



11th

NATIONAL MOOT COURT COMPETITION

19th-21th September, 2024

IMS UNISON UNIVERSITY

Nurturing Knowledge. Empowering Minds.

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Organised by: Moot Court Society, School of Law, IMS Unison University, Dehradun

Moot Court Society at a glance

The practice of Law is the practice of Humanity

Greetings to all the enthusiasts and distinguished participants!

We extend a warm welcome to the 11th Edition of the National Moot Court Competition 2024.

It is with great anticipation and profound pride that we welcome you to the 11th Edition of our National Moot Court Competition, 2024. As we embark on another year of rigorous legal engagement, we take this opportunity to reflect on the remarkable journey that has led us to this significant milestone. A decade ago, at the School of Law, IMS Unison University Dehradun, we embarked on a transformative mission to elevate the practice of law through real world exposure. Today, we stand on the shoulders of that vision, continually advancing the art of advocacy, legal drafting, and comprehensive research.

Our Moot Court Society was established with a clear vision: *to nurture the next generation of legal professionals through a blend of theoretical knowledge and practical experience*. Over the years, this vision has been the cornerstone of our society's evolution. Every edition of our moot court has been a testament to the dedication of our Faculty Conveners, the zeal of our student committee, and the continuous support of our esteemed community.

As we celebrate the 11th Edition of this prestigious event, we honour not only the tradition we uphold but also the dynamic progression of legal education. This competition is a crucible for legal brilliance, a forum where intellectual rigor meets practical application, and where emerging advocates demonstrate their mastery of legal discourse and courtroom strategy.

This event is designed to enhance your legal prowess, stimulate intellectual discourse and foster enduring connections within the legal community. It is an occasion to celebrate the art of advocacy and to refine skills that define exceptional legal practitioners.

Let us honour the legacy of our predecessors, revel in the present achievements, and move forward to a future enriched by legal excellence. Together, we will carry forward the baton of tradition, inspire new heights of legal scholarship, and contribute to the enduring legacy of our Moot Court Society.

With Best Wishes
Moot Court Society 2024
School of Law
IMS Unison University, Dehradun.



From the

VICE-CHANCELLOR'S DESK

Dear Legal Scholars,

It is with immense honor that I commence the 11th edition of the National Moot Court Competition 2024 organized by the Moot Court Society, School of Law of IMS Unison University, Dehradun.

The National Moot Court Competition, a flagship event held annually, brings together the brightest legal brains from across the country to engage in a simulating and challenging encounter.

This edition's dictum focuses on "The crucible of law: Where knowledge becomes courtroom prowess."

This event will provide a remarkable opportunity for all the nascent lawyers to hone their oratory skills and navigate through critical legal issues at the grassroots level.

After a decade long tradition of hosting the event, I am confident that our long serving and proficient students of the School of Law will be on hand to answer your questions and assist you with your visit.

I urge all the participants to seize the opportunity, embrace the change and showcase their dedication towards the field of law. Now is the time to move forward with renewed resolve, setting trends to achieve our vision of "*Excellence in Professional Education.*"

I look forward to celebrating your achievements at the national stage!

With best wishes

Dr. Anil SubbaRao Paila
Vice-Chancellor
IMS Unison University, Dehradun.

From the

DEAN'S DESK



Dear Participants,

"Act as if what you do makes a difference. It does."

These profound words by William James perfectly capture the essence of our quest for knowledge. It is a fundamental aspect of life to seek knowledge and wisdom, and the more we learn, the more we become aware of our ignorance. This epiphany motivates us to continue our journey of learning, constantly seeking wisdom and understanding. Great learning must be accompanied by a willingness to listen to others, a value that should never be overlooked.

The value of ideas and the capacity for thought and learning become increasingly apparent to us as times go by. More than knowledge, we require inspiration. We need passion, not pettiness. We need courage, not cowardice. We reach our destination with discipline and deep thinking, not with alliances and diversions. The discipline of action, although it may sometimes lead to mistakes, is far preferable to safe and stationary living.

With this spirit of continuous learning and action, we are thrilled to announce the 11th Edition of the National Moot Court Competition, 2024 at the School of Law, IMS Unison University, Dehradun. This flagship event is a testament to our unwavering commitment to consistency, integrity, and fairness. As a cornerstone of our academic calendar, this competition promises to be a platform where theoretical knowledge meets practical application, shaping the future of legal advocacy.

This year, we proudly present a meticulously crafted case that delves into contemporary legal issues, challenging participants to navigate through intricate legal principles and present compelling arguments. Whether you are a seasoned mooter or a novice, this competition offers an inclusive platform for all to showcase their talent, passion, and dedication to the legal field. We extend our sincere and warm welcome to all esteemed participants of this competition and convey our best wishes for their endeavours ahead.

