



1ST VIRTUAL
NATIONAL MOOT COURT COMPETITION
2021
#1styearmoot



Date:
16th to 18th April 2021

Mode:
Zoom/Google Meet

Organised by:
National Moot Court Committee



Knowledge Partner



Media Partner



Resource Partner



Promotional Partner

► ABOUT MARWADI UNIVERSITY

Marwadi University was established under the Gujarat Universities Act (Act 9 of 2016) on 9th May 2016. Marwadi Education Foundation's Group of Institutions is among the 4% Indian Institutions accredited with NAAC A+ Grade, and home to 9000+ students from 31 countries enrolled in 32+ diversified programmes in Science, Commerce, and Humanities. Spread across 52+ acres of campus, we have more than 500+ educators, including 110+ PhD degree holders. Marwadi University has received more than 12 awards and recognitions for its quality of education, organic infrastructure, academic excellence, and leadership. Marwadi University is promoted by Marwadi Shares and Finance Limited (MSFL) - a major stock broking company in India, & Chandarana Intermediaries Brokers Pvt. Ltd. (CIBPL) - a leading firm dealing in technical and arbitrage trading in Indian Stock Markets.

► ABOUT FACULTY OF LAW, MARWADI UNIVERSITY

"FACULTY OF LAW, MARWADI UNIVERSITY" is poised to create the finest legal professionals in the country. With the support of profound academicians, superlative top management, and industry contacts with lawyers and corporates, the team is confident of making a mark in this prestigious profession. The prime objective of the Faculty of Law is to provide dedicated educational facilities to the students while transforming them into the lawmakers and leaders of tomorrow. The Law Faculty also received a grant of 9.2 lac euros from the Erasmus Plus project by the European Union to initiate a master's degree programme in Refugee Law. It has also signed MoUs with CIArb and Chicago Kent College of Law, the USA, for faculty transfer, student transfer, joint research projects, and summer and winter schools. Furthermore, the Knowledge Review magazine has named the Faculty of Law, Marwadi University as one of the Top 10 Leading Law Institutes in India.



► Message From The Hon'ble Chairman **Shri Ketanbhai Marwadi**



“Marwadi University has an exclusive platform that provides students a surfeit of unparalleled opportunities to experience the bliss of learning and marvels of knowledge. Here, our priority is to make everyone “discover” their limitless potential and proficiencies. With such an objective to provide devoted educational facilities to the students while transforming them into policymakers, the Faculty of Law has uninterruptedly worked remarkably. It has constantly inspired its apprentices to participate and achieve innumerable rewards. The students have excelled in Moot Court Competitions within the country.

On this occasion, we are delighted to announce that we are holding our “1st Virtual National Moot Court Competition”. It is the 1st version of an event that we are organising with the ambition to provide an ambience where law aspirants can enhance their legal aptitude and mooting skills with a unique concept.

In the times of Pandemic, to make surroundings around us more safe and secure, this competition is a truthful and modest attempt on our part to “break the chains and fly high beyond the sky”.

With its Flagship, Faculty of Law, Marwadi University is confident of thriving in the prestigious profession by providing this golden opportunity to the Law students. We extend our warm welcome to all the participants of this competition and wish them all the best for the same.

► Message From The Hon'ble Vice Chairman **Shri Jitubhai Chandarana**



“Marwadi University is spirited to bring out the best from all its students with its dedicated team. Our goal is to provide an exceptional environment for teaching, learning, and research and make students competent to handle different challenges posed in life by enhancing their inner strength and aptitudes.

To promote our commitment towards experiential learning this year, the Faculty of Law has included within its paradigm another feature that is, The National Moot court competition, abbreviated as the NMCC, to keep ourselves in pace with the changing dynamics of the legal diaspora.

We cordially welcome you all to the 1st Virtual National Moot Court Competition organised by The Faculty of Law, Marwadi University. It endeavors towards giving an opportunity to young minds towards sharpening their prowess related to research, mooting, and advocacy skills.”
I wish you all an exciting and rewarding mooting experience.

