

**28<sup>th</sup> BAR COUNCIL OF INDIA INTER UNIVERSITY MOOT COURT  
COMPETITION, 2012**

**CLARIFICATIONS REGARDING MOOT PROBLEMS**

**MOOT PROBLEM - I**

1. **(a) Query:** Para 10 of the Fact sheet states "SEUSS received advice from VEX of a circular letter to be written by SEUSS to all retailers to salvage the situation".

Para 14 of the Fact Sheet states "the High Court found that because SEUSS had chosen to go to VEX for advice and VEX had provided that advice and SEUSS had acted on such advise, SEUSS had waived its right to claim damages and thus, the High Court overturned the finding of the Trial Court, set aside the decree of damages and dismissed SEUSS's suit."

Did SEUSS act upon the advice that it received from VEX?

**Response:** No clarification is required; please read the contents of the problem as sufficient.

**(b) Query:** Was the Certificate of appeal under Article 134-A was granted by the High Court or not?

**Response:** No such certificate was granted.

2. **Query:** When High Court has passed a judgment or decree in favor of VEX then why Vex is approaching to Supreme Court , as it is given on the 1st page of the problem that VEX is appellant?

As per the problem, "The High Court held clause 41 of the Contract is invalid because of the provisions of Section 23 and 28 of the Contract Act and Clause 42 of the Contract could have been applicable in the present situation. However, on further consideration, the High Court found that because SEUSS had chosen to go to VEX for advice and VEX had provided that advice and SEUSS had acted on such advise, SEUSS had waived its right to claim damages and thus, the High Court overturned the finding of the Trial Court, set aside the decree of damages and dismissed SEUSS" s suit."

**Response:** For queries 2 and 5, note that, the Supreme Court has granted 'leave' and the Civil Appeal has now been posted for final hearing on the cross-appeals filed by VEX on Issue-1, and by SEUSS on Issue-2 (as stated in the compromis).

3. **Query:** Can we challenge the authority of arbitrator as the necessary procedure for the appointment of that is not given in the moot problem? (Can we assume that necessary requirements has been fulfilled or we can raise question on that uncertainty)

**Response:** No clarification is required; please read the contents of the problem as sufficient.

4. **Query:** Whether the suit for damages under Clause 42 of the agreement was filed in a trial court.

**Response:** No clarification is required; please read the contents of the problem as sufficient.

5. **Query:** Whether in the present matter the Appellant is VEX and the respondent is Perseuss Inc. even after the High Court dismissed Seuss' suit.

**Response:** Refer to the response to query 2.

## MOOT PROBLEM - II

1. **Query:** If you may please clarify that in the second problem i.e. on 28th BCI National Trust Moot Court Competition, it states that Shaheen and Sohail both filed writ petitions in the Navi Dally High Court. I seek clarification if there is any error when the moot problem states that both Shaheen and Sohail have filed writ petitions in the Navi Dally High Court.

**Response:** There is no error.

2. **Query:** Shaheen has appeared before the Magistrate Court seeking to restrain Sohail and Afreen from dispossessing her from which apartment? Is it the apartment owned by Amir or the new apartment in Vistar Vihar Extension Phase 3?

**Response:** It is the apartment in Greater Palash

3. **Query:** In the clubbed writ petitions which have gone before the Navi Dally High court, since both parties have filed writ petitions; which would be the petitioner and which would be the respondent?

**Response:** Please follow the procedure/drafting technique used for writing short and long titles when two cross petitions are filed and they are connected together.

4. **Query:** Afreen still continues to live in which apartment? The Apartment owned by Amir or the one in Vistar Vihar Extension Phase 3?

**Response:** It is the apartment in Greater Palash.

5. **Query:** Was Afreen or Amir made one of the respondent with respect to the application made under Domestic Violence Act?

**Response:** No clarification is required; please read the contents of the problem as sufficient.

6. **Query:** Was the above mentioned person a party in any of the two the writ petition pending in the High Court?

**Response:** Participants will need to decide whether and which parties are to be impleaded in writ proceedings.

**General Clarification:** While the title of the new apartment under Navi Dally Development Authority Vikas Scheme, 2010 vests with the successful applicants of the lottery, its possession is likely to be given by the Navi Dally Development Authority to the successful applicants by May 1, 2012

### **MOOT PROBLEM – III**

1. **Query:** Whether the petitioners have approached the Supreme Court of India under Article 32 or 136 of the Constitution of India.

**Response:** As stated under the problem, the Petitioners have approached the Supreme Court in Article 32 writ petition.

### **MOOT PROBLEM – IV**

1. **Query:** Where is the registered office of Tenjiku Space Imaging?

**Response:** TSI has its registered office at New Delhi.

2. **Query:** Grounds of Non-maintainability considered by High Court of Vanar while dismissing the writ petition.

**Response:** No clarification is required; please read the contents of the problem as sufficient.

3. **Query:** Grounds of dismissal of the civil suit by the High Court of Delhi.

**Response:** No clarification is required; please read the contents of the problem as sufficient.

## GENERAL CLARIFICATIONS

1. Participants are allowed to frame additional issues in respect of the moot problems, in case they feel the need to do so.
2. Problem for the Preliminary Rounds is Moot Problem – I.
3. Last date of submission of memorials is March 3, 2012 for the Moot Problem I and March 10, 2012 for Moot Problems II, III and IV.
4. Teams are required to submit 6 (six) copies of memorials for all four problems.
5. The page limit of five pages is exclusive of the Table of Contents, Table of Abbreviations, Statement of Facts, Statement of Jurisdiction, Questions Presented, Summary of Issues and the Prayer.
6. The teams can use uniform method of citation, font to be used is Times New Roman (12) in the main text and Times New Roman (10) in the footnotes, line spacing 1.5 in main text and single spacing in footnotes.
7. Teams are required to only write the team codes on the front page of the memorial and **are not** required to mention their names and names of their University as is mentioned in the Rule Book.

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