In the words of William A. Ward, "Plan purposefully, prepare prayerfully, proceed positively, and pursue persistently." This advice is particularly pertinent to our young and brilliant minds. We believe that this event will not only be a fruitful endeavour but will also humbly encourage everyone to participate, learn, and grow. Let us embrace the spirit of learning and action, staying young at heart and vibrant in our pursuits. We look forward to witnessing the brilliance and dedication of all participants, confident that this 11th Edition will be both challenging and rewarding.

Warm Regards
Prof. (Dr.) Ashish Verma
Dean School of Law
IMS Unison University, Dehradun.

From the
FACULTY CONVENER



Dear Students,

IMS Unison University is pleased to invite participation from all law students for the 11th National Moot Court Competition. This revered event has been slated for 19th – 21st September, 2024 and is poised to raise the bar of content at this forum.

One of these is moot court competitions, which play a salient role in legal education by providing students an environment conducive to applying their theoretical understanding of the law to realistic situations. In my capacity as Faculty Convener for this competition, I would be failing in my duty if I let pass the occasion to underline how important moot court competitions are when it comes to learning. These debates can help sharpen the advocacy skills of a debater, make them reflect on various perspectives and values in which our laws should be interpreted to match with or change within society. Regularly participating in a moot court competition as our own is not only knowledgeable you about law related things but also helps you for the future challenges of legal profession contributes.

At IMS Unison University, we are committed to fostering a culture of academic excellence and providing platforms for students to showcase their talents. Our moot court competition is designed to simulate real-life court proceedings, giving participants a taste of what it means to argue cases before judges and to defend legal positions with clarity and conviction. Moreover, participating in moot court competitions offers networking opportunities with peers, faculty members, and legal professionals. It provides a forum for constructive feedback from experienced judges, helping you to refine your advocacy skills and build confidence in presenting legal arguments.

I encourage all law students to seize this opportunity to participate actively in the 11th National Moot Court Competition at IMS Unison University. Whether you are a seasoned participant or considering your first moot court experience, this competition promises to be a rewarding journey of learning, growth, and professional development. I invite you to embrace this opportunity to challenge yourself, expand your horizons, and contribute to the vibrant legal community that we nurture at IMS Unison University. Your participation not only enriches your academic journey but also contributes to the overall success and prestige of our institution in the legal fraternity.

Thank you for your attention, and I look forward to welcoming you to the 11th National Moot Court Competition at IMS Unison University.

Warm regards,
Mr. Kshitij Kumar Rai
Faculty Convener
Moot Court Society
School of Law
IMS Unison University, Dehradun.

From the

FACULTY CO-CONVENER



“The greatest glory in living lies not in never falling, but in rising every time we fall” — Nelson Mandela

It is with profound anticipation and academic enthusiasm that I welcome you to the prestigious 11th National Moot Court Competition 2024, hosted by IMS Unison University, Dehradun. This event embodies our commitment to fostering an environment where legal acumen and advocacy are not merely taught but actively lived and experienced.

The Moot Court Competition represents a confluence of intellectual rigor and practical application, where aspiring legal minds engage in a sophisticated exchange of argumentation and jurisprudential inquiry. As Oliver Wendell Holmes Jr. wisely remarked, *“The life of the law has not been logic; it has been experience”* reminding us of the profound impact of practical application in the study of law.

In the esteemed tradition of juridical excellence, this competition serves as a crucible where theoretical principles are tested against real-world scenarios. It is an arena where the art of advocacy meets the science of legal reasoning, and where each participant's eloquence and analytical prowess are showcased. As we embark on this remarkable journey together, let us remember the words of William Arthur Ward: *“Opportunities are like sunrises. If you wait too long, you miss them.”* Through such challenges and opportunities, we move closer to understanding and embodying the true essence of justice.

As the Faculty Co-convener of the 11th National Moot Court Competition 2024, I extend a hearty welcome to the law schools and institutions from across the country. Together, let us forge a path towards legal excellence and intellectual growth.

With sincere regards,

Mr. Ramendra Pratap Singh
Faculty Co-Convener
Moot Court Society
School of Law
IMS Unison University, Dehradun.

From the Advisor



As we embark on this prestigious 11th edition of Moot Court Competition at IMS Unison University, Dehradun. I am filled with pride and anticipation for the journey that lies ahead for all our participants.

As the venerable jurist Benjamin N. Cardozo eloquently stated, “*The final cause of law is the welfare of society.*” Moot court exemplifies this axiom by compelling participants to navigate the intricate interplay between legal doctrine and societal imperatives. It challenges you to advocate with precision, intellectual rigor, and unwavering ethical standards. Through this competition, we aspire to cultivate in our students an acute understanding of the law's role as both a sword and shield in the pursuit of justice.