► Message From The Provost Dr Sandeep Sancheti



On a promising note, and with the ongoing progressive turns and feats achieved by the Faculty of Law, Marwadi University, we cordially invite you all to be a part of this enthusiastic legal paradigm – the 1st Virtual National Moot Court Competition. A venture by the well-groomed Law Students, under the able and efficient guidance of their Faculty, will be a landmark in setting new standards not only by the Faculty of Law for students but also for an enhanced and innovative pedagogy of Mooting.

Despite the challenges posed due to the Pandemic, the spirit of inquiry and reform must not die out which is aptly reflected via this Competition. To further the learning process among students in an inspirational and motivational sense, I wish them and the Faculty of Law all my best wishes and the best of luck. I am sure the venture will bring out new pragmatic approaches towards Legal Education, by making indents reflective of a new Epistemology in these changing times.

► Message From The Dean Dr Rhishikesh Dave



The art of mooting is one of the most important facets of a Law School. It imbibes some of the most effective skills that are *sine qua non* for a successful Law Professional which includes Research, Legal Writing, Critical Thinking, Argumentative and Communication skills. I feel these skills are to be inculcated in a Law student right from the first year of Law School.

We at The Faculty of Law, Marwadi University understand the importance of such activity which also promotes a collaborative fervour among the aspiring minds. The practice of participating in such moot court competitions are the need of the hour and thus need to be initiated at the very outset when the students are in their very first year.

We are proud to announce our 1st Virtual National Moot Court Competition exclusively for first-year law students. I take this opportunity to invite all Law Schools to our first moot court competition which will be held online. I am sure we will be able to provide the best mooting experience with an interesting moot problem, competent judges, and exciting prizes that will make this mooting experience for the first-year students an unforgettable event.

Best wishes to the Organising Committee and participants.

► About 1st Virtual National Moot Court Competition 2021

In these times, while we are combating the crisis which has precariously driven us to the edge of our existence, we at the Faculty of Law, Marwadi University are committed to a show of cooperative and collective resilience. Hence, we have planned to organise its 1st Virtual National Moot Court Competition to provide an environment where aspiring lawyers can enhance their legal proficiencies and mooting skills with a unique concept.

For the first time participation will be restricted to 1st year bonafide law students enrolled in the 5-year integrated programme and 3 years LLB programme with the aim to inspire, promote, and inculcate drafting & writing techniques, oratory skills, and high-focus research acumen in 1st year law students.

The competition strives to give a platform to the budding lawyers of our country to imbibe analytical skills in real-time situations. The aim is to engage with students and allow them to have the first-hand experience of the complexities of the law.



➤ Moot Proposition

- “ABC Textiles Private Limited (‘ABC Textiles’) is a major manufacturer of bedsheets, hand towels and bath towels with its registered office in Mumbai. It boasts some of India's top hotels and resorts as its esteemed clients that purchase the same via yearly bulk orders. In January 2020, M/s DEF Hospitality (‘DEF’), one of the largest chains of hotels in the country, placed a yearly bulk order of bed sheets, hand towels and bath towels totalling INR 1 Crore.
- DEF shared its standard procurement contract with ABC Textiles and it signed the same. The contract did not have an aggregate liability cap. It also did not have a clause disclaiming liability of either party for indirect or consequential losses or damages, loss of profits, loss of reputation and loss of business.
- The order was required to be delivered in two lots – (i) first lot comprising 80% of the order value that was needed to be delivered in February 2020; and (ii) the second lot comprising the remaining 20% of the consignment value that was required to be delivered in June 2020. The contract had a penalty of 20% of the relevant consignment lot value if the quality was substandard and did not meet the specific quality requirements mentioned in the contract.
- The contract also had a penalty of INR 10,000/- for every week of delay in consignment delivery. The contract also had a force majeure clause i.e. neither party was liable for factors beyond its reasonable control like act of god, flood, earthquake etc. However ‘pandemic’ was not expressly mentioned in the force majeure clause. The contract had a termination clause that stated that a party may terminate the contract for cause if the other party commits a material breach of its obligations. The contract also mentioned that timely delivery of the consignment lots was the essence of the contract.
- ABC Textiles delivered the first lot on time and the timely delivery of the consignment was appreciated by DEF. As per the terms of the contract, DEF paid for the first lot in full within fifteen (15) days of receipt of the delivery. However, around mid-February 2020, some of the local news media and local newspapers in Mumbai reported that guests in DEF’s flagship hotel in Mumbai had reported about the poor quality of the hand towels and bath towels. Some of the customers had also uploaded pics and videos on social media platforms highlighting the poor quality of the hand towels and bath towels.
- Further, with the onset of COVID-19 and the resultant lockdown imposed in India around the last week of March 2020, ABC Textiles could not import cotton fabric of the requisite quality to meet the quality requirements under the contract and also started facing labor availability constraints. Realizing that it will not be able to meet the June 2020 deadline, ABC Textiles wrote a letter bringing the matter to the notice of DEF and requested for an extension of time during the lockdown period to meet the delivery commitment for the second consignment.
- However, DEF did not bother to reply to the said letter. ABC Textiles also send multiple emails to the said effect but there was no reply from M/s DEF Hospitality. In June 2020, DEF sent a letter to ABC Textiles stating the delay in delivering the second lot and highlighted the poor quality of the first consignment and canceled the contract with immediate effect.

