

SYMBIOSIS LAW SCHOOL, PUNE

SYMBHAV LEGAL EVENTS 2020

Legal Events

NITHIN PATIL MEMORIAL MONO ADVOCACY COMPETITION

(Mono - Advocacy)

ORGANISED BY:

Symbiosis Law School, Pune

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Moot Problem

THE SUPREME COURT OF MINDHYA

BEFORE GREY, CJ; BOROMIR, LEGOLAS, GIMLEE, AND BAGGINS, JJ.

Plus Condor Private Limited &Ors.

v.

Mindhya Grande Ltd. &Ors.

1. The Republic of Mindhya is a sovereign democratic republic, and its laws are *pari materia* those of India. Mindhya is a developing and populous nation that draws a large part of its revenue from the agricultural and varied outsourced sectors.
2. Almost all of the residents in Mindhya have an internet connection, with at least one-third of them having access to high-speed internet, that is amongst the best in the world. However, before 2010, merely 10% of residents, almost all in urban Mindhya had access to internet. The Government of Mindhya started the ‘*Great Byte Forward Programme*’ in 2010, which incentivised private telecommunication operators to provide internet, subsidised production of allied hardware, and offered free internet access to all people between the ages 18 to 25, and 65 and above. The GBF Programme has been modified several times since then, and is regarded as a landmark in the history of the internet and of the world.
3. Since the dawn of 2011, the Government began promoting the concept of domestically-grown start-ups to facilitate the internet boom. The Coronation Corporation Ltd., the country’s biggest conglomerate, owned by billionaire tycoon Charles Coronation, opened the e-market website “*Co-Shop*”. Around the same time, Condor Sons Pvt. Ltd., a conglomerate owned by the Condor family, started another website, “*Plus Condor*”.

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4. Co-Shop and Plus Condor gradually became household names in Mindhya and, by early 2016, both were worth about USD 25 billion separately, and indirectly or directly employed about 5 lakh people each. Their rise had disgruntled many of the small business that had until now been crucial to the national economy, being an integral part of the nation's semi-regulated sectors. Both businesses are heavily reliant on the sister companies, subsidiaries of their respective conglomerates for sale of goods, to the extent where both can be regarded as mere sales arms of their groups. The following is a list of such sister corporations, in sectors that *in toto* amount to 75% of e-commerce transactions in the country:

SR. No.	PRODUCT SECTOR	CORONATION COMPANY	CONDOR COMPANY
1	Electronics	Coronation Alpha Ltd.	Condor Nix Ltd.
2	Groceries	Coronation Green Ltd.	Condorfresh Pvt. Ltd.
3	Textiles	Vibrant Colours Pvt. Ltd.	Piccadilly Waterloo Pvt. Ltd.
4	Electricals	Coronation Silico Ltd.	Cicada Major Ltd.

5. In 2016, the Government opened the e-commerce industry to 100% foreign direct investment. Neither Co-ship nor Plus Condor raised any objections to the move. In November 2016, Grande Electronic Commerce Corporation, a body corporate registered in the developed nation of United States of Amelia, incorporated a subsidiary in Mindhya, Mindhya Grande Ltd, which subsequently released its own e-commerce website "*MAGECC*".
6. MAGECC faced several issues after its release as it could not purchase products directly from manufacturers of Coronation Corporation Ltd. or Condor Sons Pvt. Ltd., which gave access to their respective sales arms. MAGECC could not purchase the products directly from the manufacturers of the two conglomerates and had to give up on a part of its profit margin, due to the higher prices quoted by the intermediate dealers in the supply chain after the manufacturer.

