (Palgrave MacMillan, 2023) (selected chapters) pp.1-11, 13-45
- N. Dunne, A. Jones and B. Sufrin, *EU Competition Law* (Oxford: OUP, 8th ed, 2023) pp. 110-186

### Articles:

- J Fortin, 'Why Calls for Shifting to Brandesian Economic Theory is Flawed: An Evaluation of the U.S. and E. U's Approach to Vertical Mergers and why Consumer

Welfare Should be Retained by U.S. Regulators' (2020) 54(5) University of Richmond Law Review. Pp.1-22.

- Lina Khan, 'The New Brandeis Movement: America's Antimonopoly Debate' (2018) 9(3) *Journal of European Competition Law & Practice*. Pp.131-132

### **Case Laws**

- *Standard Oil Co. of New Jersey v. United States*, 221 U.S. 1
- *Hoffmann-La Roche & Co. AG v. Commission*, [1979] ECR 461
- *Tetra Pak International SA v. Commission* (Tetra Pak II), [1996] ECR I-5951
- *AKZO v. Commission*, C-62/8 (1991)
- *United States v. Continental Can Co.*, 378 U.S. 441
- *Ramakanat Kini v. Dr. L. H. Hiranandani Hospital*, Case No. 39/2012 (paragraphs 7 to 11 and 14 to 15)
- *Fast Track Call Cabs v ANI Technologies*, Case No 6 & 74 of 2015
- *Meru Travel Solutions Pvt. Ltd v. Uber*
- *India Systems Pvt. Ltd.*, Case No. 81/2015
- *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
- *Surinder Singh Barmi v BCCI*, Case No 61/2010 (CCI)

### **Optional readings:**

- Sokol and Comerford, 'Does Antitrust Have a Role to Play in Regulating Big Data?' in Blair Roger D and D Daniel Sokol (eds.), *Cambridge Handbook of Antitrust, Intellectual Property and High Tech* (Cambridge University Press 2016) pp.292-316.
- Herbert Hovenkamp, 'Post-Chicago Antitrust: A Review and Critique' (2001) *Columbia Business Law Review*, 257
- DS Evans, 'Antitrust Issues Raised by the Emerging Global Internet Economy' (2008) 102 *Northwestern University Law Review*. Pp.285-306.

- Glick and Bush, The Chicago School, the Post-Chicago School and the New Brandeisian School of Antitrust: Who is Right in Light of Modern Economics?' (2023) 30(4) *George Mason Law Review*. Pp.935-969.
- Wu T, After Consumer Welfare, Now What? The "Protection of Competition" Standard in Practice' (2018) *Competition Policy International*. pp.1-12.
- A. Ezrachi, *EU Competition Law: An Analytical Guide to the Leading Cases* (Hart Publishing, 6<sup>th</sup> ed, 2024) ch 1

### **Week 3: Market Definition and Market Power**

- Relevant product market
- Relevant geographic market
- Cellophane fallacy
- SSNIP test
- SNDQ test
- Measuring dominance

### **Essential Readings**

*The Competition Act 2002*, sections 2(r), 2(s), 2(t), 19(5), 19(6), 19(7) and 2023 amendment

### **Books**

- R. Whish, & D. Bailey, *Competition Law* (OUP, 11<sup>th</sup> ed, 2024) Ch 1, pp22-46
- N. Dunne, A. Jones and B. Sufrin, *EU Competition Law* (Oxford: OUP, 8th ed, 2023) Ch3, pp 110-152
- Notice on Market Definition C/2024/1645

### **Articles**

- Joseph J Simons and Michael A Williams, 'The Renaissance of Market Definition' (1993) 38(4) *Antitrust Bulletin* 799.
- Louis Kaplow, 'Why (Ever) Define Markets?' (2010) 124(2) *Harvard Law Review* 437.

