



DEPARTMENT OF LAWS, PANJAB UNIVERSITY CHANDIGARH

IN ASSOCIATION WITH



भारतीय प्रतिस्पर्धा आयोग
Competition Commission of India

COMPETITION COMMISSION OF INDIA

PRESENTS

SECOND EDITION OF THE CCI-DEPT. OF LAWS NATIONAL MOOT COURT COMPETITION 29TH- 31ST MARCH 2024



mootcourtsociety.pulaws@gmail.com



Instagram
(@mootcourtsocietyofficial.pulaw)
Instagram photos and videos
[instagram.com](https://www.instagram.com)

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**SECOND CCI-DEPARTMENT OF LAWS NATIONAL MOOT
COURT COMPETITION 2024**

RULES

I. INTRODUCTION

1. This competition will be called as Second Edition of the CCI-Department of Laws National Moot Court Competition.
2. The Competition is scheduled to be held between **29th March 2024 to 31st March 2024** at the Department of Laws, Panjab University, Chandigarh.
3. Prof. Dr. Shipra Gupta will be the ‘Convenor’ of the competition. The decision of the convenor, organising committee and the moot court society with respect to the competition shall be final in all respects.
4. The Competition shall be conducted in accordance with these Rules, and all teams and participants shall be presumed to have read and understood these Rules.

II. GENERAL

5. **Dress Code:** The participating team shall adhere to the dress code:
 - 5.1 Ladies: White salwar and kurta or white shirt and black pants or skirt along with black coat and black shoes; and
 - 5.2 Gentlemen: White shirt, black trousers and black tie along with black coat and black shoes.
6. **Language:** The official language of the competition is English.

III. ELIGIBILITY AND TEAM COMPOSITION

7. **Eligibility:** The competition shall be open to students who are –
 - 7.1 Pursuing a 5-year integrated LL.B Degree Programme in India, or
 - 7.2 Pursuing a 3-year LL.B Programme in India.
8. **Composition of teams:** Each participating team shall consist of three members. The number of participants will not be more than three.
 - 8.1 In each of the oral rounds two members of the team will be speakers and different members of the team can be speakers in different oral rounds. The teams shall identify the

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speakers at the beginning of each round. **However, to be eligible for the award of the best speaker a participant must have argued in both the preliminary rounds.**

8.2 Teams must not reveal the name of their institution, or names of the participants, anywhere in the memorials or in the course of the oral arguments. Teams must also not make use of or display in any manner whatsoever any logo, pins, badges etc. in the memorials or during the course of the oral arguments.

8.3 Substitution of any team member is not allowed after the date of final registration except in extenuating circumstances and only with the permission of the organising committee.

IV. STRUCTURE OF THE COMPETITION

9. The competition consists of **written submissions (Memorials)** and **oral pleadings (Oral Rounds)**. For the purpose of this competition, each team shall submit memorials on behalf of Petitioner as well as Respondent.

10. The competition will be held in rounds viz.:

- **Memorial qualifier Round**
- Preliminary Round-1
- Preliminary Round-2
- Quarterfinal
- Semi-final
- Final Round

11. Memorial qualifier round:

A total of **sixteen (16) teams** will qualify for the oral rounds. In the event that the teams submitting the memorials are more than 16, the teams with the highest memorial scores will qualify for the oral rounds of the competition.

12. Preliminary rounds:

There will be two preliminary rounds and each team shall argue twice in the Preliminary Rounds, once for the Petitioner and once for the Respondent. The match up of teams in the preliminary rounds shall be determined on the basis of draw of lots.

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12.1 Scoring in the Preliminary Rounds: The aggregate score of a team shall be computed as the total of–

- Score of speaker 1
- Score of speaker 2
- Score of the memorial

The teams scoring the top 8 ranks on the basis of the aggregate scores of the preliminary rounds 1 and 2 will qualify for the quarter finals.

12.2 Arrangement of ranking (in case of tie in the preliminary rounds):

- The teams shall be first differentiated on their win-loss record in the Preliminary Rounds;
- If the tie subsists, the team with the higher speaker score (aggregate of both) will be allotted the higher rank;
- If the tie still subsists, the team with the highest individual speaker score out of speakers of tied teams will be allotted the higher rank;
- If the tie still subsists, the team with the higher memorial score will be allotted higher rank.

The results of the Preliminary Rounds shall be declared soon after the conclusion of the Preliminary Rounds. **Top 8 teams** will qualify for the quarter final rounds.

13. Quarter finals

- The teams shall argue for only one side in the quarterfinals. The side of the team shall be decided by way of the draw of lots.
- The quarter-final shall be a knock-out round.
- The win-loss shall be decided on the basis of the aggregate speaker score. No memorial score will be added in the quarter final. The win-loss shall be determined on the basis of the score so computed. The teams with higher aggregate score shall proceed to the semi final round.

After the conclusion of the quarter final rounds **top 4 teams** as per the criteria will qualify for the Advanced Rounds i.e., Semi Finals and Finals.

14. Semi finals

- The teams shall argue for only one side in the semi-finals. The side of the team shall be decided by way of the draw of lots.
- The semi-final shall be a knock-out round.

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- The win-loss shall be decided on the basis of the aggregate speaker score. No memorial score will be added in the semi-final. The win-loss shall be determined on the basis of the score so computed. The teams with higher aggregate score shall proceed to the final round.

