



*Indian Competition Law Review*

---

### Conference on emerging issues of Competition Law

The Centre for Competition Law and Policy, National Law University, Jodhpur, is organizing a panel discussion on emerging issues in Competition Law on September 16-17, 2017.

The panel discussion will be divided into three sessions on the following themes:

1. **Emerging issues on dominance in competition law:**

- i. Big data and competition law- Big data refers to the massive amounts of data that various corporations held by large corporations through the medium of internet. Most corporations use this data to make better commercial decisions in terms of consumer demand and predict future business. Big Data acts an entry barrier for enterprises since the risks are significantly more for enterprises without big data. Quite possibly, there is a concern in competition law where big data is collected or sold leading to dominance of certain enterprises. The panel will discuss the role of CCI in recognizing these challenges in India where various enterprises through the growth of internet have been able to amass big data.
- ii. Collective dominance and competition law- The provision for collective dominance does not exist in the competition act but however is an integral part of most of the jurisdictions abroad. The provision of collective dominance seeks to hold more than one enterprise for abusing their dominant position, more so when the sector in question is an oligopolistic one. The panel shall explore the possibilities for the inclusion of collective dominance in the Indian landscape.
- iii. Imminent dominance- The scope of growth of enterprises in the digital markets is immense typically characterized by substantial market power in a relatively short period of time. The antitrust regulator may or may not be able to curb down on anti-competitive practices by enterprises in digital markets. There is a debate on balancing one hand the need to curb down on such practices and unnecessary

intervention by the regulator possibly curbing innovation. A school of thought then is to see if an enterprise is possibly attained the stage of imminent dominance and then hold them liable for abuse. The panel will discuss the possibility of imminent dominance and its abuse in the legal framework.

## **2. Other contemporary issues of competition law in India:**

- i. Sectoral regulators and the tussle of jurisdiction in competition law- Quite recently, we have seen a possible tussle between the Telecom Regulatory Authority of India and the Competition Commission of India over the jurisdiction over deciding claims of predatory pricing in the telecommunication industry. The panel will debate on the role of CCI in markets where there exist sectoral regulators and if the role of CCI is in parallel or in conflict with the sectoral regulators.
  - ii. The competence of the NCLAT to take over the role of COMPAT- The National Company Law Tribunal has currently the jurisdiction over appeals from the CCI after taking over the role of the erstwhile Competition Law Tribunal. The panel will analyse if the NCLAT will be able to take over the role from the COMPAT, more particularly when its mandate is over and above matters in competition law.
  - iii. The scope for settlement in competition law disputes- Currently, the legislative framework does not envisage a settlement system in competition law and all matters that go to the CCI are thoroughly investigated by the CCI and the violators are charged. Considering the resource crunch at the CCI, a settlement mechanism could possibly reduce the workload of the CCI and accordingly the CCI on use resources efficiently. In addition, the parties have a greater flexibility in choosing to settle thereby saving substantial litigation costs. The panel will discuss on the feasibility of a settlement systems in the enforcement of competition law in India.
3. Careers in Competition law- The panel will discuss the possible career opportunities for students in competition law and academic requirements in the practice. The panel will dwell upon their experiences in their respective careers and how is to practice in competition law in India.

The organizers invite Students, Research Scholars, Faculties and other Professionals related to competition law to be a part of a panel of competition law experts. The experts will also engage in panel discussions to share their opinions and experiences in dealing with these issues. The conference will thus provide a platform for various stakeholders – teachers, students, industrial professionals, civil society organizations and the government – to engage, discuss and debate.

## About the Centre for Competition Law and Policy

The Centre for Competition Law and Policy was created as an initiative to promote interdisciplinary research in the field of competition law and policy making. Competition law issues also involve developments in the fields related to sectoral regulators. So the centre will promote interdisciplinary research in the field of regulatory laws in India. The Centre will provide a forum where leading practitioners and academicians, scholars and students, can discuss and exchange views on contemporary issues of competition law and policy. The Centre in pursuit of its goals organizes regular lectures on discussions on various issues in competition law. In addition, the centre publishes a journal titled “Indian Competition Law Review”, which is published annually online.

Session Schedule: Day 1(afternoon)	
<b>2:00-4:00</b>	Inaugural Session
<b>4:00-4:30</b>	Evening Tea
<b>4:30 –6:00</b>	Panel Discussion
Session Schedule: Day 2(morning- afternoon)	
<b>10.00-12:00</b>	Panel Discussion
<b>12.30 – 1.30</b>	Lunch

The keynote speaker will be a member from the Competition Commission of India.

