



ISWAR SARAN DEGREE COLLEGE

A Constituent PG College of Central University of Allahabad, Prayagraj, Uttar Pradesh (211004)
College with Potential For Excellence, NAAC Accredited B+



CENTRE OF LEGAL EDUCATION

In Collaboration with

HSA ADVOCATES
HEMANT SAHAI ASSOCIATES

Presents

1st NATIONAL MOOT COURT COMPETITION

4th - 6th APRIL 2025


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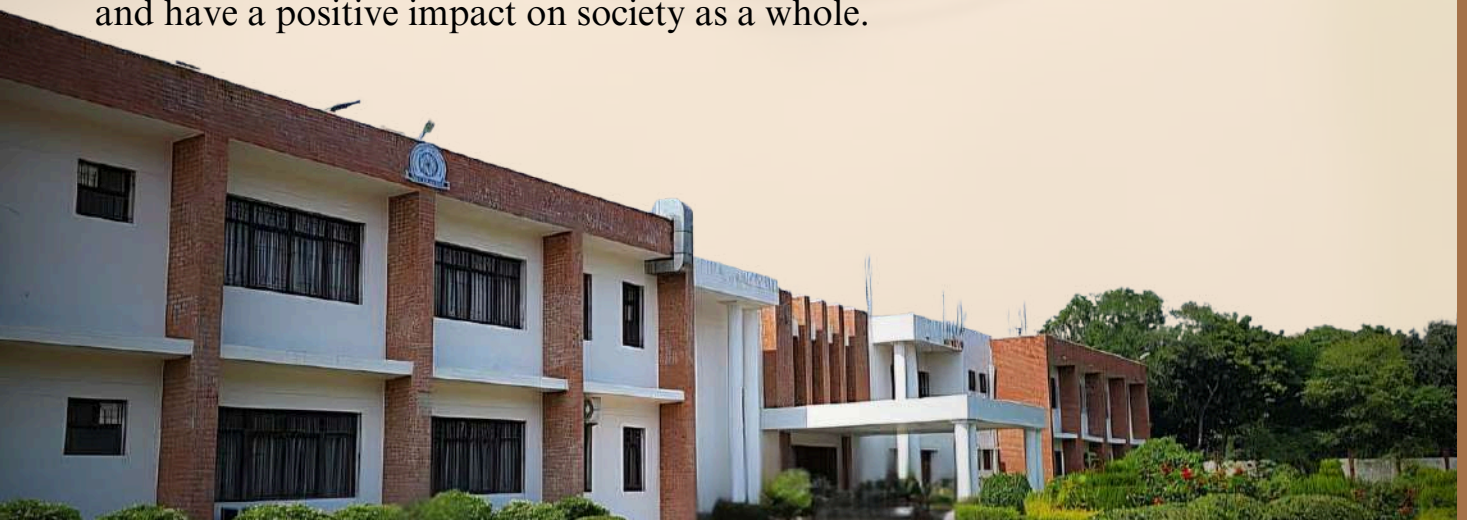
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ABOUT THE COLLEGE

Iswar Saran Degree College, a distinguished constituent PG College of the University of Allahabad, was established in 1970 under the auspices of Harijan Sewak Sangh. The college owes its inception to the visionary Munshi Iswar Saran, a close confidant of Mahatma Gandhi. The profound connection between Munshi Ji and Mahatma Gandhi is exemplified by the latter's two visits to the campus, bestowing upon the institution a heritage of great significance. In homage to its founder, the society was later renamed as Iswar Saran Ashram. Recognizing its academic excellence, the University Grants Commission (UGC) has conferred the esteemed “College with Potential of Excellence” (CPE) status upon Iswar Saran Degree College. The college is steadfast in its mission to impart knowledge, skills, values, and character to students, preparing them to confront the ever-evolving global challenges of life. Beyond conventional courses, the college offers a variety of certified programs that equip students to navigate life's challenges and contribute meaningfully to society. Iswar Saran Degree College stands as one of the 111 Malviya Mission Teacher Training Centres of Ministry of Education, Government of India, operating nationwide, with seven centers located in Uttar Pradesh.

The college have five faculties i.e. Arts, Science, Commerce, Law (Integrated), and B.Voc. comprising 31 UG and 13 PG courses alongwith Ph.D. courses in thirteen science, social science, and humanities departments. Students from over 17 states from different parts of India get enrolled in different courses in the college. More than 8,000 students are pursuing their higher studies in the college. All stakeholders benefitted from the effective execution of research, consulting, teaching-learning, evaluation, extension, and overall quality management activities. The college also offers a variety of certificate programs in addition to its standard academic offerings. These classes provide students the tools they need to deal with life's obstacles, issues and have a positive impact on society as a whole.