Mooting transcends the mere dialectics of legal argumentation; it is a profound voyage of intellectual maturation and professional refinement. As the Hon'ble Justice Ruth Bader Ginsburg once remarked, “*Real change, enduring change, happens one step at a time.*” I urge you to perceive this experience as a formative step in your juridical odyssey—one that will indelibly shape your future as stewards of justice. To all participants, I extend my sincerest wishes for success. May this competition not only challenge your acumen but also galvanize your resolve to excel in the noble pursuit of justice.

**Advisor,
Advocate Aditya Barthwal
Moot Court Society
IMS Unison University, Dehradun.**

From the

Student Conveners



As the 11th Edition of the National Moot Court Competition 2024 gets underway, the Moot Court Society, School of Law, IMS Unison University is proud and delighted to be leading this highly intellectual competition in the role of Student Conveners.

Law is as old as the society itself, which evolved as a means to regulate interactions, resolve disputes and maintain order within communities. Customary Laws were the earliest forms of law having a basis on the long-standing practices and traditions. The ancient societies derived their laws from religious beliefs and scriptures, for instances the Ten Commandments of in Judaism and Christianity, as societies became more complex, written laws emerged in the form of Code of Hammurabi in ancient Babylon.

The evolution of laws in India is deeply rooted in the country's rich cultural and religious heritage. The concept of “*Dharma*”, a central tenet of Hinduism, formed the bedrock of the Indian Legal System. Dharma, often translated as “*duty*” is the foundation of law and is more than just religion. It was viewed as the cosmic order and adhering to Dharma ensured societal harmony. The ancient Hindu rulers were expected to uphold Dharma, and had to exercise judicial powers interpreting and applying Dharma to matters which transformed into precedents, thereby contributing to the development of customary law.

The slogan of the Supreme Court of India – “**यतो धम तो जयः**” or “*Where there is Dharma, there is victory*” is a profound statement that encapsulates the core philosophy of the Indian Judiciary. The slogan serves as a guiding principle for judges, reminding them of their duty to uphold Dharma in their decisions. It strives to promote impartiality and objectivity in the judicial process, ensuring that decisions are based on law and justice, not personal biases, it serves as a constant reminder of the judiciary's role in upholding the Rule of Law and protecting the rights of citizens.

As we stand at the threshold of the 11th National Moot Court Competition 2024, we embolden you to take this step, keeping your apprehensions aside and believing in yourself to do the best irrespective of the outcome. This competition promises to be a showcase of exceptional talent, where intellect meets passion, as emerging legal minds navigate the complexities of jurisprudence with clarity and conviction. IMS Unison University presents an opportunity for you to embark on an exhilarating journey that will not only hone your skills but also act as a driving force towards your amelioration.

We look forward to hosting you.

In anticipation,

Rushabh Rajeev Tripathi & Samiksha Jain,

**Student Conveners,
Moot Court Society
School of Law
IMS Unison University, Dehradun.**



Key Dates:

Events	Dates
Registration Opening	1st August, 2024
Last Date of Registration	8th September, 2024
Last date of submission of soft copy of memorials	15th September, 2024
Last date of submission of hard Copy of memorials	19th September, 2024
Inaugural, draw of lots, Exchange of Memorials, Researcher Test Preliminary Rounds	19th September, 2024
Quarter Finals & Semi Finals	20th September, 2024
Final Round & Valedictory Ceremony	21th September, 2024

RULES AND REGULATIONS

I. ELIGIBILITY

The Competition is open for students pursuing three/five-year L.L.B. Degree Course from recognized Law College/University in India, subject to fulfilment of the registration formalities. The participants are inclusive of L.L.M. students as well.

II. TEAM COMPOSITION

Each team shall consist of maximum of three members (Two Mooters and One Researcher). All participants are mandatorily required to carry their University/College ID Cards during the competition.

III. DRESS CODE

Inside the court room, the participants shall be in formals.