After the conclusion of the semi final rounds **top 2 teams** as per the criteria will qualify for the Finals.

15. Final round

In the final round the teams shall argue for only one side. The side of the team shall be decided by way of the draw of lots. The win-loss shall be decided on the basis of the aggregate speaker score. No memorial score will be added in the final round.

V. MEMORIALS

16. All requirements must be strictly followed, failure to do the same will attract a penalty subject to the discretion of the organizers.

17. Each team must prepare memorials for both sides to the dispute (Petitioner and Respondent).

18. Submission of copies of Memorial:

18.1 Soft copies of the memorial from both sides (Petitioner and Respondent) should be sent to mootcourtsociety.pulaws@gmail.com **in both Microsoft word and pdf format** on or before **29th February 2024** (up to 11:59 pm). Each Memorial should be contained in a single file with the name of the file being the allocated team code followed by the first letter of the party whose arguments are presented in that memorial, i.e., P for Petitioner and R for Respondent. For instance, the Petitioner memorial of team code 2 should be named “2P” and the Respondent memorial of team code 2 should be named “2R”

18.2 On the day of the orientation i.e., the teams must bring **4 hard copies of their memorials from both sides i.e., 4 copies from the side of Petitioner and 4 copies from the side of Respondent.**

- The memorials must be printed double-side on A4 size sheets, with equal margin of at least one inch on all sides.

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- The Cover Page must be printed on Blue paper for each Claimant memorial, and Red paper for each Respondent memorial.
- The hard copies should be spiral bound only.
- **The hard copies must be exactly similar to the soft copy.** Any changes in the hard copy vis-à-vis the soft copy, irrespective of the magnitude, will entail disqualification. The decision of the organizers will be final in this regard.

19. General conditions for Memorials:

19.1 The memorials shall not contain any form of identification apart from the team code. In case any identification or mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it shall result in instant disqualification.

19.2 Petitioner memorials are required to have a **blue** cover and Respondent memorials are required to have a **red** cover.

19.3 For Memorial Penalties refer to section 32.3

20. The memorial must have only the following pages:

- Cover Page – The cover page shall contain case title, side of the memorial, year of competition, name of the forum.
- Table of Contents
- List of Abbreviations
- Index of Authorities
- Statement of Jurisdiction
- Statement of Facts
- Issues Raised
- Summary of Arguments
- Pleadings/Arguments Advanced
- Prayer

21. Team code allotted to the respective teams should be indicated on the top right corner of the cover.

22. Formatting of the Memorial:

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- The Body of Arguments should not exceed 35 pages in total. The entire memorial including the cover page should not exceed 45 pages.
- The font of the body of the Memorial must be Times New Roman, Size 12, with 1.5 line spacing, and the font size of footnotes, must be Size 10 with single line spacing.
- Use of endnotes is not permitted.
- Headings and Titles must also have font size 12 in large caps.
- All teams are required to follow the ILI style of citation.
- Pagination: The pagination must be done at the middle bottom of the page.
- A margin of 1 inch should be left on all sides of the pages.

23. Rights over memorials:

The organizers reserve the right to publish and disseminate memorials submitted to and for the Moot. The Memorials shall be attributed to the relevant institution and participants during such publication and dissemination. Submission of memorials in this Moot shall constitute consent to such publication and dissemination. The organizers also reserve the right to use the memorials submitted for any other purpose they may deem fit while ensuring appropriate attribution.

24. Plagiarism:

24.1 If, in the memorial checker's opinion, there is found to be an instance of plagiarism prevalent in a certain memorial, the participating team alleged to have committed plagiarism will be asked to show cause by the organizers. If found guilty of plagiarism, the organizers may impose any sanction that it may deem fit, including disqualification from the Moot.

24.2 In instances where the participating institution is alleged to have plagiarized from the memorial of another participating university memorial, the latter will also be asked to show cause by the organizers. If, in the opinion of the organizers, the latter has willingly allowed the former to plagiarize from their work, such a participating institution shall also be held guilty of plagiarism and sanctioned by the organizers as they deem fit.

24.3 The organizers define plagiarism as including but not limited to the following:

- Direct duplication of the work of somebody else's work represented inter alia in books, articles, internet sources without acknowledgement.
- Substantial duplication of somebody else's work represented inter alia in books, articles, and internet sources without acknowledgement. This would include work

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where sentences have been substantially copied, that is, where at the least seven continuous words from the original work are present in the impugned memorial and / or where a segment of the impugned memorial has been paraphrased from the original work with minor changes, keeping intact the import of the original work.

- Direct or substantial duplication of another moot memorial submitted to the competition, irrespective of whether that memorial is a competing memorial or not, and irrespective of whether there is acknowledgement or not.

VI. REGISTRATION FOR THE COMPETITION

25. Each team shall register for the moot by filling the online registration form: <https://forms.gle/so4ugrRZNCtb8aJ86> before 18th February, 2024. The teams are strongly encouraged to complete the registration format the earliest possible.

26. The registration fee for the competition is to be paid in **two stages**. For all the teams participating in the memorial qualifier round a registration fee of Rs. 2500/- shall be charged. The teams qualifying for the oral rounds (after the results of the memorial qualifier rounds) shall have to pay a further fee of Rs. 3500/-. This fee is inclusive of accommodation. (Rs. 3500/- will be charged as registration fees for oral rounds irrespective of the fact whether a team opts for accommodation or not.)

