

VIVEKANANDA SCHOOL OF LAW AND LEGAL STUDIES

5th ARGUENDO MOOT COURT COMPETITION, 18th October 2019

RULES

●*Memorial*:-It means the written arguments submitted, on behalf of both the Parties, according to the official Competition rules by each team.

●*Oral Round*:-It refers to a team's pleadings, comprising of both the speakers, submitted orally in front of the judges on behalf of one of the parties against another team representing the opposite party.

●*Parties*:-It refers to the parties to the matter as identified by the moot problem as Petitioner and Opposing Party.

●*Team Code*:-Team Code refers to the unique number allotted to each participating team for the purpose of this Competition which will be mailed to the participant accordingly after registration.

(a) Team Composition

The team shall comprise of two speakers and one researcher. The students from **B.A.LL.B** and **B.B.A.LL.B** from the **first semester** are eligible to participate in the competition.

(b) Registration

(i) For Participants

Registration for the 5th Arguendo Moot Court Competition 2019 will be through online form submission via Google Docs through this link: [Registration Link for participants](#). Note that the last date for registration is **24th September till 11:59 PM**.

The payment shall be made individually to the event coordinators for **Rs 300** in the form of a cheque or DD in the favour of 'Vivekananda Institute of Professional Studies Law School' on **25th September 2019 and 26th September 2019**.

(ii) Assistance to a team from other team(s) or third parties

Teams are not permitted to receive substantive assistance towards preparation of memorials or arguments from any third parties, including teachers, members of the organizing committee etc. Any team found getting such assistance from third parties shall be immediately disqualified.

(iii) Rights over the Memorials

The Conveners and the Coordinators reserves the right to disseminate and reproduce the memorials for the purpose of the Competition. Submission of memorials in this Moot will constitute the consent of the teams to such dissemination and reproduction. The Conveners and the Coordinators will not be responsible for any mistakes that are a part of the memorial.

(iv) Memorial Rules

(a) Format

Each participating team is required to prepare a memorial for the party to the dispute allotted to them with the following mandatory heads:

- Cover Page
- Table of Contents
- Index of Authorities
- Statement of Jurisdiction
- Statement of Facts (not exceeding 1 Pages)
- Issues Raised
- Summary of Arguments (not exceeding 2 Pages)
- Arguments Advanced (not exceeding 12 Pages)
- Final Submission/Prayer (not exceeding 1 Page)

(b) Teams shall cite authorities using a Uniform style of Citation.

(c) The Cover Page of each memorial must contain **only** the following information:

- The Team Code in the upper right corner of each memorial
- The name of the Competition
- The case title
- The party for which the memorial is prepared

(d) All teams shall send one copy of the memorials in .docx format (Microsoft Office) as well as .pdf format to moot@vips.edu on or before **10th October 2019 till 11:59 PM** with the subject as **‘Memorial Submission for <Team Code>**. All the files (.docx and .pdf) should be sent through a single mail.

(e) Memorials submitted at (12) twelve hours i.e. after **11:59 PM, 10th October 2019** will not be accepted and shall be forfeited from the Competition.

(f) Memorial once submitted will be considered as final, and cannot be revised. In the scenario where any memorial is sent in late (in separate e-mails), the penalty for late submission imposed on the latter memorial will be imposed on both the memorials equally. Penalty will also be imposed if the aforementioned documents are sent in separate emails.)

(g) The teams have to submit four sets of hard copies for the side allotted of the memorials to the conveners on or before **11th October 2019**. *Memorial submitted specially won't be accepted on the day of the event.*

(h) All parts of the memorial (including headers, footers and headings) shall be typed on A4 sized paper/format, with the following Formatting Specifications:

- Font Type: Times New Roman
- Font Size: 12
- Line Spacing: 1.5
- Margins: 1 inch on each side

For footnotes, the Formatting Specifications are:

- Font Type: Times New Roman Font Size: 10
- Single Spacing between lines
- Margins: 1 inch on each side

(i) The memorials shall be spiral bound. The following colour schemes should be followed for the cover page of the memorial:

- Petitioner - **BLUE**
- Respondent - **RED**

(j) The memorials shall not contain any annexure, photograph, graph, diagram or any other representation of like nature.

(k) Every Memorial will be marked on a total of 100 marks and the team memorial marks will be the average of the total of both sides:

S. NO	MARKING SCHEME	MARKS ALLOTTED
1.	Knowledge of Facts & Law	20 Marks
2.	Extent & Use of Research	20 Marks
3.	Drafting Skills	15 Marks
4.	Originality in Presentation	15 Marks
5.	Coherency	10 Marks
6.	Grammar and Style	10 Marks
7.	Original Thought	10 Marks
	GRAND TOTAL	100 Marks

(l) Penalties

Not adhering to these rules will lead to reduction in the marks of the memorial submission.