Female(s): White salwar and kurta/ White Shirt, Black Trouser & Black Tie along with Black Blazer and Black Shoes

Male(s): White Shirt, Black Trouser & Black Tie along with Black Blazer and Black Shoes

***Note:** non-adherence to the prescribed dress code shall attract penalties.

IV. REGISTRATION

To confirm participation, teams of every Institution should register themselves as per schedule mentioned above. The registration process consists of the following two step:

Step 1: Each team is required to fill the details in the Google Form for the purpose of registration. The link – <https://forms.gle/jkfTMRt6syTPv62H6>

Step 2: Each team is required to send the scanned copy of the NEFT/IMPS/UPI transaction details to e-mail ID – sol.mootcourt@iuu.ac by September 8, 2024. Subject of the mail should bear "Registration for IMS UNISON UNIVERSITY 11th National Moot Court Competition 2024"

V. REGISTRATION FEES

Registration fees for the participants is as under (including GST) : INR 6000

Details for Payment through e-mode such as NEFT/IMPS/UPI are as under:

+ **Beneficiary Name : IMS Unison University**
+ **Account No. : 02251450000456**
+ **Bank : HDFC Bank Ltd**
+ **IFSC Code : HDFC0000225**
+ **Branch : Rajpur Road, Dehradun**

VI. RESEARCHER'S TEST

There shall be a Researcher Test on **19th September 2024**, and it shall be mandatory for all the researchers of all the teams participating in this competition to sit in this evaluation. Best Researcher shall be adjudged by the marks obtained in the researcher test. However, the marks of the "Researcher's Test" shall not be added to the mooting marks of any team.

NOTE: In case of draw, the marks of memorial shall be taken into consideration.

VII. ROUNDS

There shall be a total of four rounds in this competition, the duration of each is mentioned as under:

Preliminary Rounds – 25 mins per team (Maximum time for one speaker 15 minutes)

Quarter Finals – 25 mins per team (Maximum time for one speaker 15 minutes)

Semi Finals – 30 mins per team (Maximum time for one speaker 20 minutes)

Final Round – 45 mins per team (Maximum time for one speaker 30 minutes)



NOTE: Rebuttal (if available) shall be inclusive in the total time allotted to the team.

The Moot Court Society shall have the exclusive right pertaining to all, and any issues related to the 11th National Moot Court Competition. The decision of the Moot Court Society shall be final, and binding and no team or participant whatsoever shall have any right to challenge the same.

VII. MEMORIAL AND MARKING EVALUATION:

Each team must send their 5 set of hard copies of each side of memorial i.e., 5 Petitioner/Appellant and 5 Defendant/Respondent.

NOTE

1. In no case, the page limit for Annexure should exceed 10 A4 size pages.
2. Any issue or pleading, not discussed within the Memorial, shall not be included in any other section of the Memorial.
3. Counsels are allowed to frame issues within the given facts in the moot proposition only.
4. Counsels are not allowed to introduce additional facts.
5. The font of the body of the memorial should be Times New Roman, Size 12, line spacing 1.5 & headings should be 14. Bluebook 20th edition must be strictly adhered to for citations. Font Size of the cover page may be 14 or 16.
6. Memorials should have one (01) inch margin on all sides of each page.
7. Pages should be numbered at the bottom middle.
8. The memorial should not contain any photographs/ sketches/ affidavits etc. Once the Memorials have been submitted, no revisions, supplements or additions shall be allowed.
9. Only the memorials received within the prescribed time schedule shall be evaluated by the Memorial Evaluation Committee (MEC) constituted by the Moot Court Society, IMS Unison University, Dehradun.

The evaluation will be done on the following parameters:

S. No.	Criteria	Maximum Marks
1.	Knowledge of Facts & Law	25
2.	Extent and Use of Research	25
3.	Proper and Articulate Analysis	20
4.	Clarity and Organization	10
5.	Correct Format and Citation	10
6.	Grammar & Style	10

VIII. CODE OF CONDUCT

COURT MANNERS (ORAL ARGUMENTS)

1. The language for the Moot Court Competition shall be English only.
2. Any form of communication between the Bar and by any person other than those on the Bench is completely prohibited, and any indulgence in the same shall result in a penalty.
3. Submission of any written material other than the memorials and any other documents related to the proposition in hand to the Bench prior to, during or after oral arguments is not allowed and any indulgence in the same shall result in a penalty.
Failure to deliver an oral argument shall be considered in entirety, a disqualification.
4. Use of any kind of electronic devices like laptop, mobile, Tablets etc. is strictly not allowed during the moot proceedings.
6. All participants are expected to maintain the decorum of the Court during the online competition and are expected to conduct themselves in a manner befitting the legal profession.

SCOUTING:

Teams will not be allowed to observe the rounds of any other teams. Scouting in any form is strictly prohibited. Scouting by any of the team members will result in immediate disqualification. The decision of the organizer shall be final and binding in this regard.

CHEATING, INTIMIDATION AND MISCONDUCT

1. Cheating or using of unfair means of any kind is strictly prohibited and if found indulged in, shall result in disqualification of the team.
2. Intimidation in any form is prohibited and if found indulged in, shall result in disqualification of the team.
3. Misconduct, whether behavioural or otherwise, is not allowed and any indulgence in the same shall result in disqualification of the team.

