



NYAYSHASTRAM
Lokah Samastah Sukhino Bhavantu

NYAYSHASTRAM'S INTERNATIONAL COMMERCIAL ARBITRATION MOOT COURT COMPETITION

15TH - 17TH APRIL, 2022

IN ASSOCIATION WITH

C&P | CHANDRAWAT
& PARTNERS
LAW FIRM

PRIZES WORTH 1 LAKH AND ABOVE

For further enquiries, reach out to us at
events.nyayshastram@gmail.com
or +91 73376 03842



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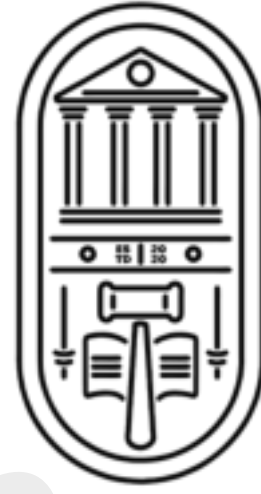


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— Advocates & Solicitors —

KNOWLEDGE PARTNER

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ABOUT NYAYSHASTRAM



NYAYSHASTRAM
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Nyayshastram is a student-run organisation under the Chairmanship of Mr. Ratan K Singh, Senior Advocate & Arbitrator, Supreme Court of India, and the aid and advice from eminent Lawyers Academicians across the nation. The initiative aims to foster legal research, writing, and presentation by providing a platform to encourage e-learning through various competitions and events utilising virtual platforms. Through its events, Nyayshastram has hosted various legal and non-legal luminaries, including Hon'ble Mr. Justice A.K. Sikri, Former Judge Supreme Court of India, Justice A.K. Ganguly, Arbitrator and Former Judge Supreme Court of India, Dr, Pinky Anand, Former Additional Solicitor General of India, Ms. Aishwarya Bhati, Additional Solicitor General of India, Ms. Deepa Verma, Director of Forensic Science Laboratory, Delhi, Dr. A.C. Rajvanshi Sr. Faculty, LNJP National Institute of Criminology and Forensic Science, Delhi, Mr. S.B. Upadhyay, Sr. Advocate, Supreme Court of India. The first edition of this moot witnessed participation from over 40 colleges/institutions across the country.

MESSAGE FROM THE CHAIRMAN

For decades, international commercial arbitration has remained the predominant method for the resolution of international commercial disputes due to its effectiveness, efficiency, and flexibility. That said, these advantages are only truly felt when the arbitrators and counsel involved in the process possess the required skills and experience. Indeed, international commercial arbitration requires astute fact-finding skills, the open-mindedness to be flexible on procedure, the ability to “hand-hold” the tribunal and with sincerity guide it through the facts and the law.



There is a growing interest among students in India towards this practice area. With it, there must also be an exposure to the practical aspects of international commercial arbitration and opportunities to develop practical skills. Knowledge of substantive law and arbitration law, while important, is not by itself, enough. Thus, I must commend Nyayshastram for organising its 3rd Moot Court Competition on International Commercial Arbitration as this presents a platform for students to have a practical insight into the skills necessary to succeed in this practice area.

I wish all the participants the very best for their upcoming rounds, and I do hope that they take back from this competition a renewed enthusiasm for international commercial arbitration.

Ratan K. Singh

Senior Advocate

International member (Keating Chambers)

ABOUT CHANDRAWAT & PARTNERS - INDIA & HONG KONG



Chandrawat & Partners is a leading full service international firm with offices in India and abroad. The firm is rapidly growing and offers a wide range of legal and professional services to domestic and international clients.

The firm is a member firm of a global network of leading firms throughout Asia and the world. With an international focus, the firm has the ability to provide a broad range of contentious, non-contentious, compliance, and corporate services through its extensive network of associated law firms, lawyers, and corporate professionals.

With their unique client-centric approach and a high level of responsiveness, the firm collaborates closely with leading domestic and international firms across Asia Pacific, the Middle East, the UK, the US, and Europe, which allows them to provide seamless professional services worldwide.