27. The registration fee shall be payable by 18th February 2024 for the memorial qualifier round and by 17th March 2024 for the oral rounds through NEFT/RTGS at:

- Payable To: Head Deptt. of Law
- Account Number: 10444977656
- IFS Code: SBIN0000742
- Branch: SBI, Sector 14, Punjab University, Chandigarh

28. After payment of registration fees the copy of receipt must also be sent by mail at mootcourtsociety.pulaws@gmail.com. **Such email should include the following in the subject – “2nd CCI-Department of Laws, Panjab University: [Institution Name]”.** The Final Registration for the memorial qualifier round will be confirmed only after the payment is made and the form is filled by 18th February 2024.

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29. Allotment of team code: Every team which has successfully completed the Registration requisites under the Rules shall be allotted a unique code after the closure of the Registration for the Competition. Once allotted, every team must use the team code for any communication with the Organizers during the course of the Competition.

30. While filling the registration form, the teams have to choose a primary contact person which shall be Participant 1 as per the registration form. All communications concerning the Moot will be sent by e-mail to the nominated contact person. It is that person's responsibility to convey all relevant information and distribute all relevant material to the team. Changes in contact details of the nominated persons, if any, must be duly communicated to the Organizers.

31. Hard copies of the Bona-fide Authorisation Letter, Registration Form in the format provided in Annexure A and B respectively are required to be submitted by the participating teams duly signed. The same are required to be produced on the day of orientation and the soft copies are to be uploaded with the registration form (link provided above). The team members must carry valid college id cards (or soft copy thereof) to the venue on the day of the orientation.

VII. ROUNDS

32. Memorial qualifier round:

32.1 A total of sixteen (16) teams will qualify for the oral rounds. In the event that the number of teams submitting memorials is more than sixteen, the top sixteen teams as per the memorial scores will qualify for the oral rounds of the Competition. The Memorial scores used for this purpose will be inclusive of the memorial penalties laid down hereinafter in the rules.

Note: If any team qualifying the memorial qualifier round is unable to participate in the competition due to unforeseen reasons or does not submit the registration fee (for the oral rounds) till the last date mentioned in the rules the slot of such team shall be offered to the team securing the next highest score in the rank list.

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32.2 Criteria for evaluation of Memorial:

Sr. No.	Marking Criteria	Marks Allotted
1.	Reasoning & Understanding of Law and Procedure	20
2.	Application of Facts and Knowledge	20
3.	Extent and Use of Research	15
4.	Knowledge, Interpretation and Application of Law	15
5.	Use of Authorities and Precedents	15
6.	Presentation and Formatting	15
	TOTAL	100

32.3 Memorial Penalties:

Non-compliance with rules concerning formatting and submission of memorials provided in the Rules will result in a deduction from the allocated marks. Irrespective of the actual total penalties incurred, no more than 15 marks can be deducted for each memorial for noncompliance with procedural requirements. Penalties for late submission of memorials shall be applicable separately.

Rule violation penalty:

Breach of Memorial Anonymity	Disqualification from the Moot
Any attempt to reach out to the drafter of the proposition till the end of the competition	Disqualification from the Moot
Missing or additional section	2 Marks for every violation
Incorrect order of Sections	2 Marks (one time deduction)
Incorrect font size in the main body of the memorial	1 Mark for every page on which there is such violation
Incorrect line spacing in the main body of the memorial	1 Mark for every page on which there is such violation
Incorrect font style in the main body of the memorial	1 Mark for every page on which there is such violation

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Incorrect page size and/or page margin in the main body of the memorial	1 Mark on every page on which there is such violation
Missing or unnecessary information on Cover page	1 Mark per piece of such information
Wrong Colour of Cover Page	1 Mark for each such violation
Substantive legal arguments outside the arguments advanced section	2 Marks for every page on which there is such violation
Exceeding the page limit of the arguments advanced section	3 Marks for every page that is in excess of the prescribed page limit
Extra information in footnotes	1 Mark for each such violation (1 mark will be deducted for every footnote that has extra information)
Use of endnotes	3 Marks

Penalties for late submission:

For every hour of delay in memorial submission from the prescribed time of submission, one mark shall be deducted. Any memorial submitted 12 hours after the time prescribed above will not be accepted and the team will not be allowed to participate except at the discretion of the organizers. The decision of the organizers shall be final in this regard.

Note: The above deduction would apply even if the delay were not of a complete hour. Hence, for example, a Memorial submitted at 12:01 am would still be subject to a 1 mark deduction.

32.4 Compendium:

Teams may submit a compendium to the judges for the respective round at their own discretion. If a team decides to submit such compendium then they should submit 1 hard copy of the same to the organizers along with the hard copies of the memorials. The compendium should not contain anything that identifies the name of the institution/university/college or personal identities of the participants. In eventuality of which the decision of judges with respect to disqualification will be final.

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33. Preliminary Rounds-

33.1. There will be two preliminary rounds.

33.2. The teams will be arranged and grouped based on drawing of lots. The lots so drawn will determine who will contest against whom and for which side the respective teams would put up their oral arguments.

33.3. Every team shall argue twice in the Preliminary Rounds, once for the Petitioner and once for the Respondent.

33.4. Each side shall get a maximum time of 30 minutes to present their arguments and no Speaker shall be permitted to address the Court for more than 15 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal respectively.