NON-COMPLIANCE WITH THE RESULT OF THE MOOT COURT SOCIETY

The participants are required to comply with the rules formulated by the Organizing Committee during the Moot Court Competition. In case of any non-compliance with the rules of the Moot Court Society penalty may be imposed by deduction of marks and the teams may also be disqualified after they have been warned once.

PENALTY

The penalties shall be levied as under for non-adherence to competition rules:

1. Penalty for non-adherence of memorial guidelines
2. Late submission beyond the stipulated time period will attract 2 points penalty per memorial for each day of delay.
3. The memorial exceeding maximum number of pages i.e., 40 A4 size pages shall attract 5 points penalty.
4. Introduction of additional facts in the memorial shall attract 5 points penalty per additional fact.
5. Use of incorrect font or font size, use of inconsistent size, improperly formatted index of authorities or improper line spacing shall attract 5 points penalty. Failure to include all parts of the memorial, or inclusion of an unremunerated part, substantive legal argument outside of approved sections of memorial, excessive length, failure to include necessary information on the memorial cover, inclusion of any identifying mark, character or text in the memorial shall attract 5 points penalty.
6. Exceeding prescribed time limit to a team for the oral rounds may attract up to 5 points penalty as per the discretion of the presiding judge.
7. Penalty for misconduct during Pleadings.
8. Any form of communication between the Bar and by any person other than those on the Bench is completely prohibited, and any indulgence in the same, shall result in a penalty point of 1 mark per communication.
9. Submission of any written material other than the memorials and any other documents related to the proposition in hand to the Bench prior to, during or after oral arguments is not allowed and any indulgence in the same shall result in a penalty point of 5 marks.
10. Non-adherence to the prescribed dress code shall attract penalty of 5 marks per member of the team.

DISQUALIFICATION

Notwithstanding anything written as a part of the above-mentioned rules, following shall result in disqualification of the team in entirety. The hard copies must be exact print outs of the soft copies. Non-compliance with this rule would entail disqualification.

In addition to this following shall lead to disqualification:

1. Use of Electronic Devices like Mobile, Laptop, Tablets etc
2. Scouting
3. Misconduct with the judges or with the members of the Moot Court Society
4. Any act which is not found befitting the standards of Legal Profession

DISPUTES

Any dispute about the Moot Court Competition shall referred to the Moot Court Society, before the end of the competition. The decision of the Moot Court Society shall be final and binding.

IX. FOOD & TRAVEL

1. Transport services shall be provided by the organisers from a pr-e decided stop to the 'Venue'.
(IMS Unison University, Dehradun).
2. Breakfast, Lunch and High-tea is inclusive in the following event (as per itinerary).

AWARDS AND CERTIFICATES

CATEGORY	CASH PRIZE / CERTIFICATES
WINNER	INR 21,000/-
Runner up	INR 12,000/-
Best Mooter	INR 4,000/-
Best Researcher	INR 3,000/-
Best Memorial (Respondent)	INR 3,000/-
Best Memorial (Petitioner)	INR 3,000/-

NOTE:

- **One-year complimentary subscription to SCC Online Web Edition to be distributed to the Winning Team.**
- **One-year complimentary subscription to EBC Learning to be distributed to the Runner Up Team.**
- **One month access to the SCC Online Web Edition to all the participant**

PATRONS



Mr. Amit Agarwal
President
Board of Governors
IMS Unison University
Dehradun



Dr. Anil SubbaRao Paila
Vice Chancellor
IMS Unison University
Dehradun

MOOT COURT SOCIETY



Prof.(Dr.) Ashish Verma
Chairman, Moot Court Society
IMS Unison University
Dehradun



Mr. Kshitij Kumar Rai
Faculty Convener
IMS Unison University
Dehradun



Mr. Ramendra Pratap Singh
Faculty Co-Convener
IMS Unison University
Dehradun



Mr. Aditya Barthwal
Advisor
IMS Unison University
Dehradun



Mr. Rushabh Rajeev Tripathi
Student Convener
IMS Unison University
Dehradun



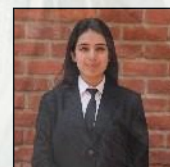
Ms. Samiksha Jain
Student Convener
IMS Unison University
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Ms. Ipshita Adhikari
Student Co-Convener
IMS Unison University
Dehradun