- DEF filed a suit against ABC textiles claiming – (i) Rs. 16 lacs towards 30% penalty on account of poor quality of the first consignment lot; (ii) Rs. 25 lacs as damages on account of non-delivery of the second lot; & (iii) Rs. 10 lacs as damages for loss of business, loss of revenue and loss of goodwill due to the circulation of videos and posts of poor towel quality in the news and social media.
- ABC Textiles challenged the claim stating that – (i) it was not bound to pay either the 30% penalty or the claim of Rs.10 lacs as the first consignment was of good quality and had been accepted by DEF on delivery; (ii) the delay in delivery of the second consignment was due to COVID-19 and resultant lockdown by the Central Government and hence the same was a Force Majeure event; and (iii) the procurement price of cotton towels has fallen by at least 20% due to the severe economic impact of COVID-19 pandemic and hence DEF had not suffered any loss due to its inability to deliver the second consignment.

Prepare the list of issues and argue the matter depending on which side you represent before the court.

- **DISCLAIMER:** The Moot Court Problem is not intended to and does not attempt to resemble any incident, organisation or any person living or dead. All situations in the Moot Court Problem are fictitious and any resemblance to any incident, organisation or person, if any, is not intended, but merely coincidental.

NOTE: The Moot Proposition has been drafted by Mr. Subhraraj Mukherjee, Senior Legal Counsel – Strategic Alliances (North America & Worldwide), Hewlett Packard Enterprise. Any attempt made to contact the above person for the purpose of moot proposition on or before the competition shall result in immediate disqualification from the competition.



➤ RULE-BOOK

➤ RULES AND REGULATIONS

The Organising Committee of the 1st Virtual National Moot Court Competition will have exclusive authority to interpret the rules in the interest of just and fair competition. The definitions placed below by the Organising Committee shall be final and the decision of the Organising Committee regarding the applicability of these rules will be final.

These rules may be called the rules for the 1st Virtual National Moot Court Competition, 2021.

➤ DEFINITIONS

- **‘Bench’** refers to the members duly invited by the institute, to adjudge any of the rounds, collectively.
- **‘Clarifications’** means any questions, queries, or doubts sent by the registered teams to the organisers, within the given deadline.
- **‘Competition’** means the 1st Marwadi University Virtual National Moot Court Competition, 2021.
- **‘Speaker’** refers to a participant who presents oral arguments in any given round.
- **‘Penalty’** refers to the deductions imposed on the memorandum scores of a participating institution.
- **‘Participating Team’** means the team which has registered itself for the competition as per the rules for registration.
- **‘Participating Institution’** shall be presumed to be the institution of the participating teams.
- **‘Moot Problem’** means a set of facts published by the institution for moot court competition.
- **‘Rebuttals’** refer to those arguments /questions that the Complainant may raise at the end of the main pleadings of all the Orators.
- **‘Sur-rebuttal’** refers to the defense presented by the Respondent to the rebuttals.
- **‘Organiser’** means Marwadi University, Faculty of Law
- **‘Organising Committee’** means the Moot Court Committee (MCC).
- **‘Court Room’** shall refer to the online platform where the orals will take place.
- **‘Scouting’** means a person observing the Oral Rounds of a team other than the team such person is associated with.
- **‘Team Code’** refers to the code allocated to a participating institution by the organising committee after completion of the Registration.

