

**SURANA & SURANA AND UPES SCHOOL OF LAW
NATIONAL INSOLVENCY LAW MOOT COURT COMPETITION, 2018**

28 – 30 September 2018

RULE BOOK

Joint Organizer



International Attorneys

Host & Joint Organizer



UPES School of Law

Dehradun

Venue

UPES School of Law

Knowledge Acres P.O. Kandoli via- Prem Nagar,

Dehradun, Uttarakhand-248007

Tel: 0135-2770137, Extn: 2164

Email Id: mootcourt@ddn.upes.ac.in

RULES AND REGULATIONS

I. AIM & PURPOSE

Surana & Surana and UPES School of Law National Insolvency Law Moot Court Competition has been conceived with the aim of creating opportunities for learning the development of jurisprudence on emerging trends in Insolvency Law besides developing cutting-edge skills in research, writing, and advocacy.

II. VENUE AND DATE

Surana & Surana and UPES School of Law National Insolvency Law Moot Court Competition shall be held from **28 – 30 September 2018** at School of Law, University of Petroleum and Energy Studies (UPES), Knowledge Acres P.O. Kandoli via-Prem Nagar, Dehradun, Uttarakhand. Prof. (Dr.) Tabrez Ahmad, Director, UPES School of Law will be the National Administrator.

III. The competition shall be in the English language.

IV. ELIGIBILITY

The competition is open for students who are pursuing LLB three year / five-year course during the current academic year.

V. TEAM COMPOSITION

- a. Each team should consist of 3 members. This number cannot be modified under any circumstances.
- b. There shall be 2 speakers and 1 researcher designated for each team. The researcher shall be allowed to argue with prior permission of the court and National Administrator in case of illness of the designated speakers.
- c. Teams should not disclose the identity of their institution; such disclosure shall invite penalties including disqualification. The decision for the same shall be at the discretion of the National Administrator.

VI. REGISTRATION

- a. Online registrations are open from **July 2, 2018**. The last date for registration is **August 06, 2018** at www.moot.in
- b. For the purpose of having an efficient competition, there is a capping of only **24 teams on first-come-first-serve** basis who shall participate in this competition.
- c. The Registration fee for the competition is Rs. 5000/team that is to be transferred in favor of *University of Petroleum & Energy Studies* via electronic means in the account details provided. The Transaction id of such transfer of funds is to be filled in the registration form.
- d. The registered participants will receive a team code, within 10 days from the last date of registration, which will function as their identity until the end of this competition.
- e. **Soft Copy** of the Registration particulars, Approval letter including Electronic fund transaction receipt of transfer of Rs. 5000 in favor of *University of Petroleum & Energy Studies* payable at Dehradun shall be sent via e-mail to mootcourt@ddn.upes.ac.in with a copy to mootcourt@lawindia.com with the subject line NATIONAL INSOLVENCY LAW MOOT

REGISTRATION latest by **15 August 2018**. The participants are also required to send the **hard copy** of the approval/registration letter including the electronic transfer receipt to **the host institution at the address provided in point number XXI(B)** so as to reach on or before 1 September 2018.

f. The particulars of the Bank Account for the transfer of registration fee is as follows:

- **Account Holder Name-** *University of Petroleum & Energy Studies*
- **Account Number-** *95950999999999*
- **Bank Name-** *YES BANK, Rajpur Road, Dehradun*
- **IFSC Code-** *YESB0000115*
- **Details: Student name & Institution/University's name**

VII. ROUNDS

There will be two preliminary rounds, a quarterfinal, a semi-final and a final round. **Teams will argue the respective parts (I, II, III, IV) for the various rounds clearly marked and highlighted in the moot proposition**