Ms. Aashita Semwal
Student Co-Convener
IMS Unison University
Dehradun



Ms. Suhani Miglani
Student Co-Convener
IMS Unison University
Dehradun

MOOT COURT SOCIETY

CONVENERS

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Ms. Samiksha Jain

CO-CONVENERS

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Ms. Ipshita Adhikari

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Moot Court Society,

School Of Law,

IMS Unison University, Dehradun

MOOT PROPOSITION

INTRODUCTION

1. Indiana is a largely and densely populated developing nation whose economy is currently growing at a respectable rate. Its automobile industry especially has regained its growth after a lull during the pandemic. The industry seems to be putting old economics lessons to shame, since the demand for new automobiles has continued to grow and grow fast, despite the high fuel and maintenance prices prevailing in Indiana.
2. Sonata Auto India Pvt. Ltd. is an OEM (Original Equipment Manufacturer) specifically, an automobiles company that comes from a huge Global Automobile giant and brand, which operates in Indiana. Among the top five companies, in terms of passenger vehicle sales numbers, this company has attained immense success over a long-sustained presence in India. All eyes are on this company which is about to soon launch a high-value IPO in Indiana.
3. Spearheads Pvt. Ltd. is an OES (Original Equipment Supplier) engaged in the making of metal fabrications and plastics engineering for various applications.
4. Gotech Pvt. Ltd. is a small-scale OES engaged in the manufacturing of electronic gadgets, devices, and other equipment including components for the purpose of sale to manufacturers of vehicles and other machines.
5. Sabretech Pvt. Ltd. is another OES engaged in manufacturing electronic equipment.

Factual Background

PART I (failed consumer litigation)

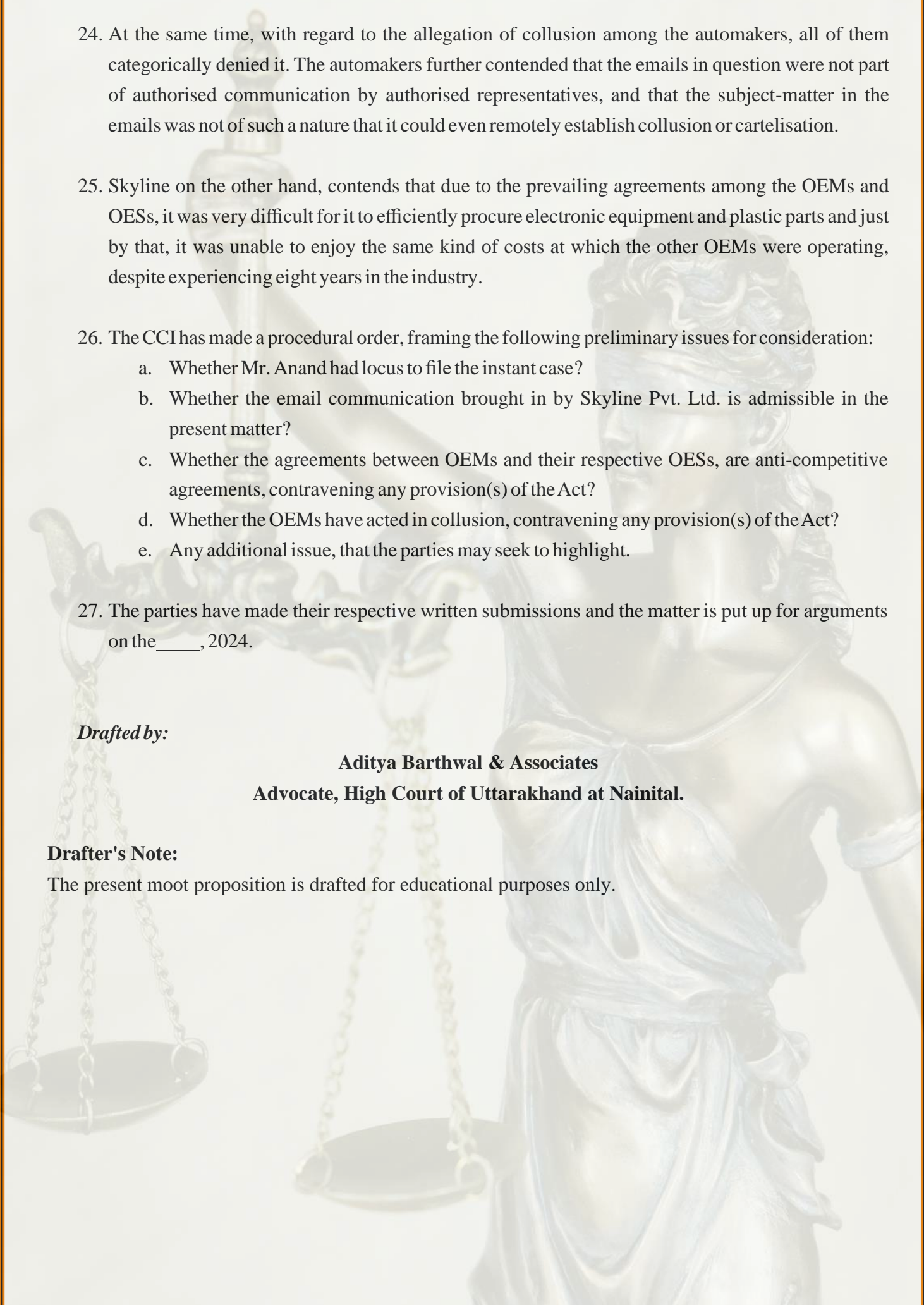
6. Lalit Anand is a working professional in the IT sector and works remotely from a small valley and his hometown in Indiana. He has also been a proud owner of a premium Sonata vehicle for over 12 years, till present day. What motivated him to purchase this particular vehicle was that it was a value-for-money proposition, what with the lower initial costs than some of the other brands.
7. However, since 2015, the car started developing certain serious issues. There was a substantially concerning and disturbing sound whenever the brakes were applied. When taken to the service center, it was suggested to Mr. Anand to get the entire braking system replaced, since, as they said, the problem was nothing but normal wear and tear.
8. Mr. Anand was in disbelief as to how, within the first three years, the car was exhibiting such disturbing issues. When he inquired about the cost of replacement of the braking system, he was further taken aback by the quote of the service center. He then quickly composed himself and remembered that the car was still only in its 3rd year of a 5-year warranty cover. But to his surprise, he was also told that this would not be covered under the warranty of the car and it was also obvious to him that it was certainly not covered under the insurance either.