- Rhonda L Smith, Arlen Duke, 'Digital Platforms: One market or More? Lessons from Compare the Market' (2026) *Journal of Competition Law & Economics*

## Cases

- *Europemballage Corporation and Continental Can v Commission* [1973] ECR 215
- *United Brands v Commission* [1978] ECR 207
- *Belaire Apartment Owners' Association v DLF Ltd and HUDA*, 2011 Comp LR 239 (CCI), main order dated 12 August 2011; supplementary orders by Mr R Prasad dated 12 August 2011 and 3 January 2013; *DLF Ltd v CCI*, 2014 Comp LR 01 (COMPAT)
- *MCX Stock Exchange Ltd v National Stock Exchange of India Ltd and Others*, Case No 13 of 2009 (CCI)
- *Uber India Systems Pvt Ltd v Competition Commission of India*, Civil Appeal No 641 of 2017; *Meru Travel Solutions Pvt Ltd v Competition Commission of India*, COMPAT Appeal No 31 of 2016
- *Mohit Manglani vs Flipkart India Pvt Ltd, Jasper Infotech Pvt Ltd, Xerion Retail, Amazon Seller Services Pvt Ltd and Vector e-commerce Pvt. Ltd* Case No. 80 of 2014
- *All India Vendors Association vs Flipkart India Pvt. Ltd., Flipkart Internet Private Ltd.* Case No. 20 of 2018
- *Matrimony.com Ltd. v. Google LLC & Ors*, (Case No. 07 & 30 of 2012).
- *XYZ vs Alphabet and others*, Case No. 7 of 2020
- *Mr Umar Javeed and Others v Google LLC*, Case No 39/2018, para 210 (CCI)

## Optional Readings

- CCI on SSNIP, *LiveMint* <http://www.livemint.com/Opinion/...> accessed 4 December 2025
- Lirio Barros, Timo Klein, Sophie Kümmel, Ilaria Noviello, arket definition under the EC Market Definition Notice: Substitutability Versus Homogenous Conditions Of Competition, (2026) 14(1) *Journal of Antitrust Enforcement*

## **Week 4: Competition Law Enforcement Framework**

### Institutional Framework in India

- Director General investigations
- Jurisdiction and powers of CCI
- Appeals before NCLAT and Supreme Court

### Enforcement Mechanism

- Public vs private enforcement
- Leniency programmes
- Settlement and commitments (2023 Amendment)
- Calculation of penalties

### **Essential readings:**

- Chapter VIII-A of the Competition Act, 2002 (Competition Act)
- Preamble, Sections 2, 18, 19(1), 26, 27, 32, 33, 36, 41, 42, 43, 46, and 48A, 48B, 53N of the Competition Act
- The Competition Commission of India (Lesser Penalty) Regulation, 2009
- Competition Commission of India (Settlement) Regulations, 2024
- Competition Commission of India (Commitment) Regulation, 2024
- The Competition Commission of India (Determination of Turnover or Income) Regulations, 2024
- The Competition Commission of India (Determination of Monetary Penalty) Guidelines, 2024

### **Books:**

- Geeta Gouri 'A Commissioners Primer to Economics of Competition Law in India' (Palgrave MacMillan, 2023) pp.207-235

## Reports:

- Raghavan Committee Report (selected reading for reference)

## Case Laws

- *Brahm Dutt v. Union of India*, (2005) 2 SCC 431
- *Competition Commission of India v. Steel Authority of India Limited*, (2010) 10 SCC 744
- *Google Inc. and others v. Competition Commission of India and Another*, WP (C) No. 7084/2014 (Delhi High Court)
- *Telefonaktiebolaget lm Ericsson v. Competition Commission of India*, W.P.(C) 464/2014 & CM Nos.911/2014 & 915/2014,
- *CCI v. Bharti Airtel Ltd. & Ors.*, Civil Appeal No.11843/2018
- *Nagrik Chetna Manch v Fortified Security Solutions and Others*, Case No 50 of 2015, Order dated 1 May 2018 (CCI)
- *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