➤ KEY DATES

Commencement of Registration	01-03-2021
Last date for seeking Clarifications (if any)	15-03-2021
Last date of Registration	01-04-2021
Last date for submission of memorials (online)	07-04-2021
Inaugural Ceremony and Orientation	16-04-2021
Preliminary Rounds	16-04-2021
Quarterfinal Rounds	17-04-2021
Semi-final Rounds	17-04-2021
Final Round	18-04-2021
Valedictory Ceremony and Prize Distribution	18-04-2021

➤ LANGUAGE

- The official language of the competition shall be **British English** only.

➤ ELIGIBILITY

- 1st-year law students enrolled in 3 years LLB programme and 5 years Integrated programme from any college/institution/university recognised by BCI across the country.
- There is no bar on the number of teams participating from one college/institution/university.

➤ TEAM COMPOSITION

- The team shall comprise of either two members (being designated as Speakers and one of the speakers shall be designated as Researcher) OR three members (two of them shall be designated as Speakers and one of them shall be designated as Researcher).
- No team will be allowed to substitute any of its members after a team has submitted its Registration form, except with the permission of the organisers.

NOTE:

No faculty member, coach, or a designated observer will be allowed to join the team through video-conferencing during the competition.

➤ DRESS CODE

The participating teams must adhere to the following dress code during the virtual moot court competition-

- **Male-** White shirt, black trousers, black tie, black coat, and black shoes.
- **Female-** White salwar and kurta or white shirt and black trousers along with a black coat and black shoes.

➤ REGISTRATION PROCEDURE

- Online registrations are open from 1st March, 2021. The teams must register online by 1th April, 2021.

The registration shall be done by filling up the registration form available at our official website: <https://mootcourt.marwadiuniversity.ac.in:553/>. The registration shall be considered complete only when the 'Registration Fee' has been paid successfully and the registration form is duly filled with all the credentials.

The participants will receive an official approval mail from organising committee carrying the 'Team Code' latest by 4th April, 2021 or earlier. The teams shall quote this team code in all further communications with the organising committee.

Registration fee once paid is non-refundable.

The registration fee for the competition is **1500.00 INR**.

➤ CORRECTION AND CLARIFICATIONS

- The teams may request for correction and clarification regarding the moot proposition as per the date given in the important dates, i.e., 15th March 2021. Such requests shall be sent at folnmcc@marwadieducation.edu.in only. No other mode of communication will be taken into consideration.

➤ MEMORIAL SUBMISSION

- All memorials submitted for all purposes of the Competition shall firmly comply with the rules of the competition. Each participating team must prepare two written submissions, one for each Petitioner/Applicant(s) as well as Respondent(s) side.
- Petitioner/Applicant(s) memorials are required to have a **Blue cover** and Respondent(s) memorials are required to have **Red cover**.
- Only soft copies of memorials shall be submitted in both .pdf and .doc/.docx format latest by 11:59:59 PM on 07th April 2021. Late submissions shall be penalised (1 mark per day) and no memorial shall be accepted after two days from the specified date.
- The memorial shall be uploaded on the official portal created during the registration. The organising committee will not be responsible for delay and default.

➤ **MEMORIAL CONTENT**

- The memorial must contain the following pages only: -
 - Cover Page – The cover page shall contain the Case Title, Side of the Memorial,
 - Year of the Competition, Name of the Court, and Team Code on the top right corner.
 - Table of Contents
 - Index of Authorities
 - Statement of Jurisdiction
 - Statement of Facts
 - Issues Raised
 - Summary of Arguments
 - Pleadings/Arguments Advanced (15-17 Page max)
 - Prayer

➤ **GUIDELINES FOR MEMORIAL FORMATTING**

- The following content specifications must be strictly followed: -
 - The memorial shall be typed on an A4 size page and all the pages of the memorial should have a page number at the bottom.
 - Font and Size (General) – Times New Roman, 12 pts.
 - Line Spacing (General) – 1.5 lines.
 - Font and Size (Footnotes) – Times New Roman, 10 pts.
 - Line Spacing (Footnotes) – Single lines.
 - Page Margins – 1 inch on all sides.