ABOUT AYDDHA LEGAL, ADVOCATES & CONSULTANTS, BENGALURU



Ayddha Legal is a Young and Vibrant Full Service Law Firm having its Principle Office at Bengaluru. The firm is dedicated to provide distinctly high quality and dependable legal advice and representation in Civil, Criminal, Labour and Commercial law matters to an extensive clientele comprising individuals, business, companies, corporate house and Banks and other financial institutions. They are having Professionals with immense experience in the field of Constitution, Company Law matters, Insolvency and Bankruptcy Code (IBC), Direct and Indirect Taxation, Real Estate, Family Law, Employment Law and other Civil and Criminal Matters. Their Associate Professionals are appearing for clients before various courts, tribunals, quasi judicial bodies and authorities across the Country and advising Individuals, Companies, Directors, Insolvency Professionals, Chartered Accountants and other stakeholders in matters related to Constitution, Company Law matters, Insolvency and Bankruptcy Code (IBC), Direct and Indirect Taxation, Real Estate, Family Law, Employment Law and other Civil and Criminal Matters. They also deal with the matters before the Debt Recovery Tribunal (DRT) under SARFAESI Act, representing clients before various authorities including Customs, GST, Income Tax, RBI, ROC, Regional Director etc.

ABOUT ROSTRUM LEGAL



Rostrum Legal is one of India's Leading Online Legal Education platforms. They guide and help law students and lawyers to prepare for exams like CLAT PG, Judiciary and other important competitive law exams. Founded in 2012, the team at Rostrum Legal is working with a mission to make professional legal education affordable and accessible to millions of law students and lawyers.

ABOUT FIDUCIA LEGAL, ADVOCATES & SOLICITORS, NEW DELHI



Fiducia Legal is a leading full-service law Firm, founded by Mr. Animesh Kumar and Mr. Nishant Kumar, in the year 2019. Before setting up the firm, the partners have had a varied experience in the field of law and have demonstrated their skills both as arguing counsel, as well as excellent draftsman. Our services extend across diverse sectors of industry, as well as individual high profile cases. The team is also involved in a variety of pro-bono matters, as we believe in the power of blessings.

Mr. Animesh Kumar has diverse experience in general civil and criminal litigation before various High Courts and the Supreme Court of India. Earlier Mr. Animesh was working with Mr. Neeraj Shekhar, an Advocate on Record in the Supreme Court of India, and appeared in more than 1000 matters on every branch of law, including criminal and civil disputes, law related to the educational institutions, etc.

ABOUT BURNISHED LAW JOURNAL



Burnished Law Journal (ISSN-2582-5534) aims to provide a number of legal journal articles, & practical updates of law. They actively invite authors to share their research on contemporary issues of law, so as to enable the growth and understanding of the aspects of the law to each and every individual in the society. The main aim of Burnished Law Journal, includes, promoting research on the topics on socio-legal, socio-economic, or any other related topic of contemporary relevance concerning critical social issues.

GENERAL RULES & REGULATIONS

1. The Nyayshastram International Commercial Arbitration Moot Court Competition, 2022 [“Event”] shall be organised virtually from 15th to 17th April, 2022.
2. Students enrolled in the three year or five-year course from any law school recognised by the Bar Council of India shall be eligible to participate. There is no limit on the number of teams participating from one institution. Cross University teams are NOT allowed.
3. Each team should comprise a minimum of two (2) and a maximum of three (3) members in which two (2) members shall be designed as the “Speakers” and one (1) member shall be designated as the “Researcher”. No shuffling shall be allowed without prior permission from the Organisers. In the case of a two-member team, one of the Speakers shall act as the Researcher, whenever necessary.
4. All oral and written submissions are required to be made in English, which shall be the official language of the Competition.
5. The dress code shall be as per Advocates Act, 1961 (Without Band & Gown).
6. Clarifications shall be released only at the discretion and upon satisfaction of genuine concerns by the Problem Drafter.

REGISTRATION PROCEDURE

1. There shall be a registration fee of INR 2000 per team for taking part in the competition. The same would be payable through transferring the amount to bank account or through UPI.

For Bank Account Transfers-

Account Holder's Name: ABHISHEK BHUSHAN SINGH

Account Number: 3602049894

IFSC Code: CBIN0282835

For UPI Transfers-

UPI ID: 7337603842@ybl or PhonePe / Google Pay to +91 73376 03842

[NOTE: For UPI transfers, kindly mention "Moot Registration" as message while transferring the amount]

After the payment of registration fee, the participants are required to complete the registration by filling the registration form. You can access the registration form by clicking on the button below.

[**REGISTRATION FORM**](#)

STRUCTURE OF THE COMPETITION

MEMORIAL SUBMISSION

1. Each team needs to prepare a memorial from both sides i.e., Claimant and Respondent. The last date to submit the memorials is 8 April 2022, 11:59 PM. Once the memorials have been submitted, no revisions, supplements, or additions will be allowed. The memorial has to be typed on an A-4 size paper and must contain:

- § Cover Page
- § Table of Contents
- § List of Abbreviations
- § Index of Authorities
- § Statement of Jurisdiction
- § Statement of Facts
- § Statement of Issues
- § Summary of Arguments
- § Arguments Advanced
- § Prayer

2. Cover page, Table of Contents, List of Abbreviations, Statement of Jurisdiction, Statement of Facts, Statement of Issues, Summary of Arguments and Prayer should not exceed 1 page each, respectively.