PATRONS

CHIEF PATRON

PROF. SANGITA SRIVASTAVA

Hon'ble Vice Chancellor, University Of Allahabad

PATRONS

SHRI AJAY SHANKAR (Retd. IAS)

Chairman, Governing Body

PROF. ANAND SHANKER SINGH

Principal, Iswar Saran Degree College

COORDINATOR

DR. MANOJ KUMAR DUBEY

Convenor, Centre of Legal Education

MESSAGE



SHRI AJAY SHANKAR (RETD. IAS)
CHAIRMAN, GOVERNING BODY

Dear Students, Faculty, and Esteemed Guests,

I hope this message finds you in great spirits. It is with immense pride and enthusiasm that I would like to invite you to actively participate in the upcoming National Moot Court Competition, a flagship event that has long been a hallmark of excellence, intellect, and spirited advocacy.

This competition is more than just a platform for honing legal skills; it is an unparalleled opportunity to engage in stimulating discourse, sharpen analytical thinking, and cultivate the art of persuasive argumentation—qualities that define the essence of a successful legal professional.

I would like to extend my best wishes to each of you. May you give your best and leave an indelible mark on this prestigious event. To our faculty and organizing committee, I express my heartfelt gratitude for your tireless efforts in ensuring the success of this event.

Let us come together to make this National Moot Court Competition a grand success, reflecting the spirit of our Institution and the brilliance of our young minds.

MESSAGE

PROF. ANAND SHANKER SINGH
PRINCIPAL



Dear Students, Faculty, and Esteemed Guests,

This competition is a golden opportunity for you to showcase your legal acumen, critical thinking, and advocacy skills on a national stage. It is an avenue to challenge yourself, learn from peers, and gain insights that extend far beyond the classroom.

This competition is a cornerstone of legal education, offering an extraordinary platform for you to explore the intricacies of law, sharpen your advocacy skills, and engage in intellectual exchanges with your peers. It is a rare opportunity to simulate courtroom experiences, refine your research and argumentation abilities, and grow both personally and professionally.

I encourage all participants to approach this experience with passion and perseverance. Remember, every argument you make, every question you face, and every effort you put forth will contribute to your personal and professional growth. Regardless of the outcome, the journey itself will prepare you for the complexities of the legal world.

Wishing all the participants very best—may your performance reflect your hard work and determination!

MESSAGE

DR. MANOJ KUMAR DUBEY
CONVENOR, CENTRE OF LEGAL EDUCATION



Dear Students, Faculty, and Esteemed Guests,

As the Convenor of the Law Department, it brings me immense joy and pride to address you on the occasion of the National Moot Court Competition hosted by esteemed institution.

To all participants, I encourage you to approach this event with dedication, determination, and an open mind. Embrace the challenges, learn from each moment, and take pride in your efforts, for they represent the first steps toward your future as legal professionals. Remember, success is measured not only by victories but also by the knowledge and confidence gained along the way.

Let us all come together to celebrate the spirit of learning, advocacy, and healthy competition. I wish all participants the very best—may you shine in your performances and make the most of this incredible opportunity.

ABOUT MOOT PROPOSITION DRAFTER & JUDGE

MR. AMARESH KUMAR SINGH

PARTNER AT HSA ADVOCATES



Amaresh K Singh heads the Real Estate practice of HSA Advocates. With over 40+ years of experience in real estate sector, Mr. Singh has advised leading private equity funds, renewable energy entities across wide spectrum, real estate developers, financial institutions, overseas funds and Government funds and HNIs, Trusts, Warehouse sectors in transactional advisory, due diligence and litigation sphere. In addition, he has led Intellectual Rights practice in a leading law firm.

In the Real Estate domain, in addition to handling multiple complex land issues, he has led land due diligences across the country covering about 50,000+ acres alongwith incidental and ancillary mandate for multifarious clients like Azure Power, Skypower, Welspun New Energy Private Limited, Hinduja Renewables Energy Private Limited, BluPine Energy Pvt. Ltd., Renew Power Private Limited. In the Real Estate development and contraction space, he has represented reputed entities like Godrej Properties, Mahindra lifescapes, Lehman Brothers, Blackstone, Deutsch Bank, Embassy of the Government of USA, Ascendas, Capitaland, ATS Infrastructure, Medanta, Reliance Capital, etc.

Mr. Singh is adept at Real Estate laws including all aspects of RERA Acts, Housing Acts, Apartment Ownership Acts and has led significant advisory, transactional and Litigation practice.