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7. To combat the problem, MAGECC hired a former Plus Condor manager, and a National University mathematician, who were given free rein over MAGECC. The duo suggested a business plan, internally known as “*Project Amoeba*”. Project Amoeba involved purchase of products from local small businesses and the business would involve delivering the same locally. It was argued that this would reduce costs and time, giving an edge to MAGECC.
8. MAGECC implemented Project Amoeba for groceries and textiles by June 2017, by signing contracts with Federation of All Mindhya Grocery Shop Associations (FAMGA), and Textile Sellers Union of Mindhya (TESU). Project Amoeba radically brought down costs, and ensured quick delivery. A January 2018 report by a reputed business journal reported that the average delivery time for groceries and textiles for MAGECC was about 7 hours, while both Co-Shop and Plus Condor took about 36 hours. Similarly, MAGECC’s products were mostly sold at 85% of the average price at which the other two services sold their counterpart.
9. Barring electronics and electricals, which are still dominated by the two companies, MAGECC delivers almost 65% of groceries and 72% of textiles sold online. Both companies suffered significant drop in stock price and reduction in profits due to MAGECC.
10. Condorfresh Pvt Ltd imports all its tea products from Condor Tea Estates Pvt Ltd, whose tea estates and allied factories are situated in the neighbouring country of Enarcia. On March 4, 2018, a nationwide general strike commenced in Enarcia due to increase in fuel price and other grievances. Due to the same, Condorfresh was unable to import tea products into Mindhya. A similar situation had occurred in 2013, when Condorfresh had purchased emergency stock from domestic grocers. This time as well, Condorfresh tried purchasing stock from several domestic grocers, all of whom refused due to the contract between FAMGA and Mindhya Grande. The contract prohibited sale of grocery products to “any electronic commerce entity, or an entity that is owned by another entity, that owns an electronic commerce entity”. FAMGA and the grocers purported that this prohibited transfer to Condorfresh.
11. Similarly, Vibrant Colours Pvt. Ltd. imports cotton, silk, and other raw material from the country of Bekabeki. In June 2018, due to some war-like situation in the Gulf of Canton, all exports from Bekabeki were halted. Vibrant Colours Pvt Ltd approached the MindhyaKapasUtpadak Sangh (MIKUS) for purchase of cotton produce. The MIKUS refused, citing a contractual arrangement with Textiles Manufactures Union (TEMU). The two associations had entered into a ten-year contract in

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May 2017, that prohibited sale of cotton to any textile manufacturer “that is not a member of the TEMU”.

12. A news organization owned by the Condor group, Condor News, later revealed a May 2017 contract between TEMU and TESU, that prohibited sale of textile products to “*any electronic commerce entity, or an entity that is owned by another entity, that owns an electronic commerce entity*”. The news scoop alleged that the contracts between TEMU and TESU, as well as MIKUS and TEMU were drafted in a strikingly similar manner, and also shared an affinity with the contract signed between Mindhya Grande and TESU. The news story, titled “How your friendly neighbourhood business company is running a cartel” was shared widely, and the journalists involved received many acclaimed national and international prizes for their story. In response, the three associations released a joint statement that denied any involvement of Mindhya Grande, and stated that all three were advised by Ebenezer LLP, a leading law firm, which purportedly explained the similarity of contracts. The statement also said that the contract between Mindhya Grande and TESU was also drafted by the same law firm.
13. After the news story broke in August 2018, the Director-General was asked at a press conference about whether the Commission would take note of the “*Cotton Cartel*” scandal. The DG refused to comment by saying that the Commission had not been formally provided with any information as of then.
14. On September 6, 2018, Vibrant Colours Pvt. Ltd. formally sent information to the Commission alleging violation of Sections 3 of the *Competition Act, 2002*, against Mindhya Grande Ltd. The DG subsequently opened an investigation into the Mindhya Grande scandal.
15. On the same day, Condorfresh approached the Commission with information regarding the FAMGA-Mindhya Grande contract. The DG opened a separate investigation into this contractual arrangement as well.
16. On October 1, 2018, the Director General published a common report for both investigations. The common report held that the agreements were not violative of the Competition Act, as there was no “appreciable adverse effect” by Mindhya or the associations. The report read:
“*In fact, it can be seen from prices of products on the website MAGECC and those on Plus Condor and Co-Shop, that the impugned contractual arrangements are actually enabling MAGECC to sell*”

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the products cheaper and faster. If the cotton or tea supply is enabled to Vibrant or Condorfresh, and then on, to their e-commerce websites, the prices there would be higher than that of MAGECC. At the same time, a reduction in supply to MAGECC would mean that their prices go up, or their customers are compelled to purchase products elsewhere, at the peril of customers. The agreements are prima facie anti-competitive, but the same cannot be held so. The Competition law cannot be employed to frustrate customers, or to make them pay more. The contractual arrangements neither increases the price for customers nor does it impact the adequacy of supply. MAGECC has not sought to abuse its exclusive supply to seek its own ends, instead it has innovated to supply goods cheaper and faster. The protests of Plus Condor and Co-Shop are caused by their own monopolistic tendencies of exclusivity within their respective conglomerates, but are incorrectly aimed at MAGECC's commendable business strategy".

17. The Competition Commission of India held Mindhya Grande not to be in violation under Section 3 and held largely in favour of the DG's opinion. The report was appealed instantaneously by Co-Shop to the Appellate Tribunal, while Plus Condor appealed to the Supreme Court under Article 136 of the Constitution.

18. The Supreme Court admitted the special leave with all the relevant parties impleaded, and formed the following questions for judgment:
 - (a) Whether Mindhya Grande violated Section 3 of the Competition Act, 2002, in relation to the two impugned agreements?
 - (b) Whether the Competition Commission was justified to permit consumer welfare as an exception to application of the Competition Act, 2002?