All the citations and footnotes must be in compliance with the 20th Edition of Bluebook.

➤ **PLAGIARISM POLICY**

- Plagiarism in any manner is strictly prohibited and if any participating team found to be indulging in same shall be disqualified from the competition. The decision of the organising committee regarding plagiarism would be final and binding on all participants.

➤ **ANONYMITY OF TEAMS**

- Teams shall not reveal their identity in any form, except by means of the Team Code allotted to them during the Competition.
- The Written Submissions shall not reveal the identity of the team in any form and should not bear the logo, name, etc. of the University represented.
- Any violation of the above rules shall attract severe penalty or disqualification as determined by the organising committee. The decision of the organising committee in this regard shall be final and binding on the participating team.

➤ MEMORIAL MARKING CRITERIA

Marking Criteria	Total Marks Allotted
Coherent and Precise Articulation	20
Knowledge of Laws and Facts	10
The extent of Legal Research	10
Grammar and Style	5
Format and Citation	5
Total	50

➤ ORAL ROUNDS OF COMPETITION

➤ General:

- The competition shall consist of Preliminary Round, Quarter-Final Round, Semi-Final Round, and the Final Round.

➤ Preliminary Round:

- The rounds shall be conducted virtually by way of video-conferencing; the details of the platform will be given to the teams before the competition. The Meeting ID, Password, and Link will be communicated to the teams via email.
- Each team shall argue once from the side allotted to them through the Draw of Lots, which shall be notified to the teams one day prior to the round.
- Each team shall strictly get a total time of 30 minutes to present their case. This time will include rebuttal and sur-rebuttal time [if permitted by the judge(s)]. The time distribution per speaker is left at the discretion of the teams subject to a minimum of 10 minutes per speaker and no more than 15 minutes per speaker. Rebuttals can be allocated a time of a maximum of 5 minutes.
- At the beginning of the preliminary rounds, the teams shall specify the time distribution for their rebuttals of each speaker to the moderator. The rebuttal round proceeding shall be initiated once the moderator informs the team about the commencement of the time limit.
- Strict adherence to court manners shall be observed by all the participants.

➤ **Quarter Round:**

- The top 8 teams with the highest score in the Preliminary Rounds shall proceed to the Quarter-Finals. The match-up of teams in Quarter Final Rounds shall be determined on the basis of draw of lots.
- In case of a tie in scores calculated, the team with the higher score in the Written Submission (Memorials) shall proceed to this round.
- Each team shall strictly get a total time of 30 minutes to argue, which will include rebuttal and sur-rebuttal time [if permitted by the judge(s)]. Extension of time may be permissible at the discretion of judges.
- At the beginning of the quarterfinal round the teams shall specify the time distribution for each speaker and rebuttal to the moderator. The rebuttal round proceeding shall be initiated once the moderator informs the team about the commencement of the time limit.

Strict adherence to court manners shall be observed by all the participants.

➤ **Semi-Final Round:**

- The Top 4 teams of the Quarter Final Rounds shall be declared for qualified for the Semi-Final Rounds. The match-up of teams in Semi-Final Rounds shall be decided on the basis of the draw of lots.
- Each team shall get a total time of 45 minutes to argue, which will include rebuttal and sur-rebuttal time [if permitted by the judge(s)]. The division of time per speaker is left to the discretion of the teams.
- A time-extension for a maximum of 2 minutes may be granted to each team at the discretion of the Judge.
- Strict adherence to court manners shall be observed by all the participants.

➤ **Final Round:**

- The top two teams from the Semi-Final Round shall qualify for the final round.
- Each team shall get a total time of 60 minutes to which will include rebuttal and sur-rebuttal time [if permitted by the judge(s)]. The division of time per speaker is left to the discretion of the teams.
- A time-extension for a maximum of 5 minutes may be granted to each team at the discretion of the Judge.
- Strict adherence to court manners shall be observed by all the participants.