33.5. The maximum time for Rebuttal is 2 minutes and the maximum time for Sur-rebuttal is 2 minutes. Only one speaker from each team is allowed to present rebuttals and sur-rebuttal. Each speaker is required to speak for a minimum of 10 minutes exclusive of time taken for Rebuttals and Sur-rebuttals.

33.6. The cumulative results shall be based on the ranking of the teams on the basis of the aggregate score of the participating teams (memorial score plus score secured in the oral pleadings) and the same shall be declared after the preliminary rounds. Top 8 teams will qualify for the quarter final round.

33.7. Arrangement of ranking (in case of tie in the preliminary rounds):

- The teams shall be first differentiated on their win-loss record in the Preliminary Rounds;
- If the tie subsists, the team with the higher speaker score will be allotted the higher rank;
- If the tie still subsists, the team with the highest individual speaker score out of speakers of tied teams will be allotted the higher rank;
- If the tie still subsists, the team with the higher memorial score will be allotted higher rank.

34. Quarter Final Round -

- The eight (8) teams that proceed to the Quarter Final Rounds, as determined by the Rules above, shall each argue only ONCE for the side allotted by draw of lots.
- Four (4) teams shall qualify for the Semi-Final Rounds on a knock out basis, i.e., the winner of each Quarter-Final Round shall qualify to the Semi-Final Rounds.
- The knockout will be decided based on the aggregate scores of the speakers only, but if the teams get tied, the team with higher memorial score will win the round.

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- The maximum time for arguments per side shall be the same as in the Preliminary Rounds.

35. Semi-Final Rounds-

- The four teams that proceed to the Semi-Final Rounds, as determined by the Rules above, shall each argue only ONCE for the side allotted by draw of lots.
- Two (2) teams shall qualify for the Final Round on a knock out basis, i.e., the winner of each Semi-Final Rounds shall qualify to the Final Round.
- The knockout will be decided based on the aggregate scores of speakers only. However, in case of a tie, the team with higher memorial score will win the round.
- Each side shall get a maximum time of **45 minutes** to present their arguments of which no Speaker shall be permitted to address the Court for more than 25 minutes. The time limit is inclusive of the time for Rebuttal or Sur-rebuttal, respectively. The maximum time for Rebuttal is 5 minutes and the maximum time for Sur-rebuttal is 2 minutes. Each speaker is required to speak for a minimum of 20 minutes exclusive of time taken for Rebuttals and Sur-rebuttal.

36. Final Round-

- The two (2) teams that proceed to the Final Round, as determined by the Rules above, shall each argue only ONCE for the side allotted by draw of lots.
- The team which wins the Final Round shall be declared as the 'Best Team'.
- The other team shall be declared as the 'Runners-Up'. If there is a tie, the team with higher memorial score will win the round.
- The maximum time for arguments per side shall be the same as in the Semi-Final Rounds.

37. Marking Criteria for the oral rounds

Sr. No.	Marking Criteria	Marks Allotted
1.	Identification Of Legal Principles	15
2.	Use of Authorities	15
3.	Appreciation and application of facts	15
4.	Response to questions	15

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5.	Recognition of issues: Complete and correct recognition and weighing of issues	10
6.	Clarity, Logic and structure of presentation	10
7.	Overall presentation, Style, Court Craft , poise and demeanour	10
8.	Time Management	10
	TOTAL	100

VIII. AWARDS

38. Awards will be distributed in the following categories:

- Team that wins the final round will be adjudged as the ‘Winner’ and will get an amount of Rs. 45,000/- along with a trophy. The team that secures second place will get ‘Runners-up’ title and Rs. 33,000/- as prize along with a trophy.
- Best Memorial- Team with the highest memorial score (aggregate) will get the ‘Best Memorial’ prize along with a cash prize of Rs. 12,000/-.
- Best Speaker/Advocate- The speaker who secures the highest score (average) at the conclusion of the Preliminary Rounds will get an award for the ‘Best Speaker/Advocate’ with a cash prize of Rs.10,000/- and a trophy.

Note: It is necessary to argue for both sides in the preliminary rounds in order to be eligible for the ‘Best Speaker Award’.

IX. MISCELLANEOUS

39. Each team shall prepare a Petitioner and a Respondent Written Submission. Teams must send the **soft copy (word format and pdf format)** of the Written Submissions as an email attachment by **11:59 PM** on or before 29th February 2024. The soft copies should be sent to mootcourtsociety.pulaws@gmail.com with the heading “**2nd CCI Department of Laws National Moot Court Competition: Memorial submission [Team Code]**”. The software used should be Microsoft Word 2007 or above or compatible software.

40. Lodging for teams will be provided by the organizers as per requirement, separately for the male and female participants. The participants must notify the requirement for accommodation

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by sending an email on mootcourtsociety.pulaws@gmail.com in with the heading “2nd CCI Department of Laws National Moot Court Competition: Lodging [Team Code]” by 20th March, 2024.

