

Law and Economics of Mergers under Competition Law: A Comparative Analysis of USA, EU and India

Avinash SHARMA*

Abstract

International comparisons of Merger Control under competition law are ever-increasing and gaining its well deserved importance as, *inter-alia*, the opportunities for business and trade extend beyond national borders, accordingly, the Merger Control must look beyond the confines of the nation state in the present era of globalised economy. India's new competition law in general and merger control provisions in particular are largely based on the two well established transatlantic jurisdictions viz. the United States of America and the European Union. This paper endeavours to make a comparative perspective of newly introduced Merger Control under Indian competition law by analyzing the relevant provisions and its existing and possible convergence and divergence with the two prominent antitrust jurisdictions viz. the USA and the EU. Obviously, on account of non-enforcement of Indian Merger Control, there are no cases so far dealt with by the Indian competition authority pertaining to merger, accordingly, this paper lacks any comparative perspective from case laws point of view.

* Advocate, Supreme Court of India and Visiting Faculty, Indian Law Institute, New Delhi. The author wishes to thank Dr. Peter D. Camesasca for various insights and suggestions. Any errors remain mine. Usual disclaimer applies. The author may be reached at <avinash.law@gmail.com>.