



FACULTY OF JURIDICAL SCIENCES

COURSE: B.B.A.LL.B. IX th

Semester

SUBJECT: COMPETITION LAW

SUBJECT CODE: BBL 901

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LECTURE 19

TOPIC: ABUSE OF DOMINANT POSITION

In simple terms 'dominant position' means something in a superior position as compared to others based on some factors. This concept of dominance was, however, prevalent in the Indian society itself, where one "caste" was considered to be superior to others. However, staying in a better-off position doesn't harm anyone, unless an individual is exploiting such power. Therefore, having a dominant position cannot be considered bad per se. However, abusing such a position based on its superiority is considered inadequate.

Abuse of dominant position- Concept

Abuse is expressed to happen when an undertaking or a group of endeavors uses its prevailing situation in the significant market in an exclusionary or/and in an exploitative way. The Act gives a comprehensive list of practices that will comprise abuse of a dominant position and, in which circumstances these are disallowed. Such practices will establish misuse just when received by an endeavor getting a charge out of a prevailing situation in the pertinent market in India. Abuse of dominant position is decided as far as the predefined sorts of acts committed by a prevailing undertaking. Such acts are precluded under the law. Any abuse of dominant position indicated in the Act by a prevailing firm will stand denied.

As per explanation affixed to Section 4 of the Competition Act, 2002, dominant position implies the quality of an endeavor in the significant market in India which empowers the enterprise to work autonomously of serious powers winning in the market and to influence the customers or contenders or the market in support of it.

Exercise:

1. Abuse of Dominant position has been provisioned under which section of Competition Act, 2002

- a) 3
- b) 4
- c) 5
- d) 6

2. _____ of Competition Act, 2002 states that no enterprise or group shall be permitted to abuse its dominant position

- a) 4
- b) 5
- c) 6
- d) 8

3. Predatory Price is defined under explanation to section _____ of Competition Act, 2002

- a) 6
- b) 5
- c) 8
- d) 4

4. Dominant position means a position of strength enjoyed by an enterprise in _____ in India

- a) Open market
- b) Free market
- c) Relevant market
- d) Controlled market

5. It is to be noted that _____ of Indian Competition Act, 2002 Corresponds to Section 2(4) of English Competition Act, 1998

- a) Section 2 (1)
- b) Section 3 (2)
- c) Section 4 (1)
- d) Section 5