EVENT ORGANISERS

PROGRAM COORDINATORS

MR. ASHUTOSH SINGH
(MOOT COURT COMMITTEE COORDINATOR)

DR. JAGRITI VIJAY
(MOOT COURT COMMITTEE CO-COORDINATOR)

DR. LAVALESH SINGH
(ORGANISING SECRETARY)

ORGANISING COMMITTEE

DR. MANISHA KHANNA
MR. KARTIK ASTHANA
MRS. PREETI UTTAM

DR. DIPIKA SHARMA
MRS. SRISTI SINGH
MS. PALLAVI LAKHERA

STUDENT COORDINATORS

MR. NILANSHU DWIVEDI
MS. ADITI S. RATHAUR
MS. SANIDHI SHEKHAR

MR. KARAN MADHWANI
MR. ADITYA
MR. PARITOSH SINGH

SUPPORTING STAFF

SHRI ANIL KUMAR
SHRI SUNIL KUMAR SRIVASTAVA
SHRI ABHISHEK PANDEY

ABOUT CENTRE OF LEGAL EDUCATION

Iswar Saran P G Degree College, a constituent college of University of Allahabad, established Centre for Legal Education in 2019, to conduct the B.A.LL.B (HONS.) FIVE YEAR INTEGRATED COURSE duly recognized by the Bar Council of India to accomplish the noble objective of nurturing talented, righteous and committed lawyers. The event coincided with the auspicious occasion of 50th Golden Jubilee Year of the college.

The B.A.LL.B (HONS.) FIVE YEAR INTEGRATED COURSE develops a rigorous, self – critical, creative and empathic mindset among the students. It offers a supervised and disciplined opportunity to learn practical legal skills through Legal Aid Clinics, Internships, Trial Practice, Moot Court Competitions, Elocutions and Group Discussions to enrich the education of future lawyers in terms of writing skills, advocacy skills and augment their exposure to diverse political, legal and cultural perspectives.

The curriculum is meticulously designed to blend theoretical knowledge with practical application, ensuring that students not only understand legal principles but also develop critical thinking and problem-solving abilities. With an emphasis on interdisciplinary learning, the program integrates subjects from humanities and social sciences, fostering a well-rounded perspective on law and justice. Additionally, guest lectures by esteemed legal professionals, workshops on contemporary legal issues, and research opportunities further enhance students' academic and professional growth, preparing them to navigate the complexities of the legal field with confidence and integrity.



OUR TITLE PARTNER



HSA is a full-service law firm that prides itself on combining knowledge, experience and expertise to create outcome-oriented solutions and ensure its clients stay ahead of emerging opportunities and risks. Its areas of expertise include Projects Energy & Infrastructure; Banking & Finance; Restructuring & Insolvency; Corporate & Commercial; Regulatory & Policy; Defence & Aerospace; Dispute Resolution; Environment Health & Safety; Real Estate; Technology Media & Telecommunications; Taxation; and Investigations. HSA is a law firm built around people. It embraces collaboration while advising its clients. HSA measures its success by the service it provides to clients, irrespective of the size, scope and scale of the matter at hand. HSA has a planned strength of 150+ professionals based out of four offices across India's major cities - Delhi, Mumbai, Bengaluru and Kolkata.

HSA Advocates, renowned for their expertise in the legal domain, have meticulously crafted the Moot Problem for this National Moot Court Competition, ensuring a challenging and intellectually stimulating experience for participants. In addition, they are offering a valuable Internship opportunity that will provide students with firsthand exposure to the practical workings of their specialized legal field. This initiative aims to bridge the gap between academic learning and real-world legal practice, equipping aspiring lawyers with essential skills and insights for their professional growth.

EVENT PARTNERS



We extend our sincere gratitude to Lawctopus, Lawbhoomi and DesiKaanon for their support as the official media partners for the National Moot Court Competition. Your platforms have been instrumental in empowering law students and professionals by providing access to valuable resources, opportunities, and insights. Your partnership ensures that this competition reaches a wider audience, amplifying its impact and significance in the legal community. We deeply appreciate your dedication to promoting academic excellence and fostering a culture of learning and growth, and we are truly honored to have you as our media partners for this landmark event.



We express our heartfelt gratitude to India Law Journal for their invaluable support as the official knowledge partner for the National Moot Court Competition. As a prestigious platform dedicated to advancing legal scholarship and discourse, your association brings unparalleled value to this event. Your commitment to fostering academic excellence and promoting insightful legal research aligns perfectly with the ethos of this competition. We are deeply honored by your partnership, which ensures that participants not only compete but also engage in a rich exchange of ideas and knowledge, elevating the overall experience of this landmark event.



It is the premier institution dedicated to nurturing aspiring judges. Recognizing the unique demands of judicial service examinations, Judiciary Junction offers personalized guidance, customized study material, and a rigorous academic program. Our distinguished faculty, comprising seasoned legal professionals with firsthand experience in cracking these exams and even conducting them, provides invaluable insights. Judiciary Junction ensures comprehensive preparation through regular classes, mock tests, answer writing sessions, and mock interviews.