41. Code of Conduct- A violation of the prescribed Code of Conduct will invite sanctions which will be decided by the Competition Administrator/organizers. Following rules of conduct are to be followed by the participants at all times:

- Teams are expected to behave with other team members and the Judges/ Organizers/ Volunteers in a dignified manner.
- Teams should not attempt to influence Judges/ Organizers in any manner.
- Participants are expected to maintain decorum in the court during the Competition and to conduct themselves in a manner befitting the legal profession.
- The teams should not engage in any form of unethical, unprofessional and wrongful conduct during the entire period of the Competition.
- **Scouting- Scouting by the team members or any other person affiliated with a team will lead to the immediate disqualification of such a team.** Scouting shall be deemed to have happened if any person affiliated with a team is found to be 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; or reading a memorandum of a team except where:
 - (a) It is of the team to which he/she is affiliated; or
 - (b) The memoranda have been obtained on account of an exchange of memoranda prior to a round of the team to which he/she is affiliated.
- If any one of the members of a team is notified or informed of any detail or information concerning the Competition, it shall be deemed as if the said team as a whole has been duly notified or informed.
- Panjab University will share the copyright for the memorials submitted by the teams. The acceptance of such vesting is a precondition for participation in the competition.
- If any unplanned or unexpected contingencies arise, the Organizing Committee will address them and the Organizing Committee’s judgment in this regard shall be final. Acceptance of the Organizing Committee’s decisions is a precondition for participation in the Competition.

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- The Proposition is not meant to resemble any incident or person, alive or dead, and it makes no attempt to do so. Any resemblance between the two is simply accidental. The Proposition is a made-up factual narrative created solely for the purpose of the Competition, and it makes no attempt to influence or anticipate the conclusion of any topic.
- **Delay in appearance in the courtroom for more than 10 minutes shall amount to disqualification of the team which is late.**
- There should be no indication of the institutions which the team represents, or the name of the members in the memorials or any other material carried inside the courtroom. The teams must also not disclose such information during the oral rounds. The teams should not attempt to disclose such information to the Judges, or any other person as decided by the Competition Administrator/organizers, for the entire duration of the Moot Court Competition. **The violation of this rule will cause severe penalty, which may involve disqualification, as determined by the Competition Administrator/organizers.**

X. FINALITY OF DECISION

42. The decision of the judge shall be final and binding. The organizers reserve the right to amend the rules of the Competition.

XI. ORGANISING TEAM

- **Convenor:** Dr. Shipra Gupta, Professor, Department of Laws, Panjab University
- **Faculty Coordinators:**
 - Dr. Vibhuti Nakta, Part-Time Assistant Professor, Department of Laws, Panjab University
 - Mr. Meharpreet Singh, Guest Faculty, Department of Laws, Panjab University
 - Ms. Rupinder Kaur, Guest Faculty, Department of Laws, Panjab University
- **Organizing Committee:** Moot Court Society, Department of Laws, Panjab University

XII. CONTACT INFORMATION

All queries must be directed at: mootcourtsociety.pulaws@gmail.com or contact undersigned:

▪ **Student Coordinators:**

Aditya Bhaskar Pandit (President, Moot Court Society)

Contact Number: 9988001425

Akshika Guleria (Vice-President, Moot Court Society)

Contact Number: 8351804963

Dalwinder Singh (Secretary, Moot Court Society)

Contact Number: 9056199854

Karanjeet Singh (Secretary, Moot Court Society)

Contact Number: 8295843524

XIII. IMPORTANT DATES

- Commencement of Online Registration- **15th January 2024**
- Last date for Online Registration along with registration fees for the memorial qualifier round – **18th February 2024**
- Last date for seeking clarifications – **20th February 2024**
- Release of final clarifications- **22nd February 2024**
- Last Date for Submission of soft copy of memorials – **29th February 2024 (11:59 pm)**
- Result of Memorial Qualifier Round- **11th March 2024**
- Last date for the payment of remaining registration fees by the teams qualifying for the oral rounds- **17th March 2024**
- Arrival of Participants and Submission of hard copy of memorials – **29th March 2024 (2:30 pm onwards)**
- Orientation- **29th March 2024 (4:00 pm)**
- Preliminary & Quarter-final rounds- **30th March 2024**
- Semi-finals, Finals, Valedictory & Prize distribution- **31st March 2024**

ANNEXURE A

Bona-Fide Authorisation Letter:

We hereby state that our participation is in compliance with the prescribed rules and regulations of the competition and the following particulars may be noted in this regard:

1. Participant 1: Name, Course & Year
2. Participant 2: Name, Course & Year
3. Participant 3: Name, Course & Year



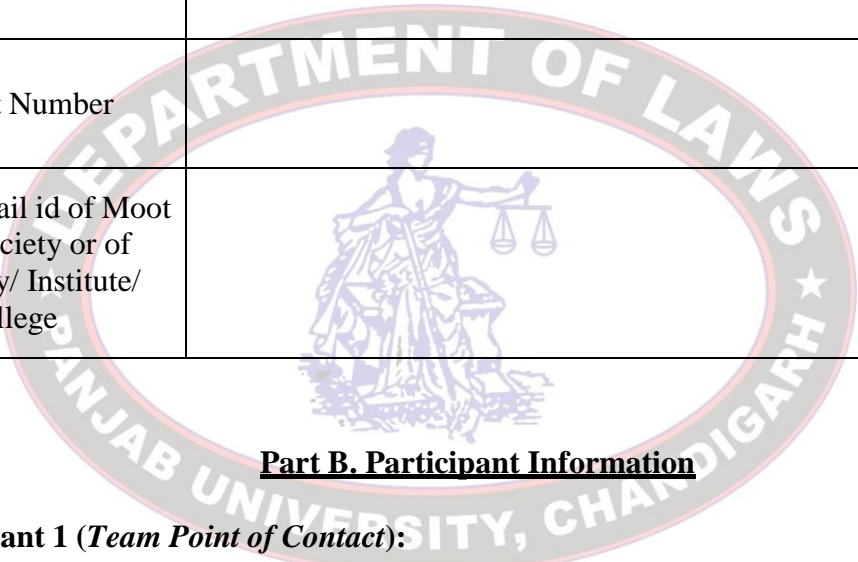
**SEAL & SIGNATURE
HEAD of the University/ Institute/ College**