## Optional Readings:

- *In re: Cartelization of broadcasting service providers by rigging the bids submitted in response to tender floated by sports broadcasters*, Suo Motu Case No 02 of 2013, Order dated 11 July 2018
- Somashekar TS and Praveen Tripathi, 'Cartel Leniency Programme in India: Why No Race Here?' (2023) *Journal of Antitrust Enforcement*
- Aditi Gopalakrishnan, Toshit Shandilya, Shreya Singh and Karan Sood, 'Cartel Leniency in India: Overview' (Practical Law, Thomson Reuters, November 2020)
- *Regulations for commitments, settlements and determination of turnover, along with guidelines for penalty computation into force*  
<https://www.amsshardul.com/insight/regulations-for-commitments-settlements-and-determination-of-turnover-along-with-guidelines-for-penalty-computation-come-into-force/>

- *Private Enforcement of Competition Law Issues*  
[https://www.nishithdesai.com/fileadmin/user\\_upload/pdfs/Private\\_Enforcement\\_of\\_Competition\\_Law\\_Issues.pdf](https://www.nishithdesai.com/fileadmin/user_upload/pdfs/Private_Enforcement_of_Competition_Law_Issues.pdf)
- Alison Jones, Brenda Sufrin and Niamh Dunne, *Jones & Sufrin's EU Competition Law: Text, Cases & Materials* (8th edn, OUP 2023), Chapters 13 (public enforcement) and 14 (private enforcement)
- R. Whish, & D. Bailey, *Competition Law* (OUP, 11<sup>th</sup> ed, 2024) (Chapters on Public Enforcement and Private Enforcement)

### **Week 5: Anti-Competitive Agreements**

- Agreement, Arrangement, Understanding and Action in Concert (Week 5)
- Single Economic Entity (Week 5)

#### Horizontal Agreements: (Week 5)

- Framework of section 3.
- Cartels: price fixing, output restriction, market allocation and bid rigging
- Evidence in cartel cases
- The 'plus' factors
- Hub-and-spoke arrangements
- Joint Venture Defense

### **Week 6-7: Vertical Agreements**

- Rule of reason analysis (Week 6)
- Tie-in arrangements (Week 6)
- Exclusive dealing and distribution agreements (Week 6)
- Refusal to deal (Week 7)
- Resale price maintenance (Week 7)

## Essential Readings

*The Competition Act 2002*, sections 2(b), 2(c) 3, 19(3) and 2023 amendments

## Books

- N. Dunne, A. Jones and B. Sufrin, *EU Competition Law* (Oxford: OUP, 8th ed, 2023) pp. 135, 231
- Ezrachi & Stucke, 'Virtual Competition, The Promise and Perils of the Algorithm-Driven Economy' (2016) (selected chapters) pp.35-82.

## Articles:

- Salil K. Mehra, 'Price Discrimination-Driven Algorithmic Collusion: Platforms for Durable Cartels', *Stanford Journal of Law Business and Finance* (2021) pp.171-221.
- Competitive Impacts of Information Exchange, Dr. Rainer Nitsche and Nils von Hinten-Reed, Charles River Associates (June 2004)

## Case Laws

- *All India Tyre Dealers Federation v. Tyre Manufacturers*, RTPE No. 20/2008
- *Builders Association of India v. Cement Manufacturers' Association & Ors.*, Case No. 29/2010 (2016 CCI Order)
- *CCI v. Coordination Committee of Artists and Technicians of WB Film and Television and Ors.*, Civil Appeal No. 6691/2014
- *Brasserie Nationale v. Commission*, [2005] ECR II-3033
- *MDD Medical Systems v. CCI & Ors.*, Appeal No. 98/2012 (COMPAT Order)
- *Excel Crop Care Ltd. v. CCI & Anr.*, Civil Appeal No. 2480/2014
- *American Needle Inc. v. National Football League*, (2010) 130 S. Ct. 2206
- *Exclusive Motors v. Automobili Lamborghini and Volkswagen*, Appeal No. 1/2013
- *National Insurance Company Ltd. & Ors. v. CCI*, Appeals Nos. 94 – 97/2015
- *Samir Agarwal v CCI* Civil Appeal No 3100 of 2020 (SC)
- *Sonam Sharma v. Apple Inc.*, Case No. 24/2011
- *Shamsher Kataria v. Honda Siel & Ors.*, Case No. 3/2011