IMPORTANT DATES

Commencement of Online Registration

15th Feb 2025

Last Date of Online Registration

5th Mar 2025

Option to Seek Clarifications Begins

15th Feb 2025

Last Date for Seeking Clarification

5th Mar 2025

Release of Clarification

10th Mar 2025

Submission of Memorial (Soft Copy)

25th Mar 2025

**Submission of Memorial (Hard Copy),
Inauguration, Draw of Lots**

4th Apr 2025

**Preliminary Rounds and Quarter Finals,
Researcher's Test**

5th Apr 2025

Semi Finals, Finals and Valedictory

6th Apr 2025



RULES OF THE COMPETITION

1. Venue and Date

The National Moot Court Competition shall be held in an offline mode at Iswar Saran Degree College (a constituent college of Central University of Allahabad), Salori-Govindpur Link Road, Salori, Prayagraj on 04th- 06th of April, 2025.

2. Language

The Language of the Competition shall be English.

3. Eligibility

The competition is open for students who are pursuing LL.B three/five year courses during the current academic year from an institution recognized by the Bar Council of India.

I. Each team should consist of three members.

II. There shall be two speakers and one researcher designated for each team. The researcher shall be allowed to argue with prior permission of the court and the Moot Court Committee in case of illness of the designated speakers.

III. 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 Moot Court Committee.

IV. No additional team member other than the above three shall be entertained.

V. Each team shall be assigned with the team code. Teams shall use only their Team code for identification purposes. Names of participants may not appear on or within the written submissions.

4. Registration

The Registration process for the Competition is as follows –

- The first thirty-two teams who register for the competitions shall directly compete in the Preliminary Rounds. They are required to make payment for the Competition which is **INR 5,000/- (without accommodation) or INR 9500/- (with accommodation)**. The last date of registration is 05th Mar 2025.

- **The Teams can Register through the following Link:**

[CLICK TO REGISTER](#)

NOTE: Only one team from each institution is allowed to participate in the Competition. In case of multiple registrations from a single institution, the one registering first shall be considered. The candidates are required to adhere to the particulars mentioned in the online form that they shall submit in order to participate in the competition, non-compliance with which shall result in non-participation.

5. Dress Code

The teams should adhere to the following Dress Code of the Competition:

- **Female Participant(s):** Western Formals (in Black and White); trousers, blazer, shirt, black tie, black formal shoes.

- **Male Participant(s):** Western Formals (in Black and White); shirt, trousers, blazer, black tie, black formal shoes.

- **Use of ID cards and other Disciplinary Requirements:** Each participant will be issued an ID card at the time of entry into the college campus. It shall be mandatory for all participants to wear the ID card at all times inside the campus. Furthermore, it shall be mandatory for each participant to adhere to all the general rules and regulations of college campus at all times.

6. Structure of Event

- **Draw of Lots:** The Draw of Lots will determine the side from which the participating team will first present their argument i.e., Petitioner/Plaintiff or Respondent/Defendant. The Draw of Lots will also decide which team you will be competing against. (There will be no pre-decided fixtures in the Preliminary Rounds). This shall be conducted on April 05, 2025. The team codes will be provided to teams before the draw of lots but their sequence of participation will be decided there on.
- **Preliminary Round:** Each team shall present their arguments from one side in this round, i.e., Petitioner's side or the Respondent's side, as determined under the Draw of Lots. The top eight teams based on their Total Preliminary Score in the Preliminary Round shall qualify for the Quarter Final Rounds. Total Preliminary score includes the memorial score.
- **Quarter-Finals:** The Top Eight teams from the Preliminary Round shall proceed to the quarter finals. This will be a knockout round; hence winners will be decided on the basis of courtroom win. The sides of the teams will be determined by a toss.
- **Semi-Finals:** The Top Four teams from the Quarter Finals shall proceed to the semi-finals. This round again will follow the knock-out round. The sides of the teams will be determined by a toss.
- **Final Round:** The Winner of each courtroom fixture i.e., two teams from the semi-final round shall proceed to this round. The sides of the teams will be determined by a toss.

7. Researcher's Test

- The Researchers Test shall be conducted on **Day 2 (05/04/2025)** of the Competition. The test shall be for a duration of 45 minutes only.
- The test will be based on 50 questions, both subjective and objective. Each question shall carry one mark, and there shall be a negative marking of 0.25 marks. The score of the researcher's test will not be added in the overall score of the team.
- However, a separate award will be given to the Best Researcher, i.e., the researcher who scores the highest marks. In case of a tie, the Award will be given to the one who had less incorrect answers.