3. The Arguments Advanced/Pleadings should not exceed 10 pages. The memorial should not exceed 20 pages overall.

4. The cover page should mention the team code on the top right corner, name of the court approached, nature of case/petition, jurisdiction and name of parties.

5. Formatting: - Font style: Times New Roman, Font size: 12 pts (For footnotes, 10 pts). The memorial must have a margin measuring one inch on all sides of each page. Line spacing: 1.5 pts (For footnotes, 1 pts).

7. The citations in terms of only footnotes are allowed. The Standard Indian Legal Citation (SILC) method should be followed uniformly throughout the memorial. The page numbering should be on the bottom right side of each page. Plagiarism will result in sanctioning of penalty at the discretion of the Organizing Team.

8. A delay in submission of the memorials will attract a penalty of -2 marks per day. However, the memorials will not be considered for evaluation after 10 April 2022.

9. The identity of the institution shall not be revealed anywhere in the memorial. Violation of this provision shall result in penalties including disqualification. The Organisers' decision shall be final.

10. Blue cover page for Claimants and Red cover page for Respondents.

11. The Claimants and the Respondents Memos can be submitted by clicking on the buttons below.

[CLAIMANTS MEMO SUBMISSION](#)

[RESPONDENTS MEMO SUBMISSION](#)

SCORING CRITERIA FOR MEMORIALS

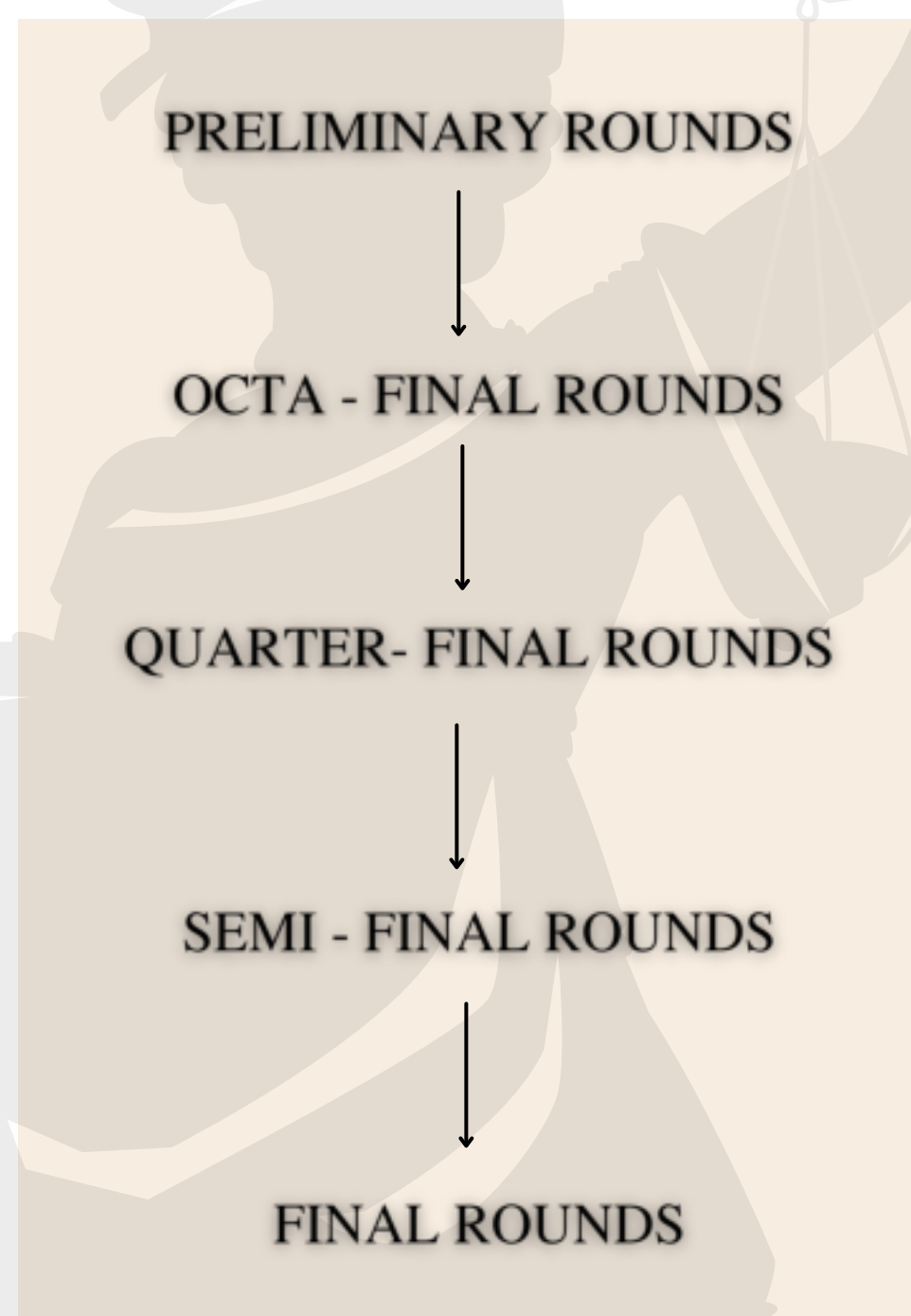
COVERAGE OF ALL ISSUES RAISED IN THE CASE AND SUPPORTED BY AUTHORITIES WITH APPROPRIATE CITATIONS	20
WELL-STRUCTURED AND CONSISTENT PRESENTATION	20
CLEAR, CONCISE AND REASONED EXPRESSION	20
FREE FROM GRAMMATICAL, SPELLING OR PUNCTUATION ERRORS	20
OVERALL FORMATTING	20
TOTAL	100