9. He explored other options and started inquiring about where else, other than the authorized service center, he could get his car fixed for cheaper than that. However, he soon learned that if he went to such car repair shops/ garages, there would not be any guarantee, as to the authenticity of the spare parts. In fact, he was also warned by the representatives of the authorized service center that in case he went to get his car fixed from such places, he would also be undertaking a risk of voiding his warranty for the future.
10. Lucky for him, although there was the issue of the disturbing and annoying sound, he was assured that this would not, per se, lead to any problems in the functioning of the car. So, there was no rush to get it fixed.
- 11 He pursued litigation before the district consumer forum, alleging deficiency in service and sought to get the issue resolved under the warranty cover, along with some alternative reliefs. After a two-year period, the district forum ruled in favor of Mr. Anand. Naturally, Sonata (P) Ltd. moved in appeal, where again, they lost. However, in the apex consumer forum, while the court sympathized with the plight of Mr. Anand, it also appreciated the fact that after all, it was a case of wear and tear of the vehicle and not a manufacturing defect. Moreover, the parts in question were decidedly not covered in the warranty plan.
12. Thus, on December, 2023, after an eight year long legal battle, Mr. Anand ultimately lost. He had already been using the car for 11 odd years, as it was, with the issue. Ultimately, he sold it off without getting it fixed.

PART II (Complaint/ Information to CCI)

13. Thereafter on June 15, 2024, Mr. Lalit Anand filed an information under Section 19(1)(a) of the Competition Act, 2002 (hereinafter, referred to as the “Act”) on against Sonata Auto India Pvt. Ltd., alleging anti-competitive practices, whereby the genuine spare parts of automobiles manufactured by the said OEM, were not made freely available in the open market.
14. The Commission considered the matter and on perusal of the material on record, passed prima facie order dated July 17, 2024, under section 26(1) of the Act directing the Director General (hereinafter, referred to as the “DG”) to conduct an investigation into the matter and submit his investigation report.
15. From the preliminary enquiries made during the investigations, it came to light that Sonata had agreements with several OESs including Spearheads, Gotech, and Sabretech for the object of engaging them to manufacture several components, spares, equipment etc. These agreements however, also barred these OESs to sell to any other party, than Sonata itself. Apart from using these as raw materials for the production of their automobiles, Sonata would then exclusively market and distribute these spares under their own name and brand through its own authorised retailers/ dealerships/ service centres.
16. The DG also opined that other automobile manufactures or OEMs (other than the afore-mentioned manufacturer named by the Informant) might also be indulging in similar restrictive trade practices with respect to after sales service, procurement and sale of spare parts from the Original Equipment Suppliers (hereinafter referred to as “OES”), setting up of dealerships etc.