A. Preliminary Round / Quarterfinal Round

- a. There will be two preliminary rounds of arguments per team, once for applicant & another for respondent. **(Teams will argue issues given in Part I of the proposition)**
- b. No team will face each other more than once in the preliminary rounds.
- c. Each team will face a different bench in their second round of arguments.
- d. Preliminary and Quarterfinals will be held on **29 September 2018 (Saturday)**.
- e. The top eight teams, will qualify for the Quarterfinals. **(Teams will argue issues given in Part II of the proposition. The sides of the teams will be decided by picking of lots. Power match up will be adopted)**
- f. Memorial marks will be added to the scores of both the preliminary rounds only.
- g. There will be an Orientation Program for all the participants on **28 September 2018 (Friday)** followed by a draw of lots & exchange of memorials at 4.30 p.m.
- h. The dress code shall be advocate's attire during the rounds of the competition
- i. The oral arguments need not be confined to the issues presented in the memorials.
- j. Both the Preliminary and Quarterfinal rounds shall be argued before the NCLT only limited to Part I and Part II of the moot proposition respectively.
- k. Quarter & Semi-finals will be knockout rounds.

B. Semi-Final Round

- a. Semi-final rounds will be conducted on **30 September 2018 (Sunday)**.
- b. **Teams will argue issues given in Part III of the moot proposition. The sides of the teams will be decided by picking of lots. Power match up will be adopted.**

C. Final Round:

- a. The final round shall involve acceptance of the resolution plan in the NCLT. Teams will argue upon why the selected plan should be accepted by NCLT or vice versa and other subsidiary issues the teams deem fit for final approval from NCLT.

D. Results (Announcement)

Results will be announced within 30 minutes after the completion of the preliminary/ quarter/ semi-final rounds. The Final result and the winners of the various categories will be announced only during the valediction/prize distribution ceremony.

VIII. MEMORIALS

The following requirements for memorials must be strictly followed. Non-conformities will be penalized:

- a. Each team must prepare memorials for both parties to the dispute (Applicants and Respondent). **Teams will prepare their submissions for all parts (I, II, III & IV) irrespective of the rounds they reach during the oral rounds.**
- b. The **soft copy** of the Memorials for the Applicant and the Respondent should be mailed to mootcourt@ddn.upes.ac.in with a copy to mootcourt@lawindia.com on or before **August 25, 2018**. One **hard copy** of the memorials (both Applicant & Respondent with all components) is required to be sent to **the host institution at the address provided in point number XXI.(B.) so as to reach on or before 1 September 2018**. Late submission will be penalized by one point each per memorial for every day of delay after the due date. No excuses in respect of delayed courier services will be entertained.
- c. Once the soft copy of the memorials has been submitted, **no revisions, supplements, or additions will be allowed.**
- d. The remaining 5 hard copies along with 2 resolution plan shall be submitted during orientation at 4.30 p.m. on 28 September 2018. Teams are not required to send the soft copy of resolution plan at the time of submission of memorial unless otherwise specifically told.
- e. The memorials have to be on A4 size paper **printed on both the sides** and must contain:
 - i. Cover Page
 - ii. Table of contents
 - iii. Table of abbreviations
 - iv. Index of authorities
 - v. Statement of jurisdiction
 - vi. Statement of facts (1 page only and argumentative statement of facts would attract penalties)
 - vii. Statement of issues
 - viii. Summary of arguments (not more than 1 page)
 - ix. Arguments advanced (not more than 15 pages)
 - x. The prayer
- f. The font size should be 12 (double space) and for footnotes, it should be 10 (single space) & double space between two foot-notes.
- g. The memorials should be **softbound**. Any other form of binding shall not be accepted.

- h. The memorials should not be covered with a plastic cover or combed bound. Use of butter paper, plastic sheets, cello tape etc. is strictly prohibited
- i. The memorial must have a margin measuring one inch on all sides of each page.
- j. The page numbering should be on the top right side of each page.
- k. Bluebook Uniform Mode of Citation (20th Edition) or any other recognized uniform method of the citation must be strictly and consistently adhered to draft the memorials.
- l. Covers must be placed on briefs as follows:

Applicant: Light Blue Colour; Defendant: Light Red Colour.

Use of Cellophane sheets over the covers or inside will be penalized.

- m. The cover page of the memorial must state the following :
 - i. Team code (on the top right corner)
 - ii. The cause title
 - iii. Identify brief as Applicants / Respondents as is applicable
 - iv. Name of the Court/Tribunal appearing before.