MARKING SCHEME

1 - 4	5 - 8	9 - 12	13 - 16	17 - 20
POOR	SCOPE FOR MUCH IMPROVEMENT	AVERAGE	VERY GOOD	EXCELLENT

ORAL ROUNDS

1. The team representing the Claimant shall submit their arguments first, followed by the team representing the Respondent. Upon completion of the arguments, the Claimant shall have the option of submitting rebuttals, followed by sur-rebuttals by the Respondent.
2. The Oral Rounds shall comprise of the following stages upon qualification:



3. Each oral qualifier stage would be a single round of arguments per team, either as the Claimant or the Respondent. The fixtures for the same shall be prepared on the basis of a power match-up. The memorial scores of the teams shall be taken into consideration in this aspect for the Preliminary Round and oral scores for the remaining rounds. There shall be a draw of lots for the allocation of sides. Each of these is a knockout round except the Preliminary Round the rules for which shall be intimated after the closure of registrations.

4. Each team will get a maximum of 15 minutes to present the oral arguments. The time split should be such that no individual Speaker takes more than 8 minutes. This applies to Prelims, Octas, Quarters, and Semi-final rounds.

5. For the final round, each team will get a maximum of 20 minutes to present the oral arguments. The time split should be such that no individual Speaker takes more than 12 minutes.

6. The time to be reserved for rebuttals or sur-rebuttals is at the discretion of the teams. However, the same will have to be informed to the court officer before the commencement of the round.

SCORING CRITERIA FOR THE ORAL ROUNDS

KNOWLEDGE OF LAW & FACTS AND THEIR APPLICATION	20
ARTICULATION, USE OF LANGUAGE, LOGICAL & PERSUASIVE ARGUMENTS	20
COURT ROOM ETIQUETTE	20
ADDRESSING QUESTIONS FROM THE BENCH	20
TIME MANAGEMENT	20
TOTAL	100

AWARDS

Winners: Cash Prize of INR 14,000/- + Internship Opportunity with Chandrawat & Partners + Free Courses worth INR 75,000/- from Rostrum Legal

1st Runners-up: Cash Prize of Rs 8,000/- + Internship Opportunity with Fiducia Legal, New Delhi

2nd Runners-up: Cash Prize of INR 1,000/- + Internship Opportunity with Ayddha Legal

3rd Runners-up: Cash Prize of INR 1,000/-

Best Memorial: Cash Prize of INR 3,000/- + Free Publication Opportunity at Burnished Law Journal


Best Speaker: Cash Prize of INR 3,000/-

IMPORTANT DATES

EVENT NOTIFICATION	1 FEBRUARY 2022
RELEASING OF THE PROPOSITION	22 FEBRUARY 2022
LAST DATE TO SEEK CLARIFICATIONS	15 MARCH 2022
LAST DATE OF REGISTRATION	5 APRIL 2022
LAST DATE FOR MEMORIAL SUBMISSION	8 APRIL 2022
ORAL ROUNDS	15 - 17 APRIL 2022