8. Memorial Submission

- Each Team is required to prepare Written Submissions for both sides, i.e., the Petitioner and the Respondent of the case.
- A Written Submission shall be identified solely by the Team Code assigned to the Team. The Written Submissions shall not, in any way, disclose any fact pertaining to the identity of the Team members.
- One soft copy (only in PDF format) of each side must be e-mailed to **isdcc.mcc@gmail.com** latest by 25th March, 2025 (23:59 Hours IST) with the subject "Memorials for TC ___". The file names of the electronic copies of the Memorials must contain only the team code and the side being represented in the following format:
- e.g. (for Team Code 15) 15P or 15R, "P" being for "Petitioner" Memorial and "R" for "Respondent" Memorial and so forth. At the time of inauguration ceremony on 04th April 2025, each team will be required to also submit four hard copies of their memorials prepared from both the sides, i.e., four copies from the petitioner's side and four copies from the respondent's side. The hard copies must be spiral bound, and must adhere to all the guidelines mentioned below.

9. Compendium

All participating teams at their option can prepare a compendium as a supplement to their memorial submission. The compendium may contain all relevant provisions of law and important judgments cited, if any. There can be no arguments/argumentative interpretation of facts/judgments in the compendium. Any such arguments will be disregarded and shall result in penalization. The compendium may be presented to the judges for further reference and clarity of argument presented by the speaker.

10. Plagiarism

Participants must ensure originality in their work and avoid excessive plagiarism. A similarity of up to 20% may be permitted, provided that all publicly available information is properly cited. Failure to comply with this rule may result in disqualification from the Moot Court Competition, 2025.

11. Clarification

The option to seek clarifications shall be open from 15th Feb 2025. The participants may seek clarifications regarding the Moot Proposition by sending an e-mail to **helpdeskidc.mcc@gmail.com** or may call/text to **7237973854** (Nilanshu Dwivedi). Attempt to seek clarification by any mode other than those mentioned above shall attract disqualification.

12. Scouting

Scouting shall be deemed to have happened if the speakers, researcher or any other person affiliated with a team is found: Witnessing, hearing, observing, etc. the oral submissions in a Round, except where the round is one in which the team to which he/she is affiliated is participating in reading a memorial of a team except where: it is of the team to which he/she is affiliated; or the memorials have been obtained on account of an exchange of memorials prior to a round of the team to which he/she is affiliated.

13. Disclaimer

The Proposition does not attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is fictitious and is prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.

14. Awards/Trophy

- The team with the maximum score in the final round will be declared as the “Winning Team” and the team with the second highest score in the final round will be declared as the “Runners up Team”.
- The speaker with the maximum score in the Preliminary Rounds will be declared as the “Best Speaker”.
- The team with the maximum Memorial scores will be awarded as “The Best Memorial”.
- The researcher scoring the highest marks in the Researcher Test will be awarded as “The Best Researcher”.

15. General Rules for Oral Rounds

The language to be used during the Rounds is English.

The Competition shall consist of the following Rounds:

- Preliminary Rounds
- Quarter-Finals
- Semi-Finals
- Final

During each of the above-mentioned rounds, the order in which the teams shall present their arguments is as follows:

- Petitioner Speaker 1
- Petitioner Speaker 2
- Respondent Speaker 1
- Respondent Speaker 2
- Rebuttal

Memorial Submission shall consist of the following mandatory heads:

- a) Cover Page
- b) Table of Contents
- c) List of Abbreviations
- d) Index of Authorities
- e) Statement of Jurisdiction
- f) Statement of Facts (not exceeding 2 pages)
- g) Statement of Issues
- h) Summary of Arguments (not exceeding 2 pages)
- i) Arguments Advanced (not exceeding 25 pages)
- j) Prayer (not exceeding 1 page)

The cover page of the Memorials must contain the following:

- a) The Team Code in the upper right-hand corner.
- b) The name and place of the jurisdiction.
- c) The provision under which case is filed.
- d) Name of the Parties and Status.
- e) The side for which the Written Submission has been prepared – Memorial filed on Behalf of Petitioner/Respondent.

Furthermore, participants must follow a uniform formatting style in their memorials:

- a. Font Type: Times New Roman
- b. Font Size: 12
- c. 1.5 Line Spacing
- d. Margin: One inch on each side
- e. Footnotes: Font type: Times New Roman/Font Size: 10/Single Line Spacing.

It is further clarified that the Moot Court Committee reserves the right to refuse acceptance of any memorial which is in violation of any of the above-mentioned norms.

Teams shall cite authorities in the Memorial using footnotes following the Harvard Bluebook 21st Edition. Colour of the cover page must be: Blue in case of Petitioner/Appellant & Red in case of Defendant/Respondent.

The Best Speaker Award shall be determined on the basis of the individual aggregate score of the Speaker taken only from the Preliminary Rounds.

The Researcher shall not be permitted to address the Court during the Oral Rounds. The Researcher may however, be permitted to pass notes to the Speakers at the discretion of the Judges.