*** Name of the Participating University shall not be revealed on the cover page or any other pages of the memorial.**

- n. The identity of the institution shall not be revealed anywhere in the memorial. Violation of this provision shall result in penalties including disqualification. The National Administrator's decision shall be final.
- o. The teams may submit a separate compendium (printed on both sides), which will carry all the annexure and case laws that have been referred to in the memorial. The compendium will have a white cover. The teams will retain them and may be submitted to the judges during the rounds through the court assistants for reference. Any identifying marks/seal of the college shall attract severe penalties including disqualification. There will not be any passing of notes to the judges. The compendium will have to take care of this requirement. The team will take them back after the respective rounds.

IX. ORAL ROUND

❖ Preliminary Round & Quarterfinals

- a. Each team will get a total of 20 minutes to present their case. This time will include rebuttal and sur-rebuttal time.
- b. The division of time is at the discretion of the team members, subject to a minimum of 08 minutes per speaker. Division of time shall be informed to the court officer before arguments begin.
- c. Passing of notes to the speakers by the researcher during the rounds is not encouraged.
- d. The researcher shall sit with the speakers at the time of the orals.

❖ Semifinal Rounds

- a. Each team will get 15 minutes to present their resolution plan and 5 minutes for rebuttal and sur-rebuttal time

- b. Any two members of the participating team can present the plan.

❖ Final Rounds

- a. Each team will get a total of 35 minutes to present their case. This time will include rebuttal and sur-rebuttal time.
- b. The teams would argue on the acceptance of the resolution plan and other subsidiary issues from the moot proposition that is important in the acceptance or non-acceptance of the resolution plan in the NCLT.
- c. The division of time is at the discretion of the team members, subject to a minimum of 10 minutes per speaker. Division of time shall be informed to the court officer before arguments begin.
- d. Passing of notes to the speakers by the researcher during the rounds is not encouraged.
- e. The researcher shall sit with the speakers at the time of the orals.

X. SCOUTING

Teams will not be allowed to observe the oral rounds of any other teams. Scouting is strictly prohibited. Scouting by any of the team members shall result in disqualification.

XI. SCORING:

A. Orals

The parameters for judging the oral presentation on a scale of 0 – 100 points are:

- a. Knowledge of facts
- b. Logic and reasoning
- c. Organisation and clarity
- d. Persuasiveness
- e. Deference to the court
- f. Proper and articulate analysis of the issues arising out of facts
- g. Understanding of the legal principles directly applicable to the issues
- h. Ability to explain clearly the legal principles in general keeping to the time allotted
- i. Knowledge and use of legal sources and authorities and general principles of national law
- j. Ingenuity (ability to argue by analogy from related aspects of law)

B. Written Submissions (Memorials)

- a. The memorials shall be marked on a scale of 1-100 points each.
- b. Any revisions, supplements or additions to the memorials after submission shall attract severe penalties subject to the discretion of the National Administrator.
- c. Award of the points shall be based on the following parameters:
 - i. Neatness, legibility, no typographical errors or format errors
 - ii. The logical progression of ideas
 - iii. Effective use of headings to outline arguments

- iv. Understanding essential legal issues presented
- v. Focus on essential (not collateral) issues
- vi. Clear, concise and unambiguous writing style
- vii. Forceful and persuasive presentation
- viii. Integration of facts into legal argument
- ix. Understanding of strengths and weaknesses of case
- x. Discussion of viable alternative arguments
- xi. Understanding and analysis of authority
- xii. Proper use of citations and citation form
- xiii. Effective use of authority to support arguments
- xiv. Ability to distinguish adverse cases

Non- compliance of the rules mentioned in Clause VIII above shall attract severe penalties.