CONTACT US

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MOOT PROPOSITION

1. Wayne & Co. is an instant delivery service company, incorporated in 2016 under the Indica Companies Act, 2013. It follows a hyperlocal delivery business model and sells a wide range of grocery and other household products.
2. Wayne & Co. owns an online portal, Instantmart, on which it lists out all the products available for sale in a particular locality at affordable prices.
3. In the initial years, Wayne & Co. started its operation only in a handful of states of Indica; it rented warehouses in different localities of these states to store groceries and other products.
4. In 2018, after the company received great responses for its services, it successfully acquired huge investments from domestic and foreign investors and opened new branches in twelve new states.
5. As they expanded their services to new states, they had to rent more warehouses to store their products in each of these states. Looking at the circumstances, Wayne & Co. decided to enter into a rent agreement with M&C Storage Facilities.
6. M&C Storage Facilities is a global company that provides warehouses and other storage facilities in almost every state in Indica to conduct various businesses.
7. Wayne & Co. entered into a rent agreement with M&C Storage Facilities to avail the warehouses owned by M&C Storage Facilities in these 12 states. The rent agreement entered between Wayne & Co. and M&C Storage Facilities was for a term of 5 years which could be renewed for another period of 5 years by mutual consent of both parties.
8. The monthly rent agreed by the parties under this contract was Rs. 15,000/-. If the parties agree to renew this contract for another five years, there shall be a 10% enhancement in the rent for the period of the next five years. Further, the security deposit was agreed for Rs. 45,000/- equal to rent for three months.

MOOT PROPOSITION

9. It was also agreed that the tenant should deliver vacant peaceful possession of the premises upon the expiry or earlier determination of the agreement. Clause 20 of the aforesaid agreement stated as follows:

"20. Dispute Resolution

In case of any disputes/differences arising between the Parties of this Agreement, an Arbitral Tribunal shall resolve the same. The Arbitral Tribunal shall consist of three arbitrators, out of which each Party shall appoint two arbitrators, and the two appointed arbitrators shall collectively appoint the third arbitrator, who shall be the Presiding Arbitrator. The decision of the Arbitral Tribunal shall be binding upon the Parties, and the proceedings shall be governed by the Indica Arbitration and Conciliation Act, 1996. The venue of arbitration was agreed to be Nayi Dilli."

10. M&C Storage Facilities sent a reminder via an email dated 15.12.2028 to Wayne & Co. about the expiry of the contract next year in October 2029 of the next year. There was no reply by Wayne & Co. to this reminder. Subsequently, M&C Storage Facilities sent another reminder to Wayne & Co. via email on 24.08.2029 about the expiry of the agreement and asked Wayne & Co. to vacate and peacefully hand over the possession of these warehouses to them.

11. After a period of ten years, on 12.10.2029, the rental agreement between the parties expired, and Wayne & Co. did not vacate the premises. As a result, arbitration was invoked by the M&C Storage Facilities on 18th December 2029, and a notice was sent to Wayne & Co. regarding the same.

12. Subsequently, on 3rd January 2030, M&C Storage Facilities approached the High Court of Nayi Dilli and filed an application for the appointment of an arbitrator. The High Court accepted the application, and the arbitration proceedings were initiated between both the parties.

MOOT PROPOSITION

13. While the arbitration proceedings were going on between these parties, the Hon'ble Supreme court, in one of its judgments, held that "when the Transfer of Property Act, 1882 is applied between landlord and tenant, disputes between the said parties would not be arbitrable."

14. Subsequently, Wayne & Co. filed a review petition with the High Court regarding the arbitration proceedings between them and M&C Storage Facilities. After reviewing the judgment by the Hon'ble Supreme court of Indica, the High Court put a stay on the arbitral proceedings.

15. Aggrieved by the High court's decision, M&C Storage Facilities filed an appeal through a Special Leave Petition before the Hon'ble Supreme court of Indica against the stay put on the arbitration proceedings. The Hon'ble Supreme court has accepted the appeal filed by M&C Storage Facilities.

16. The Hon'ble Supreme Court of Indica framed the following issues: -

- a. Whether the subject matter of the dispute arising out of the rental agreement between the appellant and the respondent is arbitrable and whether the Arbitral Tribunal can decide matters concerning the arbitrability of disputes at a stage where arbitrators have been appointed, and proceedings have commenced?
- b. Which forum, the Arbitral Tribunal or the Court, has the jurisdiction to decide the dispute regarding arbitrability?

Note

A. The laws of the Union of Indica are pari materia to the laws of the Union of India.

B. The case regarding a similar issue pending before the Hon'ble Supreme court, if decided, will not have a binding effect on this court during arguments.

C. The Powers and Jurisdiction of the Hon'ble Supreme court of Indica are the same as the Powers and Jurisdiction of the Apex Court of India.