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MONO ADVOCACY (RULES AND REGULATIONS)

AIM AND PURPOSE:

1. To practice and improve their researching, drafting, oratory and deliberation skills.
2. To provide a platform for law students to compete in a holistic environment, making the process more complex than usual.
3. The competition is carefully structured to simulate a real-life court scenario, where you may be expected to prepare your arguments and present them yourself.
4. To act as lawyers, to negotiate a series of legal simulations.

COMPOSITION AND REGISTRATION:

1. Each participant will be enrolled as an individual, and not as a team. The individual participant will be expected to do both, the researching and drafting, for the memorial submission as well as speak and deliberate during the oral pleadings. **Each institution can send in a maximum of 2 participants.**
2. The participant shall be a student in any 3 year or 5 year law course.
3. Participation will be considered on a **first come-first serve basis**, and only the first 32 participants will be provisionally registered. The last date for provisional registration is **December 25, 2019**.
4. Those registered provisionally shall be expected to pay the registration fee of **Rs.1000** before the deadline of the final registration. Failing to do so will result in the participant being dropped off the list, and the next participant on the provisional application list to be considered, who shall then have 3 days to make the full payment.

MEMORIAL SUBMISSION:

1. All Student Speakers are required to submit Memorials for both the Petitioner and the Respondent.
2. Names of the Student Speaker or his/her institution name or any kind of identification mark should not appear in any part of the Memorials.
3. Soft copy of the memorials of both sides shall be submitted **before 11:59:59 PM IST February 10, 2020** to qcsymbhav@gmail.com. **Four hard copies** of the same need to be sent to Survey No 227, Plot No. 11, Rohan Mithila, Opp. Pune Airport, New VIP Road, Viman Nagar, Pune, Maharashtra 411014, **latest by February 20, 2020**.

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4. The participants will be expected to bring separate copies for their personal use should they need it; the submitted copies will not be returned to the participant under any circumstance(s).
5. After the completion of the competition, the organizers shall reserve the right to use the Memorials submitted by the participating Students Speaker, as they may deem appropriate.
6. Student Speaker will not be permitted to raise arguments other than those presented in the Memorial.
7. The Memorials should not exceed **25 typed pages**. The font and size of the text of all the parts of the memorial must be in **Times New Roman** and **12 point** with **1.5-line spacing**. Footnote(s) shall be in **10 size** font.
8. The Memorial must contain the following:
 - a) Table of contents
 - b) Table of authorities
 - c) Statement of jurisdiction
 - d) Statement of facts
 - e) Statement of issues
 - f) Summary of arguments
 - g) Written pleadings
 - h) Prayer
9. Memorial should be in spiral binding form. The cover page of the Appellant/Petitioner side Memorial shall be **BLUE** and Respondent shall be **RED**.
10. Each sides Memorial will be evaluated for 10 marks and the Students Speaker memorial marks will be the aggregate of both the sides (i.e. 20 marks). Memorials will be judged by a special panel of judges.

GENERAL RULES AND ROUNDS:

General Rules for the Competition:

1. The Memorial exchange and draw of lots for match ups will be conducted on **February 27, 2020**.
2. This will be a paperless competition; other than the hard copies of the Memorials exchanged between participants, no other official document will be employed in the rounds in hard copy format. The judge(s) will have access to your Memorials in soft copy format.

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Rounds:

1. There shall be **two (02) Preliminary Rounds, and one (01) Quarter-Final, Semi-Final and Final Round.**
2. Semi-Finals and Finals will be both knockout rounds. The top eight (08) speakers will advance to the Quarter Final round, four (04) speakers will advance to the Semi-Final rounds, and the top two (02) speakers will then advance to the Finals.
3. Preliminary Rounds:
 - a) There will be two (02) preliminary rounds.
 - b) Both the Preliminary Rounds will happen on **February 28, 2020**. And both the rounds will happen on the basis of the match-up.
 - c) Qualifications criteria will depend on win-win situation.
 - d) In case of a tie at the 8th spot, the rules provided to decide for the tie breaker will be applicable.
 - e) In the Preliminary Round each Student Speaker will have to argue from both the sides (Petitioner and Respondent) in two (02) separate rounds. For the said purpose, fixture of Student Speaker will be decided by draw of lots.
 - f) During Preliminary Round, each Student Speaker will be allowed **twenty (20) minutes** only. There will not be rebuttal in the preliminary rounds.
4. Quarter-Final Round:
 - a) Top eight (08) speakers from the Preliminary Rounds will qualify for Quarter Final Round.
 - b) Qualification criteria will depend on win-win situation.
 - c) The Quarter Finals shall be held simultaneously in different rooms judged by different panel of judges.
 - d) In case of a tie at the 4th spot, the rules provided to decide for the tie breaker will be applicable.
 - e) During the Quarter Final Round, the Student Speaker will be required to argue either on behalf of the Petitioner or the Respondent. The Students Speaker's particular side will be decided by a draw of lots prior to the commencement of the Quarter final rounds.
 - f) During the Quarter Final Round each Student Speakers will be allowed only **twenty (20) minutes** to argue for respective sides.
5. Semi-Final
 - a) Top four (04) speakers will from Quarter Final Rounds will qualify for Semi-Final Round.
 - b) The Semi- Finals shall be held simultaneously in different rooms judged by different panel of judges.