List of tentative Resource Persons (subject to their availability and confirmation. Find attached the speaker profiles)

1. Nisha Kaur Uberoi- Partner and Practice Head, Trilegal
2. Anshuman Sakle- Partner, Cyril Amarchand Mangaldas
3. Soumya Hariharan- Counsel, Trilegal
4. Shashank Sharma- Senior Associate, AZB and Partners
5. Anandh Venkataramani- Associate, Shardul Amarchand Mangaldas

## Miscellaneous

On campus accommodation and food arrangements for external participants will be provided during their course of stay.

List of confirmed speakers for the panel discussion

**Nisha Kaur Uberoi**



Nisha Kaur Uberoi is Partner and Head of the Competition Law Practice, Trilegal.

Nisha advises on a full range of competition matters, including cartel enforcement, abuse of dominance, merger control and competition law audit and compliance.

Nisha represents clients in cartel investigations as well as abuse of dominance proceedings and appears at the CCI and COMPAT regularly. Nisha is currently the lead lawyer on the alleged cement cartel case in which cement companies were penalized USD 1.5 billion by the CCI. She has successfully represented several high profile clients in complex, precedent-setting behavioural matters. Nisha advises clients on behavioural matters across a range of industries, including auto parts, cement, pharma, aviation, taxi-aggregators, alcoholic beverages, sport etc.

Nisha has advised on several complex merger control cases, including India's first and second Phase II investigations, and is advising on one of the biggest merger deals in the telecom sector.

Previously, she was co-heading the competition practice at AZB & Partners and also headed the competition law practice at Cyril Amarchand Mangaldas – which she set up. Nisha started her career with Amarchand Mangaldas in 2002. In 2005, she moved to Singapore, where she worked at Rajah & Tann and Ashurst, before returning in 2010 to rejoin Amarchand Mangaldas.

Nisha has been recognized by GCR as being one of the 100 Women in Antitrust, 2016. In 2015, she was listed as one of the '40 under 40' by ALB Asia and has featured in Who's Who Legal's list of competition lawyers in 2015 and 2016. She has been consistently ranked by Chambers and Partners since 2014.

Nisha is a member of the Permanent Working Group on Non-Cartel Behavioural Issues of the IBA Antitrust Committee and a member of the Ad Hoc Working Group on Merger Control of the IBA Antitrust Committee. Nisha is currently India's Non-Governmental Advisor for the International Competition Network.

Nisha is an alumnus of National Law School of India University, Bangalore, India.

### **Soumya Hariharan**



Soumya is currently a Counsel in the Competition Law Practice at Trilegal based in Mumbai.

Prior to joining Trilegal, Soumya worked in the Competition Law Practices at AZB & Partners, Cyril Amarchand Mangaldas in Mumbai and Dentons Rodyk (formerly Rodyk & Davidson LLP) in their Corporate & Competition Law Practice in Singapore for over three years.

Her multi-jurisdictional experience includes working on competition law matters across India, Singapore and the ASEAN region.

Soumya has been involved in most of the complex merger control matters in India, including the global merger of Lafarge/Holcim which involved the imposition of an alternative remedy package, the merger of Ranbaxy Laboratories with Sun Pharmaceuticals which included divestitures. Soumya is currently advising Idea Cellular Limited with respect to Vodafone's merger with Idea.

Soumya graduated from the National University of Singapore where she obtained her LL.M (Corporate & Financial Services Law) and B.S.L.L.L.B from the University of Pune (ILS Law College).

## **Anshuman Sakle**



Anshuman currently is a partner at Cyril Amarchand Mangaldas.

Anshuman focuses on Indian competition/antitrust law matters including merger control, anti-competitive practices and competition law compliance. Over the years, his practice has included a broad and varied representation of Indian and foreign enterprises across industries.

Anshuman writes regularly on Indian competition law issues and his articles have been published in various national and international publications. He has been a resource person for the merger control and abuse of dominance modules of the certificate courses offered by the School of Competition Law, Indian Institute of Corporate Affairs.

Anshuman's experience has been recognised in publications such as Chambers and Partners, Who's Who Legal and IFLR1000.

## **Anandh Venkataramani**



Anandh Venkaratamani is currently an associate at Shardul Amarchand Mangaldas and practises in their competition team. He was also practising earlier with the indirect tax team at Lakshmikumaran and Sridharan. He was completed his bachelors in law from Symbiosis Law School, Pune and his masters from New York University.

### **Shashank Sharma**

Shashank is a former associate at AZB and Partners where he worked for over 3 years in competition law. He also completed European Masters in Law and Economics, an integrated course on law and economics from three universities in Europe. He is a graduate from National Law School India University, Bangalore.