ANNEXURE B

Registration Form

2nd CCI-Dept. of Laws National Moot Court Competition

Part A. University/ Institution/ College Information

Name	
Complete Postal Address	
Contact Number	
Official Email id of Moot Court Society or of University/ Institute/ College	

Part B. Participant Information

B.1: Participant 1 (Team Point of Contact):

Name	
Email	
Ph. No. (WhatsApp also)	
Course & Year	
Sex	
Date of form submission	

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B.2: Participant 2

Name	
Email	
Ph. No.	
Course & Year	
Sex	

B.3: Participant 3

Name	
Email	
Ph. No.	
Course & Year	
Sex	

Part C: Documents to be Uploaded

1. Memorial Qualifier Round Registration Fee Receipt
2. Bona-fide Authorisation Letter
3. Participant 1 University/ Institute/ College id
4. Participant 2 University/ Institute/ College id
5. Participant 3 University/ Institute/ College id

MOOT PROPOSITION¹

A. BACKGROUND

1. Avaritia Pharmaceuticals Ltd. (**'Avaritia'**) is a company incorporated under the laws of India with its registered office in Mumbai, Maharashtra. It is engaged in the discovery, development, manufacture and commercialisation of prescription and non-prescription pharmaceutical drugs, including oncology products. Avaritia itself, or through its subsidiaries and related companies, operates in over 30 countries, and its drugs are sold to millions of consumers across the world. While it has a large team of scientists and other experts dedicated to developing new pharmaceuticals, it often acquires drugs invented or developed by others and commercialises them by utilising aggressive marketing techniques. Presently, Avaritia boasts of a large portfolio of patents in India and other countries over novel active pharmaceutical ingredients (**'APIs'**), formulations, processes of manufacture of drugs, and drug delivery systems.
2. Dolittle Pharmaceuticals Pvt. Ltd. (**'Dolittle'**) is an innovation-driven, family-held, small-scale pharmaceutical company incorporated under the laws of India with its registered office in Pune, Maharashtra. Dolittle's operations are limited to India, where its in-house team of researchers develop novel drugs for a variety of diseases and disorders, including cancers. In late 2014, Dolittle's Research and Development Team developed a new molecule, which was later given the International Non-proprietary Name (**'INN'**) of 'Oncotinib' by the World Health Organization.

B. ONCOTINIB AND TREATMENT OF NON-SMALL CELL LUNG CANCER

3. Research over the years has shown that human cells contain a protein called epidermal growth factor receptor (**'EGFR'**) which is useful in the division of cells. Certain mutations in EGFR lead to their overexpression which causes uncontrolled cell division associated with several cancers, including non-small cell lung cancer (**'NSCLC'**). Moreover, mutations in cancer patients can lead to resistance towards existing drugs

¹ The facts and names provided in this moot proposition are entirely fictional. Undisputed facts stated in the proposition are to be assumed to be true and participants are not to assume any facts inconsistent therewith. While the names of 'Indian Council for Medical Research', 'National Company Law Appellate Tribunal' and 'Supreme Court' have been used to keep the proposition realistic, all actions attributed to them in this proposition are entirely fictitious.

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which inhibit mutated EGFR, leading to poor prognosis in such patients. Dolittle's studies showed that Oncotinib could be very useful in the treatment of NSCLC by selectively inhibiting mutated EGFR and significantly improving the 5-year survival rate of NSCLC patients (i.e. the number of patients alive 5 years post a diagnosis of NSCLC). Human trials found that NSCLC patients treated with Oncotinib had at least 50% more chances of surviving post 5 years of diagnosis as compared to patients treated with any other available drug approved for treatment of NSCLC. Moreover, Oncotinib was shown to cause remission in twice as many patients as compared to other comparable drugs. Thus, Dolittle's invention of Oncotinib was a breakthrough invention touted to be "a revolution in cancer research" by the Indian Council of Medical Research.

C. PATENT NO. IN '101

4. On 10th December 2014, Dolittle filed an application with the Indian Patent Office seeking patent protection over the molecule Oncotinib and its formulations. It also filed similar patent applications in various other jurisdiction in the months to follow. After rigorous examination, the Indian application was granted on 1st January, 2018 and IN 6005101 (IN '101) covering the molecule Oncotinib and its pharmacologically stable formulations was awarded to Dolittle. IN '101 is set to expire in December, 2034.

