

**Paper Code: LL.B. 308**

**Paper: Investment and Competition Laws**

<b>L</b>	<b>T</b>	<b>Credit</b>
<b>4</b>	<b>1</b>	<b>5</b>

1. This paper focuses on the investment and competition laws of India in the context of new economic order.
2. **Pattern of Question Paper:** The question paper shall have Parts 'A' and 'B'. In part 'A' there shall be one compulsory question based on objective or short answer type questions carrying 25 marks and covering the entire course. In part 'B', two questions of 12.5 marks each shall be asked from every unit asking the candidates to attempt one question from each unit.

## **UNIT-I**

### **I. Competition Law**

- (a) Background – MRTP Act, 1969 will be discussed specially provisions related with Monopolistic trade Practices, Restrictive trade Practices and Unfair trade Practices.

#### **Cases:**

1. Mahindra & Mahindra v. Union of India AIR 1979 SC 798
2. Hindustan lever Ltd. v. D.G. AIR 2001 SC 661
3. M/S Peico Electronics & v Union of India AIR 2004 SC 2669
4. Hindustan Lever Ltd. v. Colgate Palmolive Ltd. (AIR 1999 SC 3105)
5. H.M.M. Ltd. v. D.G. MRTP AIR 1968 SC 2691
6. Colgate Palmolive (India) Ltd. v. MRTP Commission (AIR 2003 SC 317)

#### **(b) Prohibitions**

1. Prohibition of certain agreements
2. Abuse of Dominant Position
3. Regulation of Combination

#### **Cases will be discussed in the class.**

#### **(c) Competition Commission of India**

1. Establishment of Competition Commission of India
2. Duties, Power and functions of Competition Commission of India

#### **Cases:-**

1. Brahm Dutt vs. Union of India

## UNIT-II

Corporate Finance and Regulatory framework

(a) Security Contract (regulation) act 1956

**Cases:**

1. Vinay Bubna v. Stock exchange, Mumbai & Ors
2. M/s Transcore v. Union of India & Anr
3. Ritesh Agarwal & Amp v. SEBI & ors
4. B.S.E. Brokers Forum, Bombay & ors v. SEBI & ors
5. M/s Transcore v. Union of India & Anr.

(b) SEBI Act, 1992

**Cases:**

1. The Chairman, SEBI vs. ShriRam Mutual Fund & another
2. Morgan Stanely Mutual Fund v. Kartick Das
3. Ratnabali Capital Markets Ltd. v. SEBI & ors
4. Technip SA v. Sms Holding (Pvt.) LTd. & ors

## UNIT-III

Regulatory framework of foreign trade, multinational companies

(a) Foreign trade (Development & Regulations) Act, 1992

- (b) UNCTAD Draft Model on trans: national corporation  
(c) Control & regulation of foreign Companies in India

(d) Foreign Collaboration and Joint Ventures

4. Clariant International Ltd. & Anr v. SEBI
- 5.

- (c) Depositories Act, 1996  
Case Law: B.S.E. Brokers Forum & Ors v. SEBI Ors.
  
- (d) The Securitisation and Reconstruction of financial asset and enforcement of Security Interest Act, 2002

**Cases:**

- 1. Mardia Chemicals & others vs. Union of India & ors. ((2004) 4 SCC 311)
- 2. Dilip S. Dahankukar v. Kotak Mahindra Co. Ltd. & Anr.
- 3. Oriental Bank of X Sunderlal Jain & Anr Commerce

**UNIT-IV**

Foreign Exchange Management

- (a) Background – Provisions of FERA act will be discussed

**Cases:**

- 1. Arvind Mohan Johario & Anr. v. State of UP & Anr.
- 2. M/s Bharjatiya Steel Industries v. Commissioner Sale Tax, UP

- (b) Policies – FEMA Act, 1999

**Case Laws:**

- 1. S.K. SINHA, Chief Enforcement Officer v. Videocon International
- 2. Union of India & Anr v. Venkateshan S. and another
- 3. Venture global engineering v. Satyam Computer Services Ltd. & Anr.

- (c) Authorities – FEMA Act, 1999

Other cases will be discussed in the class.

**Suggested Readings:**

1. Competition Act 2002 ( website Competition Commission)
2. MRTP Act 1969
3. Security Contract (Regulation) Act 1956
4. SEBI Act
5. Depositories Act 1996
6. Foreign Exchange Management Act
7. Foreign Trade (Development & Regulation) Act 1992
8. Taxman's students guide to economic laws
9. Foreign Exchange Regulation Act