(m) Anonymity

There should be no indication of the name of the members in the memorials. The teams must also not disclose such information during the oral rounds. The teams should not attempt to disclose such information to the Judges, or any other person as decided by the Competition Administrator, for the entire duration of the Moot Court Competition. The violation of this rule will cause severe penalty, which may involve disqualification, as determined by the Competition Administrator.

(v) Oral Rounds

(a) General Procedure

i. The oral round shall consist of Thirty (30) minutes. Plaintiff and Defendant shall be allotted fifteen (15) minutes each.

ii. The teams would be represented by the two speakers from each team. In no case, will the researcher be allowed to take part in the oral rounds.

iii. Prior to the beginning of the Oral Round, each Team shall indicate to the Court Clerk how it wishes to allocate its allotted time among (a) its first Speaker, (b) its second Speaker, and (c) rebuttal (by Plaintiff) or sur-rebuttal (by Defendant). No single Speaker shall plead for more than Eight (08) minutes, including rebuttal or sur-rebuttal in the Oral Round. Each Team may reserve up to one (1) minute for rebuttal or sur-rebuttal.

iv. Extension of Time at Judges' Discretion- Judges may, at their discretion, extend the total time allocated to a Team in the oral arguments beyond the allotted time, up to an additional five (5) minutes per Team. Speakers asked to further expand upon arguments may, in this instance, appear for more than allotted time for a single speaker.

v. Order of Submission- The order of the oral submissions in each Round at all levels of the Competition shall be:

Plaintiff 1 --> Plaintiff 2 --> Defendant 1 --> Defendant 2 --> Rebuttal --> Sur rebuttal

(b) Competition Communications- Oral communications during the Oral Round shall be strictly limited to those mentioned above. Any Team, which engages in communications not listed in this Rule, shall be penalized.

- Oral Courtroom Communication between Counsel and Judges -Each Speaker designated to present oral pleadings may communicate with the judges, and the judges may communicate with that Speaker, during the Speakers allotted time only.
- Oral Courtroom Communication and Activity at Counsel Table- Every courtesy shall be given to Speakers during oral argument. Communication at the counsel table shall be in writing to prevent disruption, and Teams shall avoid all unnecessary noise, outbursts, or other inappropriate behaviour, which distracts from the argument in progress. Any Penalties imposed under this Rule shall be deducted from the Oral Scores of both Speakers of the offending Team.
- Written Courtroom Communication-Written communication during the Oral Round shall be limited to (a) written communication among a Teams members seated at the counsel table, and (b) a Team member at counsel table handing a document to a Speaker when that Speaker has been questioned about such document during the course of his or her argument or (c) a written note to assist the Speaker in answering an issue raised by the judges. No other written communication may take place among the Speaker, Team members seated at counsel table, spectators or Team members not present at the counsel table. There is no prohibition on the teams handing over supporting documentation to the judges, but the same should be done through the clerk.

(c) Oral rounds shall be judged as per the following criteria :

S. NO	MARKING SCHEME	MARKS ALLOTTED
1.	Knowledge of Facts and Law	20 Marks
2.	Application of Law to Facts	20 Marks
3.	Ingenuity and Ability to Answer Questions	15 Marks
4.	Presentation Skills	15 Marks
5.	Time Management and Organization	10 Marks
6.	Court Etiquettes	10 Marks
7.	Logical coherency in Arguments	10 Marks
	GRAND TOTAL	100 Marks

(vi) In case the team is unable to report to the designated Court room at the starting of the Round and notify the court master of their presence, the team will be forfeited from the Competition and the Round will continue as an ex-parte round or as per the discretion of the organizers.

(vii) **Training Session**

Training sessions regarding the Memorial followed by the oral rounds will be conducted separately on 4th October, 2019 and 14th October, 2019. Further details will be notified accordingly.

(viii) Exemplary Power Clause

In case of any dispute arising out in the interpretation of the rules, or otherwise, the decision of the Faculty Coordinator in consultation with the Organizing Committee (OC) would be final and binding. The Faculty Coordinator in consultation with the OC will have the exclusive authority to interpret these Rules.

(ix) For any further clarifications regarding the rules or the moot proposition kindly mail your queries along with your team code to moot@vips.edu or contact to Conveners or the Coordinators.