➤ ORAL ROUNDS MARKING CRITERIA

Marking Criteria	Total Marks Allotted
Application of Law to Facts	10
Use of Authorities	10
Responsiveness to Questions	10
Effective rebuttals and sur-rebuttals	5
Adequacy of Prayer	5
Court Mannerism	5
Time Management	5
Total	50

➤ GENERAL CODE OF CONDUCT

- Considering the Virtual National Moot Competition conducting virtually. The following code of conduct must be kept in mind.
 - Virtual Platform: **Zoom/Google Meet**
 - The teams must ensure that they have a strong internet connection (along with good audio and video facilities) for the smooth running of the competition. In case any participant or team is logged out due to connection issues, reasonable time may be given to the respective participant or team to join in.
 - The participants must ensure that no background disturbance is impeding the flow of moot court competition. Hence, it is recommended for the participants to be seated/situated in a quiet room.
 - Teams entering/indulging in any kind of misconduct, or violating the afore-mentioned rules and regulations will lead them to disqualification.
 - The Memorial marks shall not be included to decide the results of oral rounds, however, in case of a tie in Preliminary, Quarter Finals, Semi-Final, and Finals, the marks of the memorial shall be the basis of deciding the winner.
 - The decision of the judges with regards to the oral rounds shall be final.

➤ SCOUTING

- Scouting is strictly prohibited. Scouting by any team shall entail instant disqualification.

➤ MISCELLANEOUS RULES

- The Organising Committee reserves the right to amend, modify, change or repeal any of the competition rules at any stage. The Organising Committee shall convey any changes made in the competition rules to the Participating Teams.
- If a team is of the perspective that violation of the rules of the competition has taken place at any stage of the competition, the team (s) shall inform within half an hour after the completion of the round to Organising Committee.
- Team(s) under no circumstances shall approach the Judges with any complaints.
- The Organisers shall not be responsible for any loss or slow or unstable Internet Connection during the Competition. We request all the participants to have a stable Internet Connection.

➤ AWARDS

WINNING TEAM	RUNNER-UP
Cash Prize of Rs. 15,000/- + Trophy	Cash Prize of Rs. 10,000/+ Trophy

- **Best Speaker (Petitioner)** - Cash Prize of Rs. 5,000/- + Trophy
- **Best Speaker (Respondent)** - Cash Prize of Rs. 5,000/- + Trophy
- **Best Memorial** - Cash Prize of Rs 5,000/- + Trophy
- **Free Moot Course** by Lawctopus Law School for the “ Most Promising Team.”
- **Free certificate course** by LawSkills for the Winners
- **One-month free access** of Manupatra for all the participants

Certificate of Participation shall be provided to all the participants and the Mementoes shall be provided to each participating team.

➤ **NATIONAL MOOT COURT ORGANISING COMMITTEE 2021**
FACULTY OF LAW, MARWADI UNIVERSITY

Dr Rahul J Nikam
Faculty Chairperson



Ms Nibedita Basu
Faculty Co-Chairperson



Mr Praytush Khanna
Student Chairperson



Mr Tushar Jain
Student Co-chairperson



Mr Raounak Sinha
HoD
Public Relation Department



Ms Yashi Jain
HoD
Design Department



Mr Ram Malani
HoD
Communication Department



Mr Jainam Shah
HoD
Hospitality Department



Ms Vamaxi Chauhan
HoD
Sponsorship Department



Ms Nidhi Lathigara
Treasurer



► Life at FoL-MU



► CONTACT PERSONS DETAILS: -

For any further assistance with respect to the Competition, you may contact:

Mr. Pratyush Khanna, Chairperson NMCC

Contact details: **+91 72501 -17221**

Mr. Tushar Jain, Co-Chair NMCC

Contact details: **+91 82394 01801**

You may in the alternative, email us at

To Register Click on: <https://mootcourt.marwadiuniversity.ac.in:553/>

or Email @ folnmcc@marwadieducation.edu.in



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