The use of mobile phones or any other electronic gadgets during the oral rounds would be strictly prohibited, unless specifically allowed by the judge in the respective courtroom. The decision of the Judges as to the marks allotted to each team shall be final.

EXCHANGE OF MEMORIAL

Memorials shall be exchanged based on the Draw of Lots or Toss, as the case may be, that will take place before the commencement of each round.

The side to be represented and the team clash, as determined by the toss, shall be final; and no request for changing the same shall be entertained.

16. Preliminary Rounds

Each side shall get a maximum of 20 minutes which will be divided by both the speakers of the team to present their arguments. The time limit is exclusive of the time for Rebuttal. Time allocation for Rebuttals depends upon the discretion of the bench.

The top eight teams shall qualify to the Quarter Final Rounds on the basis of the aggregate score of the team in their Preliminary Rounds plus the score of their memorials.

17. Quarter Final

The maximum time for the arguments per side shall be 30 minutes which will be divided by both the speaker of the team. The time limit is exclusive of the time for Rebuttal. Time allocation for Rebuttals depends upon the discretion of the bench. The top four teams of the Quarter-final Round shall advance to the Semifinal Round.

18. Semi-Final Rounds

Each side shall get a maximum time of 40 minutes which will be divided by both the speakers of the team to present their arguments. The time limit is exclusive of the time for Rebuttal. Time allocation for Rebuttals depends upon the discretion of the bench. The top two teams of the Semi-final Round shall advance to the Final Round.

19. Final Round

Each side shall get a maximum time of 45 minutes which will be divided by both the speakers of the team to present their arguments. The time limit is exclusive of the time for Rebuttal or Sur-rebuttal respectively. Time allocation for Rebuttals depends upon the discretion of the bench.

20. Accommodation and Travel

- Participants registering by applying for accommodation will be provided accommodation.
- Travel facility will be provided from the accommodation to the college in the morning, and back to the hotel in the evening. Participants who do not avail the travel services at the allotted time must make the arrangements for themselves.
- Participants will be provided breakfast, lunch, high tea and dinner on both the days of the competition.

21. Miscellaneous

The Rules governing the conduct of the Competition should be strictly adhered to. Any deviation thereof can attract penalties or disqualifications at the sole discretion of the Moot Court Committee. The Organising Committee reserves the right to amend, alter, vary or change, in any manner whatsoever, the Rules governing the Competition, which would be communicated to the teams within a reasonable period of time.

22. Penalties

LATE SUBMISSION	1 MARK PER MEMORIAL EVERY 2 HOURS AFTER DEADLINE. DISQUALIFICATION BEYOND 48 HOURS
WRONG FILE NAME	1 MARK PER MEMORIAL
FAILURE TO SUBMIT MEMORIAL AS ONE FILE	1 MARK PER MEMORIAL
EXCEEDING PAGE LIMIT	0.5 MARK PER PAGE
FAILURE TO INCLUDE ALL COMPONENTS OF MEMORIAL	3 MARKS PER MEMORIAL
FAILURE TO INCLUDE OR REQUIRED INFORMATION ON THE COVER PAGE	1 MARK PER MEMORIAL
FAILURE TO USE CORRECT COLOUR CODING	2 MARKS PER MEMORIAL

23. Criteria of Evaluation

KNOWLEDGE OF LAW & FACTS	25 MARKS
ADVOCACY SKILLS	25 MARKS
ANALYSIS AND AUTHORITIES CITED	25 MARKS
RESPONSE TO JUDGES' QUESTIONS	15 MARKS
COURT MANNERISM	10 MARKS
GRAND TOTAL	100 MARKS

AWARDS



WINNER

INR 51,000

- INTERNSHIP OPPORTUNITY AT HSA ADVOCATES
- WINNER'S TROPHY

RUNNER-UP

INR 25,000

- Runner-up's Trophy

BEST SPEAKER

INR 10,000

- Trophy & Certificate

**BEST
RESEARCHER**

INR 10,000

- Trophy & Certificate

**BEST
MEMORIAL**

INR 15,000

- Trophy & Certificate

- Certificate of participation shall be provided to each participant.

MOOT PROPOSITION

BEFORE THE SUPREME COURT OF INDICA

M/s. Apex Realty Developers Pvt. Ltd. v. Mr. Aryan Mehta and Ors.

1. Background Facts: M/s. Apex Realty Developers Pvt. Ltd. (“the Promoter”), an eminent real estate conglomerate with a formidable presence in the Indican property market, launched an ambitious luxury residential project, “Skyline Heights,” in the burgeoning metropolitan region of Nova, Indica. The project was extensively marketed as a state-of-the-art residential enclave, boasting world-class amenities, eco-friendly infrastructure, and adherence to stringent timelines, thus attracting substantial investments from prospective homeowners, including Mr. Aryan Mehta and a consortium of other allottees (collectively referred to as “the Allottees”).