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c) During the Semi-Final Round each Student Speakers will be allowed only **twenty (20) minutes** to argue for their respective side, decided by a draw of lots.

6. Final Round:

a) Top two (02) speakers from the Semi-Final round shall advance to the Final rounds.

b) Each Student Speaker will be allowed only **thirty (30) minutes** to argue for their respective side decided by way of draw of lots.

7. Tie Breaker –

a) For first tie breaker it will be win-win situation

b) In case of second tie breaker the aggregate scores will be compared.

8. Participating Student Speakers will be required to strictly follow the time limits.

EVALUATION:

The competing Student Speakers will be judged on the basis of the following evaluation criteria, for a total of **100 marks** (break- up of marks indicated below).

The following will be the Evaluating Criteria and the marks will be allocated to each category as under.

1.	Knowledge of fact	10 Marks
2.	Factual Analysis	10 Marks
3.	Knowledge of law	10 Marks
4.	Use of authority and citation	10 Marks
5.	Skill of Advocacy	10 Marks
6.	Language & Style	10 Marks
7.	Clarity, brevity, ingenuity, responsiveness to questions	10 Marks
8.	Court manners	10 Marks
9.	Memorials (Judged by a special panel of judges)	20 Marks
	TOTAL	100 Marks

RESULTS:

1. Results will be announced within sixty (60) minutes of the completion of the Preliminary and Semi - Final Rounds. The Final result and the winners of the various categories will be announced only during the Valediction / Prize Distribution Ceremony.
2. Participating Teams who were not able to qualify to Final are required to stay back and attend Final Rounds and Valedictory / Prize Distribution Ceremony on March 01, 2020.

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AWARDS AND PRIZES:

Awards and prizes for the Competition are as follows:

1. Winner of the Competition will be awarded with cash prize, trophy and Certificate of Merit
2. The Runners-up will be awarded with cash prize, trophy and Certificate of Merit.
3. The Best Advocate will be awarded with cash prize, Trophy and Certificate of Merit.
4. The Best Memorial will be awarded with cash prize, trophy and Certificate of Merit.
5. Each participant in the moot court competition will be awarded a certificate of participation.

SCOUTING:

Student Speaker or any one accompanying him/her will not be allowed to observe the oral argument of other court halls. Scouting is strictly prohibited. Scouting by the Student Speaker or any one on his/her behalf will result in his/her disqualification.

CONTACT INFORMATION:

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REGISTRATION FORM (only to be filled for final registration)

NAME OF THE INSTITUTION:

Email ID of the Moot Court Committee:

Photo

PARTICIPANT DETAILS

Name: _____

Year, Course: _____ Gender: _____

Email ID: _____

Contact No.: _____

THE PARTICIPANT IS A BONAFIDE STUDENT OF THE COLLEGE.

**(BY SENDING THIS REGISTRATION FORM, THE PARTICIPANT AGREES TO COMPLY
WITH THE RULES & REGULATIONS OF THE COMPETITION)**

Signature & Seal of the Head of the Institute

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Schedule of Moot Court Competition

Sr. No.	Event	Date
1.	Last Date of Provisional Registration through Google form	25-12-2019 (Wednesday)
2.	Last Date for payment and sending soft copy of registration form along with NEFT chart.	18-01-2020 (Saturday)
3.	Last Date of clarification	28-01-2020 (Tuesday)
4.	Sending out the clarification by organisers	31-01-2020 (Friday)
5.	Soft copy submission of the Memo	10-02-2020 (Monday)
6.	Hard copy submission of the Memo along with hard copy of registration form	20-02-2020 (Thursday)
7.	Memo Exchange and Confirmation of Registration at the Event	27-02-2020 (Thursday)
8.	Preliminary Rounds	28-02-2020 (Friday)
9.	Quarter – Final Rounds	29-02-2020 (Saturday)
10.	Semi - Final Rounds	29-02-2020 (Saturday)
11.	Final Round	01-03-2020 (Sunday)
12.	Valedictory & Prize Distribution	01-03-2020 (Sunday)