D. DOLITTLE'S COMMERCIALISATION OF ONCOTINIB

5. On 15th December 2018, Dolittle received marketing approvals from relevant authorities to manufacture and sell formulations containing Oncotinib (20mg) in India as the drug received approval for treatment of certain forms of NSCLC. Dolittle launched its tablets containing Oncotinib (20mg) in India on 10th January, 2019 under the brand name 'MEDIOCRIS'. The approved treatment required patients to consume one tablet of MEDIOCRIS a day for six months, or for a shorter time prescribed by a medical practitioner. Dolittle sold MEDIOCRIS in strips of 10 tablets, and each strip was sold to consumers directly for INR 60,000/-. Dolittle also sold the drug through third-party distributors, to whom Dolittle supplied the drug in bulk at a lower price with a contractual stipulation that the price charged to the customer should not exceed INR 60,000/- per strip. Notably, the price of MEDIOCRIS was lower than some of the older and less effective drugs for treatment of NSCLC. The Chairman and Managing Director

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of Dolittle, Dr. Vikram Hedge, upon being asked about Dolittle's unorthodox low pricing strategy for the drug at a press conference in January, 2019 noted—

“Our company intends to sell MEDIOCRIS at a reasonable price to ensure access for as many patients as possible. We did incur expenditure in innovating and developing the drug, but even at this price point, our forecasts suggest that we will soon recover the costs of innovation and earn sufficient profits. We do not believe in earning unconscionable profits from a life-saving drug simply because it has no comparable substitutes, and given that we are a closely held company, we do not need to go against our conscience to meet shareholder expectations.”

6. However, Dolittle, being a small-scale company, did not have the production capacity to meet the demand of the drug in India. Dolittle also could not supply MEDIOCRIS abroad and did not have necessary capital to increase production to meet Indian and global demand.

E. AVARITIA'S COMMERCIALISATION OF ONCOTINIB

7. Impressed by the potential of Oncotinib, Avaritia approached Dolittle and on 1st April, 2019, Avaritia concluded an INR 500 crore-deal with Dolittle under which IN '101 and all equivalent patents and patent applications in other countries were assigned to Avaritia along with the brand name 'MEDIOCRIS' and all other authorisations necessary to manufacture and commercialise Oncotinib globally. Given Avaritia's existing production capacity, it was able to quickly ramp up production and began supply of Oncotinib at a much larger scale in India and in several other countries. However, Avaritia did not continue with the MEDIOCRIS brand, and instead, began selling the identical drug in 10-tablet strips under the brand name 'CARUS'. In May, 2019, Avaritia embarked upon an aggressive global marketing campaign for CARUS, which also involved reaching out to medical practitioners with information about the drug and encouraging them to begin prescribing CARUS to their patients.
8. From May 2019 to December 2019, Avaritia continued to sell CARUS at the same price as Dolittle, and the market price of CARUS remained INR 60,000/- per 10-tablet strip in India. The sales of CARUS in India increased quickly due to marketing efforts and

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higher supply capacity, and therefore, the monthly sales of CARUS in India were significantly higher than the average monthly sales which Dolittle's MEDIOCRIS had achieved.

9. In January, 2020, however, Avaritia raised the prices of CARUS and the average retail price increased to INR 2,00,000/- per strip. The price was again hiked in January, 2021 with the average retail price reaching INR 3,00,000/- per strip. This was consistent with high pricing of the drug in foreign markets. Avaritia's CARUS soon became a blockbuster drug with global sales well exceeding USD 1 billion.
10. Despite the market success of CARUS, there was discontent among patients as well as various non-profit organisations interested in cancer research, treatment and access to medicines, who were concerned about the high price of the drug which prevented thousands of patients from accessing a medicine which could substantially increase their lifespans and even lead to remission.

F. HISTORY OF PROCEEDINGS

11. In January, 2022, Mr. Ronit Halder, a patient suffering from NSCLC who could not afford CARUS at the market price approached the Competition Commission of India (CCI) under §19 of The Competition Act, 2002 alleging that Avaritia's excessive pricing of Oncotinib amounted to abuse of dominant position. The CCI found a *prima facie* case and directed the Director General ('DG') to conduct an investigation into the matter. The DG submitted its report on 1st October, 2022. The following were some of the crucial findings of the DG:

- (a) Given the substantially higher therapeutic efficacy of Oncotinib in the treatment of NSCLC as compared to any other drug available in the market, there existed no reasonable substitutes for Oncotinib. The DG also found that a small but significant and permanent increase in price of Oncotinib would not lead consumers to shift to other substitutes. Thus, the DG was of the opinion that the relevant market was the market for Oncotinib in India.
- (b) Avaritia had entered into agreements with its distributors which contained a "suggested minimum price" of INR 2,00,000/- per strip from January, 2020 to

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December, 2020. Agreements entered into or renewed in January, 2021 and thereafter stipulated INR 3,00,000/- as the “suggested minimum price”. While these agreements did not expressly prevent distributors from selling at a lower price, investigations revealed that Avaritia’s sales executives verbally warned distributors against selling at lower prices and contracts with distributors who continued to discount their prices were terminated routinely citing other minor deviations from their contracts. At the same time, contracts with distributors who were engaged in similar contractual violations, but who did not sell below the suggested minimum price, were not terminated.

- (c) The price for Oncotinib charged by Avaritia was much higher than the cost of production. While the market price of Oncotinib had increased from INR 60,000/- per strip in May, 2019 to INR 3,00,000/- per strip in January, 2021, the increasing prices were not accompanied by a commensurate increase in the cost of production.² The following table reproduces the findings on cost of production and retail price of CARUS from July, 2019 to December, 2021:

Time Period	Retail Price in INR (per strip)	Average Cost of Production in INR (per strip)
Jul-Sep, 2019	60,000	10,500
Oct-Dec, 2019	60,000	10,700
Jan-Mar, 2020	2,00,000	11,500
Apr-Jun, 2020	2,00,000	12,000
Jul-Sep, 2020	2,00,000	11,300
Oct-Dec, 2020	2,00,000	10,800
Jan-Mar, 2021	3,00,000	9,800
Apr-Jun, 2021	3,00,000	9,876
Jul-Sep, 2021	3,00,000	9,780
Oct-Dec, 2021	3,00,000	9,790

The data based on which the above findings were arrived at, and the calculations by the DG, were not disputed by the parties.