XII. AWARDS

A. Winning Team	Rs. 20,000../-
B. Runner-up Team	Rs. 15,000../-
C. Best Memorial	Rs. 5,000.../-
D. Second Best Memorial	Rs. 2,500.../-
E. Best Student Advocate	Rs. 5,000.../-
F. Second Best Student Advocate	Rs. 2,500.../-

In addition to the above awards, plaques and certificates will be given to other categories of winners. All participants will be awarded participation certificates. **There will also be a special award for best researcher.**

XIII. ANONYMITY

- a. Student counsel may introduce herself/himself to the court through their Team Codes and side represented. However, the team's college/institution affiliation may not be mentioned at any time before the awards ceremony.
- b. Further, all team members, coaches, advisors, and observers shall refrain from identifying a team's school at any time and in any manner, including, but not limited to, wearing any identifying items, such as school clothing, ties, patches, or pins or carrying identifying material (such as a books with a college logo, or college seal).

XIV. DECISION OF THE JUDGES WILL BE FINAL

XV. RESEARCHER'S TEST

- a. The Researcher's Test shall be conducted on Friday, September 28, 2018 simultaneously during the Orientation and draw of lots.
- b. The Researcher's Test shall be in the format of Multiple Choice Questions with the questions based on the applicable law, precedents, and facts pertaining to the Moot Proposition.\

- c. No additional material such as the bare text of Acts, Memorandum, etc. apart from stationery may be brought by the participant to the test and no such material shall be provided by the Organizing Committee.

XVIII. COPYRIGHT

- a. The copyright over the memorials submitted for participation in the competition is assigned by participants and shall also vest completely and fully in, UPES School of Law, Dehradun and Surana & Surana International Attorneys Chennai. The participants shall certify in writing the originality of materials contained therein and shall be responsible for any claim or dispute arising out of the further use and exhibition of these materials.
- b. Further use and exhibition of these materials, electronically or otherwise, shall be the exclusive right of Surana & Surana International Attorneys, Chennai and UPES School of Law, Dehradun, and they shall not be responsible for any liability to any person for any loss caused by errors or omissions in this collection of information, or for the accuracy, completeness, or adequacy of the information contained in these materials.
- c. Distribution of these materials on affiliated websites such as www.moot.in does not constitute consent to any use of this material for commercial redistribution either via the Internet or using some other form of hypertext distribution. Links to the collection or individual pages in it are welcome.

XIX. ACCOMMODATION, FOOD & TRANSPORT

- a. Accommodation, food, and transport between the hotel and the competition venue to the participating teams will be provided by UPES School of Law. The name and mobile number of the student volunteer in charge of transport/accommodation will also be provided to the participating teams well in advance.
- b. Host University shall provide accommodation to all the participants from 28th September 2018 (Morning i.e., 12:00 noon) to 30th September 2018 (Morning i.e., 12:00 noon). In case participants require accommodation for any further dates, they shall be required to pay for the same at the hotel itself.
- c. Local Transport between hotel and Airport/Railway Station/Bus Terminal shall be managed by the participating teams on their own.
- d. Teams should fill and send a scanned soft copy of their travel plan in the sheet available at the last page positively by **August 25, 2018**, at mootcourt@ddn.upes.ac.in with a copy to mootcourt@lawindia.com

** For the clarification of doubt it is pertinent to mention that participants are required to send the **hard copies** of all the documents i.e. Memorials, Registration Form, Approval letter with Transaction ID, Travel plan **in a single parcel only** to **the host institution at the address provided in point number XXI (B)** so as to reach on or before 1 September 2018.

XX. Prof. (Dr.) Tabrez Ahmad, Director, UPES School of Law will be the National Administrator.

XXI. COMMUNICATION DETAILS:

ANY CLARIFICATIONS FOR THE COMPETITION CAN BE SOUGHT FROM:

A. For online registration on www.moot.in :

Dr. S. Ravichandran

Advocate & Head, Academic Initiatives
Surana & Surana International Attorneys
Email: mootcourt@lawindia.com
Ph.: 044 – 2812 0000, Fax: 91 – 44 – 2812 0001

B.