- *Hyundai Motor India Ltd. v. CCI*, Competition Appeal No. 6/2017
- *In re Alleged Anticompetitive Conduct by MSIL*, Suo Moto Case 1/2019

### **Optional Readings**

- R. Whish, & D. Bailey, *Competition Law* (OUP, 11<sup>th</sup> ed, 2024) Ch 3, 13, 16
- *Leegin Creative Leather Products, Inc. v. PSKS, Inc.* 551 U.S. 877 (2007)
- Samir Gandhi, Arunima Chatterjee and Shreya Singh, 'India: Cartel' *Global Competition Law Review* (March 2020)
- Giorgio Monti, 'EU Competition Law and the Rule of Reason Revisited' (2020) *TILEC Discussion Paper DP 2020-021*

### **Week 8-9: Abuse of Dominance**

- Determining dominance under Section 4 (Week 8)
- Exclusionary vs exploitative abuse (Week 8)
- Predatory pricing; excessive pricing; dynamic rebates and loyalty schemes (Week 8)
- Essential facilities doctrine (Week 9)
- Leveraging and tying (Week 9)
- Platform self-preferencing (Week 9)

### **Essential Readings:**

- *The Competition Act 2002*, sections 4, 19(4) and 2023 amendments
- *Draft CCI (Determination of Cost of Production) Regulations 2025*

### **Books:**

- Geeta Gouri 'A Commissioners Primer to Economics of Competition Law in India' (Palgrave MacMillan, 2023) pp.145-182
- N. Dunne, A. Jones and B. Sufrin, *EU Competition Law* (Oxford: OUP, 8th ed, 2023) pp. 303-392, 393-602

## Case Laws

- *United States v. Microsoft Corp.*, 253 F.3d 34 (D.C. Cir. 2001)
- *Matrimony.com Ltd. v. Google LLC & Ors*, (Case No. 07 & 30 of 2012)
- *Maximillian Schrems v. Data Protection Commissioner*, C-362/14, ECLI:EU:C:2015:650
- *Delhi Vyapar Mahasangh vs Flipkart Internet Pvt. Ltd. And others*. Case No. 40 of 2019
- *Mr. Ashish Ahuja vs Snapdeal* Case No. 17 of 2014
- *Mohit Manglani vs Flipkart India Pvt Ltd, Jasper Infotech Pvt Ltd, Xerion Retail, Amazon Seller Services Pvt Ltd and Vector e-commerce Pvt. Ltd* Case No. 80 of 2014
- *All India Vendors Association vs Flipkart India Pvt. Ltd., Flipkart Internet Private Ltd.* Case No. 20 of 2018
- *XYZ vs Alphabet and others*, Case No. 7 of 2020
- *Kapoor Glass Private Limited v Schott Glass India Private Limited*, Case No. 22 of 2010
- *Standard Oil Co. of New Jersey v. United States*, 221 U.S. 1
- *United Brands v. Commission*, [1978] ECR 207
- *Microsoft Corp. v. Commission*, (2007) T-201/04
- *Post Danmark – I*, Case C-209/10
- *Post Danmark – II*, Case C-23/14
- *MCX Stock Exchange Ltd. & Ors. v. National Stock Exchange of India Ltd. & Ors.*, Case No. 13/2009
- *Belaire Owners' Association v. DLF Limited, HUDA & Ors.*, Case No. 19/2010

## Optional Readings

- R. Whish, & D. Bailey, *Competition Law* (OUP, 11<sup>th</sup> ed, 2024) Ch 5
- Draft Article 102 Guidelines
- Guidance on Article 102 Enforcement Priorities
- OECD Best Practices Roundtable Abuse of dominance in digital markets (2020)