In furtherance of these transactions, the Promoter executed:

A Memorandum of Understanding (MoU) with each Allottee, wherein it undertook to allocate specific residential units upon payment of the agreed consideration. The MoU, however, contained an arbitration clause stipulating that any disputes, including those concerning non-performance, delays, or refund claims, would be mandatorily referred to arbitration, with the sole arbitrator to be appointed exclusively by the Promoter. The MoU explicitly precluded recourse to statutory or judicial forums for dispute resolution.

Notwithstanding its representations, the Promoter failed to adhere to the promised construction schedule, despite having secured nearly 85% of the total consideration from the Allottees. The delay, initially projected to be marginal, extended indefinitely, exacerbated by financial mismanagement, alleged fund diversions to unrelated projects, and regulatory non-compliances. The Promoter periodically provided assurances of completion, attributing the delays to purported force majeure events, including fluctuating market conditions, governmental policy changes, and supply chain disruptions.

Faced with prolonged inaction and substantial financial duress, the Allottees lodged a formal complaint before the Indica Real Estate Regulatory Authority (“IRERA”),

invoking Section 31(1) read with Section 18 of the Real Estate (Regulation and Development) Act, 2016 (“RERA”). They sought restitution of the amounts paid, coupled with compensatory relief for the undue hardship suffered due to the Promoter’s derelictions.

2. Proceedings Before IRERA: In response, the Promoter vehemently contested IRERA’s jurisdiction, raising the following objections:

2.1. The arbitration clause in the MoU, duly assented to by both parties, vitiated IRERA’s authority over the dispute, thereby mandating a reference to arbitration.

2.2. Section 18 of RERA, which governs refund obligations in cases of delayed possession, was inapplicable in the absence of a formally registered agreement for sale, as only an MoU existed between the parties.

2.3. The construction delays were attributable to extraneous force majeure contingencies, which were beyond the Promoter’s control and should absolve it from any refund or compensatory liability.

3. IRERA, in its adjudication, dismissed the Promoter’s contentions and rendered a ruling in favor of the Allottees, holding as follows:

3.1. The jurisdiction of IRERA, being conferred by a special statute enacted for consumer protection, could not be circumvented or ousted by a private contractual arbitration clause, particularly where the rights of homebuyers were statutorily safeguarded.

3.2. The absence of a registered agreement for sale did not extinguish the allottees’ claims under RERA, as the substantial financial commitments made by them and the legitimate expectations engendered by the Promoter’s conduct warranted judicial intervention.

3.3. The plea of force majeure was unsubstantiated, as the delays stemmed from the Promoter’s own acts of misfeasance, financial indiscipline, and regulatory non-compliance rather than unforeseen circumstances beyond its control.

3.4. The Promoter was directed to refund the amounts collected from the Allottees along with interest at the prescribed rate under RERA, in addition to compensatory relief for the undue hardship caused.

4. Appellate Proceedings Before IREAT: Aggrieved by the order, the Promoter preferred an appeal before the Indica Real Estate Appellate Tribunal (“IREAT”), reiterating its objections and asserting that IRERA had overstepped its jurisdiction. However, IREAT reaffirmed IRERA’s findings, underscoring that allowing arbitration in such matters would subvert the consumer-centric objectives of RERA, effectively enabling

real estate developers to evade statutory obligations through private dispute resolution mechanisms.

5. Proceedings Before the Supreme Court: Consequent to the dismissal of its appeal, the Promoter invoked the jurisdiction of the Supreme Court of India by way of a Special Leave Petition under Article 136 of the Constitution of India- The Promoter impugned the findings of IREDA and IREDA, contending that statutory consumer forums could not override the fundamental principles of contractual autonomy, including the doctrine of party autonomy in arbitration.

6. Issues for Consideration:

1. Whether the statutory jurisdiction of the Real Estate Regulatory Authority established under RERA is ousted by the presence of an arbitration clause in the MoU?
2. Whether disputes arising under RERA, particularly those concerning refund claims and compensatory relief under Section 18, are amenable to arbitration or exclusively fall within the remit of RERA's adjudicatory framework?
3. Whether an unregistered agreement for sale, in the form of an MoU, disentitles allottees from invoking statutory remedies under RERA, despite their substantial financial contributions towards the project?
4. Whether the doctrine of election, which permits parties to opt for alternative dispute resolution mechanisms, applies in favor of arbitration where a mandatory statutory forum exists under RERA?
5. Whether the Promoter's invocation of force majeure, in the absence of demonstrable evidence of circumstances beyond its control, is sufficient to exonerate it from liability under Section 18 of RERA?