Student Conveners

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Faculty Convenor

Mrs. Sushila Sharma

—ADVOCATES LEGION—

MOOT PROPOSITION

WINGMAN CONSTRUCTION COMPANY LTD.

v.

PROGRESSIVE HOTELS LTD.

Progressive Hotels Ltd. is a chain of luxury hotels headquartered at Express Towers, Oriental Point in Masaba, Indiana. It was incorporated by the founder Dhiraj Wadhwa, in 1980.

WingMan Construction Company Ltd –is an Indiana Company. It is a real estate contractor, which has executed several prestigious building contracts over the years and has become a reputed name in the real estate industry.

In January 2009, it was decided in the Board Meeting of Progressive Hotels Ltd. to expand their chain in Dudley, the Capital city of Indiana where the upcoming Summer Games of 2011 were to be held and in Ankara so to provide a two day stay to the participants in the city of Ankara which is a tourist attraction famous for its ivory – white marble mausoleum which is considered to be a masterpiece of the world heritage.

In February 2009, for the aforementioned purposes Progressive Hotels Ltd. invited Request For Proposal (“RFP”) (including Building designs, quotation etc) from construction companies. In March, 2009 after reviewing several proposals, Progressive Hotel Ltd. selected the proposal submitted by WingMan Construction Company Ltd for its unique design, costs and other factors.

On 1st April 2009, Progressive Hotels Ltd. and WingMan Construction Company Ltd entered into two separate contracts for the construction of the hotels in Dudley and Ankara. The construction project was to begin simultaneously at both the locations. Each hotel were designed to have 500 rooms, an indoor swimming pool and hot tub, a fitness club, two large conference rooms and to be surrounded by garden on three sides of the hotel.

The terms of the contract stipulated that the project was to be completed within two years from the date of signing of the contract as the hotels had to be ready for the Summer Games. In the event the construction of the hotel was not completed within the stipulated time then Progressive Hotels Ltd. reserves the right to rescind the contract and WingMan Construction Company Ltd would be liable to pay damages that would arise in case of non completion of the project.

Progressive Hotels Ltd. will make payment in five (5) equal tranches of Rs. 30 Lakh each as per Payment Schedule provided herein under:

Date	Payment
1 st April 2009 – 1 st Instalment	Upon starting of the Project
1 st Oct 2009 – 2 nd Instalment	Upon completion of 30% Project
1 st April 2010 – 3 rd Instalment	Upon completion of 50% Project
1 st Oct 2010 – 4 th Instalment	Upon completion of 80% Project
1 st April 2011 – 5 th Instalment	Upon completion of 100% Project

Another term in the contract states that the construction of the project is subject to the timely payment of instalment by Progressive Hotels Ltd. In the event there is delay on the part of Progressive Hotels Ltd. to make the payment, then WingMan Construction Company Ltd will not be liable for any loss or damage arising due to the delay caused in the completion of the project.

Furthermore, WingMan Construction Company Ltd is entitled to levy additional charges where (i) extra work is required to prepare the project before handing over of the finished project, and (ii) increase in costs arising from delay in completion of project, where delay occurs from causes outside the control of WingMan Construction Company Ltd.”

The construction began on 1st April 2009 immediately upon receiving the 1st Instalment for both the projects. The construction work continued to move at the pace agreed upon in the contract and the payment was made accordingly till 1st April 2010.

Mr. Dhiraj Wadhwa on being content with the progress of the work decides to make a Public Announcement for the opening of the Hotels in both Dudley and Ankara. He invites the tourists for a stay over in the hotel at the time of the Summer Games to be held in Dudley and for a 2 day sightseeing tour in Ankara along with free stay in their Ankara Hotel.

Before releasing the payment towards the 4th Instalment Mr. Dhiraj Wadhwa decided to visit both the hotels to verify the progress. He was satisfied with the progress of the work at the construction site of the Hotel in Dudley as it moving as per Schedule (80% of the work was complete by 1st Oct 2010). However, he was disheartened that the work at the construction site of the Hotel in Ankara made no substantial progress.

Due to the non- completion of the work as per the terms of the contract, Mr. Dhiraj Wadhwa decided to rescind both the contracts and hired another contractor Supreme Consortium Construction Ltd. to complete the remaining work at both the sites.

WingMan Construction Company Ltd. filed a suit for damages and specific performance.

NOTE:

- *The laws of Indiana are pari material to the laws of India.*
- *The Constitution of Indiana allows clubbing of matters.*
- *The decision of the Judges will be deemed to be final.*



— ADVOCATES LEGION —