

NATIONAL LAW UNIVERSITY, DELHI
LL.M. (Professional), II -Semester (Batch of 2019)
Online Take Home Assessment- 2020
Paper: Competition Law

Time: 6:00 Hours

Total Marks: 50

Instructions:

1. Mail your assignments only to **submissions.llmpro@nludelhi.ac.in**
 2. All questions are compulsory.
 3. No clarification shall be sought on the question paper.
 4. **Mention only your Name, Roll No. and subject name on the First page. Start writing your answers from the second page only. Do not mention your name and roll no on any other page.**
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Q 1: A statutory authority was examining an allegation of misconduct by a public servant. During the inquiry of the allegation, it found that three firms namely, A & Co (regd. office Kolkata), B & Co (regd. office, Mumbai) and C & Co (regd. office, New Delhi) had colluded in respect of the tenders floated by two Government of India undertakings for the supply of certain electrical items. On the basis of given facts, answer the following:

A. In your opinion, what course of action should be taken by the person in-charge of the statutory authority? Discuss with reasons. **(Marks 6)**

B. In your opinion, how such a case should be investigated by the competition commission and what factors should be taken into consideration by it? Explain with the help of decided cases. **(Marks 10)**

Q2. A society is registered under the State Societies Registration Act as the Sports Federation of India (SFOI) for the promotion of sports. SFOI is recognized by and affiliated to the apex international body governing the sports. SFOI has been responsible for selection of players for different sports and organizing and holding both national and international sports events. No sport event can be organized without the permission of SFOI. For the last few years, it has been organizing events which has led to profit making for it. Few local sports associations had approached SFOI for permission for organizing sports events but they were denied the permission. Each player irrespective of the sport in which he/she participates has to mandatorily register with it annually paying a registration fee. The registration form contains a declaration that the player will not participate in any sports event that is not authorised by SFOI. Such registration is necessary for both national or international sports events. If any player participates in any such event without the permission of the SFOI, the player faces a ban of one year from playing and also pay a penalty for it.

Identify the competition law issues in the above stated hypothetical facts referring to the decided case law. **(Marks 17)**

Q 3. A combination is envisaged through a share purchase agreement between two companies A Ltd and B Ltd operating in service sector. Acquisition of controlling stake of up to 75% of the total equity shareholding of A Ltd by B Ltd on fully diluted basis is proposed in the deal. Acquisition will involve share purchase from C Ltd holding 25% shares in A Ltd, open offer for

25% and secondary market purchase for 25% shares. There are 10 other companies in same service sector holding 20% market share. On the basis of the given facts, suggest the Competition Commission whether it should approve the combination or not? Justify your suggestion on the basis of relevant provisions and cases decide by the commission.

(Marks 17)