Prayer:

The Petitioner (M/s. Apex Realty Developers Pvt. Ltd.) prays for:

1. An order setting aside the judgment of IREDA and directing that the dispute be resolved exclusively through arbitration, as envisaged in the MoU.
2. A declaration that arbitration remains a valid and binding dispute resolution mechanism, notwithstanding the presence of statutory remedies under RERA.
3. Recognition of the force majeure doctrine as applicable to real estate transactions, thereby exempting the Promoter from refund and compensation liabilities.

The Respondents (Mr. Aryan Mehta and Ors.) seek:

1. An order upholding the decision of IREDA, affirming that RERA provides an overriding statutory mechanism for consumer protection, which cannot be contractually circumvented.

2. A declaration that arbitration clauses embedded in builder-buyer agreements cannot preclude allottee from seeking remedies under RERA.

3. A direction to the Promoter to refund all amounts paid by the Allottees, along with applicable interest and compensation for the hardship suffered.

Note to Participants

- Participants are expected to present cogent and nuanced arguments, buttressed by relevant statutory provisions, judicial precedents, and principles of statutory interpretation. The moot court proceedings shall simulate an appeal before the Supreme Court of India under Article 136 of the Constitution, requiring a robust engagement with the interplay between contractual arbitration and statutory consumer protection frameworks.
- **All laws of India are *pari materia* with that of Republic of India.**
- **Moot Proposition is drafted by HSA Advocates. Any attempt to contact the drafters of problem regarding the proposition shall result into disqualification.**

CONTACT/PAYMENT

The following people can be contacted in the event of any query or clarification relating to any information or any detail related to the competition:

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Ms. Aditi S. Rathaur +91 9026868952
(Student Co-ordinator)

REGISTRATION DETAILS

- REGISTRATION FEE WITHOUT ACCOMODATION ₹5000/- (PER TEAM)
- REGISTRATION FEE WITH ACCOMODATION ₹9500/- (PER TEAM)

BANK DETAILS

Account Holder Name: PRINCIPAL ISWAR SARAN DEGREE COLLEGE
Account Number: 50500201683
IFSC Number: IDIB000A583
Bank: INDIAN BANK

[SCAN TO REGISTER](#)



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CAMPUS AT A GLANCE



COLLEGE ACTIVITIES





STUDENTS' ACHIEVEMENTS



PRESS RELEASE

साविधान के सुचारु क्रियान्वयन में नागरिका का भूमिका अहम

प्रयागराज। संविधान के विभिन्न उपबंधों के सुचारु रूप से क्रियान्वयन में नागरिकों की भूमिका भी अहम होती है। यह बात इलाहाबाद हाईकोर्ट की न्यायमूर्ति साधना रानी ठाकुर ने रविवार को संविधान दिवस पर ईश्वर शरण कॉलेज में हुए कार्यक्रम में बोलीं। न्यायमूर्ति साधना रानी ठाकुर कार्यक्रम में वक्ता मुख्य अतिथि कही। विशिष्ट अतिथि इविचि के पूर्व डीन प्रो. बीपी सिंह ने संविधान बनाने में संविधान सभा की भूमिका पर चर्चा की। कॉलेज के प्राचार्य प्रो. आनंद शंकर सिंह ने अध्यक्षता करते हुए संविधान के मूल अधिकारों एवं नीति निर्देशक तत्वों की भूमिका के बारे में बताया।

मॉडल युनाइटेड नेशन आयोजन स छात्रों के व्यक्तित्व व कौशल में वृद्धि

प्रयागराज। युनाइटेड नेशन प्रोग्राम का आयोजन प्रयागराज में आयोजित किया गया। इस कार्यक्रम में छात्रों के व्यक्तित्व व कौशल में वृद्धि के लिए आयोजित किया गया। इस कार्यक्रम में छात्रों के व्यक्तित्व व कौशल में वृद्धि के लिए आयोजित किया गया।

विकासत भारत का सपना, पर ससाधन बना चुनाता

स्वस्थ शरीर में ही स्वस्थ मस्तिष्क का विकास होता है : आनंद शंकर

प्रयागराज (बीएनएन)। ईश्वर शरण पोली कॉलेज में शनि रहे वार्षिक क्रिकेट प्रतियोगिता का समापन उपचार को महाविद्यालय के अध्यक्ष आनंद शंकर सिंह ने विद्यार्थियों से परिचय कर के बाद लिस्का उद्घाटन कर



वार्षिक क्रिकेट प्रतियोगिता : भगत सिंह एकादश को हराकर बीएएलएलीवी एकादश विजेता बनी

विद्यार्थियों को स्वस्थ शरीर में ही स्वस्थ मस्तिष्क का विकास होता है एवं खेल को प्रोत्साहित करने के लिए आयोजित किया गया।