Address for Sending hardcopy of Documents	Email Account Details for Sending Soft copy of Documents
<p>Mr. Ashish Jain Faculty Convenor, Moot Court Association; UPES School of Law, University of Petroleum & Energy Studies (UPES), Knowledge Acres, Kandoli via- Prem Nagar, Dehradun- 248007</p>	<p>mootcourt@ddn.upes.ac.in with a copy marked to mootcourt@lawindia.com</p>

C. Regarding any information about the completion including memorial submission / problem /accommodation /transportation etc.

❖ **Faculty Members:**

<p>Dr. Mamta Rana Faculty Coordinator, MCA E-mail: mrana@ddn.upes.ac.in</p>	<p>Mr. Ashish Jain Faculty Convenor, MCA E-mail: ashish.jain@ddn.upes.ac.in</p>
<p>Ms. Pooja Gautam Faculty Co-convenor, MCA Phone no: 8787030978</p>	<p>Mr. Udit Raj Sharma Faculty Co-convenor, MCA Phone: 8826740864</p>

❖ **Student Body:**

Mr. Girdhar Gopal Khattar Student Convenor, MCA Phone: 8979192333	Mr. Samridhh Bindal Student Treasurer, MCA Phone: 9627638488
Ms. Alini Successena Student Secretary, MCA Phone: 7060945918	For <u>Travel & Accommodation</u> related queries Mr. Anuj Karnatak Student Co-Convenor, MCA Phone: 9669776904

IMPORTANT DATES

Commencement of Online Registration	July 2, 2018
Last date for Online Registration	August 6, 2018
Last date for seeking clarifications of Problem	August 12, 2018
Last date for sending soft copy of Registration form / Approval Letter with Transaction ID receipt	August 15, 2018
Last Date for Submission of Memorials & Travel Form (Soft Copy)	August 25, 2018
Last Date for Submission of Memorials & Travel Form & Registration Form /Approval Letter with Transaction id Reciept (Hard Copy)	September 1, 2018
Inauguration, orientation and Researchers Test	September 28, 2018
Submission of Memorials (Five Hard Copies)	September 28, 2018
Oral Rounds – Prelims (2 rounds) and Quarterfinals	September 29, 2018
Oral Rounds – Semi-finals and Finals	September 30, 2018
Valediction & Prize distribution	September 30, 2018

SURANA & SURANA AND UPES SCHOOL OF LAW

NATIONAL INSOLVENCY LAW MOOT COURT COMPETITION, 2018

Date:

Registration form/ Approval letter

(Please fill in capital letters)

Undertaking

1. We hereby state that our participation complies with the rules and regulations of the competition.
2. We certify that the materials submitted/to be submitted are prepared by us and agree to indemnify the organizers, i.e. Surana & Surana International Attorneys, Chennai and School of Law, UPES, Dehradun for any claim or dispute arising out of the further use and exhibition of these materials.

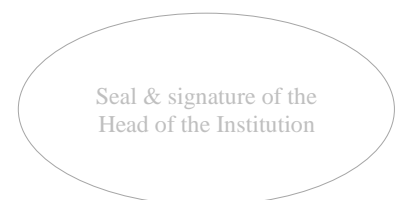
Name & Address of the participating Institution:

Notification Email:

Regd Mobile #:

Name of the participant	Gender	Course	Year / Semester	Signature

Electronic Fund Transfer Receipt No: & Date:
(For Transfer of Registration Fee)



 Seal & signature of the
 Head of the Institution

SURANA & SURANA AND UPES SCHOOL OF LAW
NATIONAL INSOLVENCY LAW MOOT COURT COMPETITION, 2018

TRAVEL PLAN

1. Name of Institution -

2. Arrival Details -
 - a. Mode of Arrival: Train / Air / Bus _____
 - b. Train No. / Bus No. / Flight No. _____
 - c. Estimated Time of Arrival _____

3. Departure Details -
 - a. Mode of Arrival: Train / Air / Bus _____
 - b. Train No. / Bus No. / Flight No. _____
 - c. Estimated Time of Departure _____

4. Any other details:

(Signature & Seal of the Head of the Institution)

Note: - The Travel Form must reach UPES School of Law via mail on or before August 25, 2018 on mootcourt@ddn.upes.ac.in with a subject- SIM Travel Plan of 'TEAM CODE'