



CLC-CCI MOOT COURT ON COMPETITION LAW, 2019

Clarifications

1. Pallet-3: It is mentioned that PNR procures the recycled tables from approved and specified sellers. Is there any eligibility criteria followed by PNR on designating the sellers as approved and specified sellers?

Response: This should be apparent from your close scrutiny of the problem.

2. Pallet 4: The market shares of each of the parties have been described. Is there a nexus between the market-share and tender?

Response: Questions involving interpretation of legal principles and applicable law can be argued by teams based on their inferences of facts provided.

3. Pallet 6, point (d): In describing the key points of the tender procedure followed by PNR, it is mentioned that PNR commercially negotiates with the winning bidder in certain circumstances, on what basis do these negotiations take place?

Response: Teams must make inferences based on facts given.

4. Is the trade association registered under societies act or companies act ?

Response: Teams must make inferences based on facts given.

5. What kind of market is it? Oligopoly, monopoly, oligopsony?



Response: This should be apparent from your close scrutiny of the problem.

6. Why was the tender cancelled in 2005, 2013, 2017 and 2018?

Response: Teams must make inferences based on facts given.

7. Why did the DG take 9 months to make the report?

Response: Teams must make inferences based on facts given.

8. What is the relevance of section 3(3)(c) in this problem?

Response: Questions involving interpretation of legal principles and applicable law can be argued by teams based on their inferences of facts provided.

9. Is TAM also a multi product company?

Response: This should be apparent from your close scrutiny of the problem.

10. What are the grounds for imposing 10% penalty by the commission?

Response: Teams must make inferences/arguments based on facts given.

11. What does UTA (Full form) stands for?

Response: Not relevant.

12. The market share provided in para 4 of the moot proposition is consistently same from 2000-2018?



Response: Teams must make inferences based on facts given.

13. In paragraph 5, it says “PG and Qui have their holding companies in UTA and became an approved supplier of recycled-wood tables to PNR in 2000 and 2003 respectively,”

Response: No question.

14. What is the significance of “holding companies in UTA and became approved supplier” in the above statement? Are PG and Qui foreign companies?

Response: They are multi-national companies.

15. According to DG report point one, only two recycled wood companies were found in violation of competition laws in UTA, who were those two companies and does this point speak in reference to newspaper report?

Response: This should be apparent from your close scrutiny of the problem.

16. The DG report in its finding, did not find trade association violating competition laws?

Response: This should be apparent from your close scrutiny of the problem. Teams must make inferences/ arguments based on facts given and their interpretation of facts given.

17. The DG report in its finding, only found two companies violating competition laws?



Response: This should be apparent from your close scrutiny of the problem. Teams must make inferences/ arguments based on facts given and their interpretation of facts given.

18. During our research, we are unable to find citations on SCCOnline, will the moot authorities accept SCCOnline citation and if not, provide us with an appropriate solution?

Response: Citations other than SCCOnline can also be relied upon.

19. Who were the two companies mentioned in the newspaper report which are also participating in the PNR's tender, specify names?

Response: Teams must make inferences based on facts given.

20. Please specify the date of order passed by CCP against the Appellants?

Response: Late 2018. Exact dates are not relevant.

21. It is PACADENA or PACEDENA? The moot problems speak both at various places?

Response: Pacedena.

22. When the tender was cancelled for year 2005 & 2017, who supplied the tables to PNR?

Response: Teams must make inferences based on facts given.

23. What was the market share of the companies in the overall market?



Response: Not relevant.

24. Were the Commercial Negotiations permissible as per the terms of the floated tender?

Response: Teams must make inferences based on facts given.

25. Was the clause for the Equal division of tender mentioned in the floated tender?

Response: Teams must make inferences based on facts given.

26. Who were the other members of the trade association (numbers)?

Response: Teams must make inferences based on facts given.

27. Who are ANA And KDS, and were they a member of the trade association?

Response: This should be apparent from your close scrutiny of the problem

28. What was the Eligibility criteria to become an approved supplier?

Response: Teams must make inferences based on facts given.

29. Can foreign authorities be cited?

Response: Laws of Pacedena are pari materia with laws of India. Accordingly, in accordance with laws of India, foreign authorities may be cited but will have only persuasive value.



30. For which years the charges of bid rigging was investigated into?

Response: Teams must make inferences based on facts given.

31. When was the Last meeting of the trade association held?

Response: Teams must make inferences based on facts given.

32. In paragraph 10(h) - What is the price range provided by other entities for the same tables?

Response: Teams must make inferences based on facts given.

33. How much time will be allotted for the speakers to present their case?

Response: Each team will be provided a total of 30 minutes to state their case.

34. Will there be any provision for rebuttals and su-rebuttals?

Response: If they so wish, teams can request that a portion of their total time i.e. 30 minutes be allotted to them to advance rebuttal arguments. However, the total time available to a team shall not exceed 30 minutes.

35. Are there any additional facts concerning the filing of the case against the Appellants

Response: Teams must make inferences based on facts given.

36. Will there be any formal clarification window for the contestants?



Response: The above clarifications will become part of the moot proposition and the rules and regulations. No further request for clarifications will be entertained.