² The DG relied on cost-related information and documents provided by Avaritia to calculate **direct costs** (costs directly and exclusively incurred on production of Oncotinib), **indirect costs** (the costs not exclusively incurred on production of Oncotinib but apportioned between all products sold by Avaritia using volume of production of each product as the cost driver) and the **cost of capital** (the actual capital Avaritia had to employ to operate in the market for Oncotinib multiplied by the average percentage return which an equity or debt investor expects from investing funds in a company).

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(d) The DG also found that the profit earned by Avaritia from the sale of CARUS in India from May 2019 to March 2020 was over INR 200 crores, and in Financial Year 2020-21, it was over 800 crores. These figures were also not disputed by Avaritia. The DG did not investigate the revenue or profits earned from Avaritia's supply of Oncotinib abroad.

12. Based on the DG's findings, and upon hearing the parties at length, the CCI broadly agreed with the DG and rendered a decision on 10th February, 2023 holding—

(a) The relevant market for competition analysis was the market for Oncotinib in India since the conditions for competition were mostly uniform within India and there were no close or reasonable substitutes to Oncotinib in the treatment of NSCLC.

(b) IN '101 covered Oncotinib and its formulations, and therefore the patentee, Avaritia, was able to prevent any other party from entering into the relevant market. Avaritia had also not licensed the patent to any other person within India. Thus, IN '101 acted as a legal barrier to entry and Avaritia had 100% of the market share. The CCI, therefore, found that Avaritia enjoyed a dominant position in the relevant market.

(c) The prices charged by Avaritia for its Oncotinib drug CARUS were excessive and unfair in relation to the cost of production and the value of the product. Therefore, the pricing strategy of Avaritia amounted to an abuse of dominant position under §4 of The Competition Act, 2002.

(d) The patent rights as well as marketing rights over Oncotinib were purchased by Avaritia from the innovator, Dolittle, for INR 500 crore, which can be assumed to have subsumed cost of innovation. The prices being charged by Avaritia had already led to profits far exceeding the cost of acquisition of the drug from Dolittle, and therefore, the excessive price of Oncotinib (CARUS) was not justified.

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- (e) The mere fact that Avaritia was able to charge excessive prices due to rights under The Patents Act, 1970 did not exempt Avaritia from the rigours of §4 of The Competition Act, 2002.
- (f) Avaritia's agreements with its distributors containing a 'suggested minimum price' and its actions to enforce the price as a minimum price limit amounted to resale price maintenance ('RPM') which caused appreciably adverse effect on competition ('AAEC') in the relevant market. Thus, the CCI held that the aforesaid agreements were anti-competitive and amounted to violations of §3 of The Competition Act, 2002.
- (g) In view of the above findings, the CCI directed Avaritia to reduce prices of CARUS to the May, 2019 levels and cease RPM by removing suggested minimum prices from its existing and future agreements with distributors. The CCI, however, did not impose a penalty upon Avaritia in the facts and circumstances of the case.
13. Avaritia promptly appealed against the CCI's decision and after lengthy arguments over several hearings in the coming months, the National Company Law Appellate Tribunal ('NCLAT') set aside the CCI's order vide its decision dated 1st October, 2023. In its decision, the NCLAT relied heavily on the Hon'ble High Court of Delhi's decision dated 13th July, 2023 in *Telefonaktiebolaget LM Ericsson (PUBL) v. CCI* and held that the CCI did not have jurisdiction to investigate or prevent abuse of patent monopoly. The NCLAT further held that excessive pricing alone could not amount to abuse of dominant position in the absence of exclusionary conduct since charging high prices does not reduce competition in the market. Finally, the NCLAT held that the agreements between Avaritia and its distributors did not violate §3 as it was an exercise of a patentee's right to determine the price of its patented product which was exempt from competition law scrutiny under §3(5).
14. Mr. Ronit Halder filed a timely appeal against the decision of the NCLAT, and this is now pending before the Supreme Court. The CCI has also joined the proceedings in support of its decision dated 10th February 2023. After preliminary hearings, the Supreme Court has set forward the following issues for determination—

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ISSUE 1: Whether the CCI had jurisdiction to investigate and take action against the impugned conduct of Avaritia which were performed in exercise of patent rights over IN '101, or does the Patents Act, 1970 preclude operation of The Competition Act, 2002 in matters involving use of patent rights?

ISSUE 2: Whether a finding of abuse of dominant position based solely on excessive and unfair pricing by a dominant player in the absence of exclusionary conduct sustainable?

ISSUE 3: Whether Avaritia's pricing of its Oncotinib drug CARUS amounted to abuse of dominant position?

ISSUE 4: Whether Avaritia's agreements with its distributors were anti-competitive and violative of §3 of The Competition Act, 2002?

Participating teams are required to submit written memorials/submissions and prepare oral arguments for each side.