17. It appeared that the case involved a much larger issue relating to the prevalence of anti-competitive conduct by the automobile players in Indiana's automobile sector and its implications on the consumers at large. Consequently, the DG proposed before the Commission that the investigation should not be restricted to the one car manufacturer named by the informant, alone, and that it should be expanded to examine the alleged anti-competitive trade practices of all car manufacturers in Indiana.
18. As it also turned out, one, Skyline Pvt. Ltd., a relatively new startup in the space of EV manufacturers, came forward with a leniency application dated 27th July, 2024, against the same list of above noted OEMs and alleged that there had been coordination and collusion among the automakers (OEMs). It flagged and exhibited quite a few email communications among the representatives of OEMs, pertaining to several matters such as new product launches, and discussion as to their respective price-segments.
19. In many such emails, what was also discussed was the allocation of semi-conductor chips among the respective OEMs. The representatives of Skyline argued that it, as a new entrant, did not have an option other than joining the other established players in automobile industry, in their nefarious collusive practices to be able to gain access to suppliers and distribution channels.
20. The representatives of Skyline also added that the new CEO was appointed on 1st January, 2024 and that when he learned that such a practice had been going on, he immediately started making amends and ensured that their company stopped participating in the said group of OEMs indulging in such anti-competitive practices. They later also learned that the present case was pending before the CCI, and as soon as they could, they filed their leniency application as a new complaint.
21. The above information from Mr. Lalit Anand and the aforesaid complaint from Skyline were clubbed and the dispute is now an action against six other automakers and twenty other suppliers apart from the original opposite parties, before the CCI, Indiana.
22. In the DG's investigation, it was revealed that there were agreements in place between a given OEM and its respective OES to supply the spare part in question, only to that OEM, so it could market the same under the OEM's own brand. It turned out all the OEMs had similar agreements in place with their respective OESs. Finding the conduct of the OEMs abusive, the DG has further observed that in the absence of availability of genuine spare parts, diagnostic tools, technical manuals etc. in the open market, the ability of the independent repairers to offer repair and maintenance services to the vehicle owners and effectively compete with the authorized dealers of the OEMs for similar services was severely hampered. Further, as per the DG, each OEMs used their dominant position in the market for the supply of their spare parts to protect their dominance in the market for repair and maintenance services for their respective brands of automobiles.
23. The automakers contend that there was nothing illegal about maintaining such exclusive agreements and distribution networks for the purpose of ensuring quality and authenticity in the spare parts market. They also argued that these agreements ensured their profitability in service and spares which sets off low profit from direct sale of automobiles. The idea was to offer automobiles at low initial prices to attract buyers and then later make up lost revenue in after sale service and sale of spares.

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24. At the same time, with regard to the allegation of collusion among the automakers, all of them categorically denied it. The automakers further contended that the emails in question were not part of authorised communication by authorised representatives, and that the subject-matter in the emails was not of such a nature that it could even remotely establish collusion or cartelisation.
25. Skyline on the other hand, contends that due to the prevailing agreements among the OEMs and OESs, it was very difficult for it to efficiently procure electronic equipment and plastic parts and just by that, it was unable to enjoy the same kind of costs at which the other OEMs were operating, despite experiencing eight years in the industry.
26. The CCI has made a procedural order, framing the following preliminary issues for consideration:
- Whether Mr. Anand had locus to file the instant case?
 - Whether the email communication brought in by Skyline Pvt. Ltd. is admissible in the present matter?
 - Whether the agreements between OEMs and their respective OESs, are anti-competitive agreements, contravening any provision(s) of the Act?
 - Whether the OEMs have acted in collusion, contravening any provision(s) of the Act?
 - Any additional issue, that the parties may seek to highlight.
27. The parties have made their respective written submissions and the matter is put up for arguments on the _____, 2024.

Drafted by:

**Aditya Barthwal & Associates
Advocate, High Court of Uttarakhand at Nainital.**

Drafter's Note:

The present moot proposition is drafted for educational purposes only.

TRAVELLING PLAN

Name of the Participant as per college ID card	
College Name	
Contact No	

MODE OF COMMUTE - _____

Arrival Ticket (TRAIN / FLIGHT / BUS Booking Reference Details)

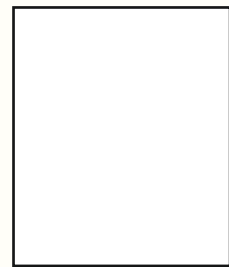
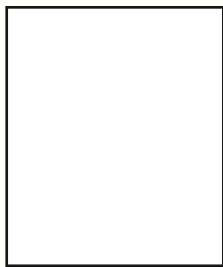
IF LOCAL, ADDRESS DETAILS –

RETURN TICKET (BOOKING REFERENCE DETAILS) –

DECLARATION BY THE TEAM MEMBERS

We hereby certify that the information given by us is true and complete in all material respect.

We also undertake to abide by the Rules & Regulations of the Moot Court Society of the School of Law, IMS Unison University..



**Signature
Speaker 1**

**Signature
Speaker 2**

**Signature
Researcher**

DATE : _____

**Seal and Signature of
Dean/HOD School of Law**