- Hajnovicova, Lang and Usai, 'Exclusivity Agreements and the Role of the As-Efficient Competitor Test after Intel' (2019) JECLAP 141

### **Week 10-11: Combinations**

- Framework of Merger Control (section 5 & 6) (Week 10)
- Concept of combination (Week 10)
- Threshold limit (Week 10)
- Deal value threshold (Week 10)
- Scope of exemptions available under the Act and the Combination Regulations (Week 10)
- Meaning of control (Week 11)
- Procedure of notifying a combination (Week 11)
- Different theories of harm (Week 11)
- Gun jumping (Week 11)
- Green channel (Week 11)

### **Essential Readings:**

- The Competition Act, 2002: sections 5, 6, 20, 29–31 and 2023 amendments

### **Book:**

- Geeta Gouri 'A Commissioners Primer to Economics of Competition Law in India' (Palgrave MacMillan, 2023) pp. 183-205

### **Guidelines/procedures:**

- The Competition Commission of India (Combination) Regulations, 2024
- The Competition (Minimum Value of Assets or Turnover) Rules, 2024
- The Competition (Criteria for Exemption of Combinations) Rules, 2024
- The Competition Commission of India FAQs on Combination
- Commission Guidelines on the Assessment of Horizontal Mergers, OJ [2004] C 31/5
- Commission's Guidelines on Non-Horizontal Mergers, OJ [2009] C 265/6

## Case Laws

- PVR and DT Cinemas, C-2015/07/288, CCI, Order dated 4.5. 2016
- *Sun Pharma and Ranbaxy Combination*, Order dated May 4, 2016
- *Bayer Aktiengesellschaft/ Monsanto Company* C-2017/08/523
- *Walmart–Flipkart* CCI Case No. C-2018/05/571
- *Air India-Vistara Merger* C-2023/04/11022
- *Reliance Industries Limited, Viacom 18 Media Private Limited, Digital 18 Media Limited, Star India Private Limited, Star India Productions Limited*, Combination Registration No: 2024/05/1155
- *Proceedings against Amazon.com NV Investment Holdings LLC*, C-2019/09/688.

## Optional Readings

- 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: Digital Market and Artificial Intelligence

### Competition in Digital Markets (Week 12)

- Characteristic features of digital markets
- Network effects
- Multi-sided platforms
- Data as market power
- Platform gatekeepers
- Difficulties in application of the Competition Act, 2002 to digital markets;
- The digital competition bill debate

### Artificial Intelligence and Competition (Week 13)

- Algorithmic collusion

- AI-driven price discrimination
- Killer acquisitions of AI startups
- Global regulatory responses (EU, US, Asia)

### **Essential readings:**

#### **Books:**

- Geeta Gouri 'A Commissioners Primer to Economics of Competition Law in India' (Palgrave MacMillan, 2023) (selected chapters) pp. 47-73.
- N. Dunne, A. Jones and B. Sufrin, *EU Competition Law* (Oxford: OUP, 8th ed, 2023) pp.1207-1249
- Inge Graef *EU Competition Law, Data Protection and Online Platforms: Data as Essential Facility* (Kluwer Law International 2016) pp.155-245, 249-279.

#### **Articles:**

- Chopra, Verma and Sethi, 'The Competition Commission of India's Approach Towards Digital Markets: The Shift Towards Interventionism' in *The Evolution of Antitrust in the Digital Era: Essays on Competition Policy* (David Evans, Allan Fels AO & Catherine Tucker eds.) 1(273) (2020) *Competition Policy International*.
- F. Todd P 'Digital Platforms and the Leverage Problem' (2019) 98 *Nebraska Law Review* pp.486-540.

#### **Reports**

- EU Commission White Paper on AI (2020)
- Market Study on Artificial Intelligence and Competition, Competition Commission of India (2025)
- Report of the Committee on Digital Competition Law (MCA) (2024)
- J. Crémer, *et al.* 'Competition Policy for the Digital Era' (EC Report) (2019) (selected sections)

### **Week 14: Revision**