

## ARUN JAITLEY INTERNATIONAL INSOLVENCY AND BANKRUPTCY

### MOOT COMPETITION

#### FIFTH (5<sup>TH</sup>) EDITION

APRIL 08-10, 2022

National Law University Delhi

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## COMPETITION RULES

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### A. GENERAL

1. The Fifth Edition of the International Insolvency and Bankruptcy Moot Competition will be held at National Law University, Delhi (NLUDEL) during 8-10 April, 2022.
2. The Competition aims at providing an opportunity to law and management students from top universities – domestic and international – to practice and expand their knowledge in Insolvency and Bankruptcy Law. It provides a platform for students to compete in a simulated insolvency & bankruptcy proceeding, where teams represent different stakeholders. The competition is carefully structured to judge not only theoretical knowledge but also practical skills of the participating teams, competing as various stakeholders.
3. Format of the moot: Memorandum is to be prepared and submitted on the moot proposition. All the participating teams who submit their memoranda are to appear for the oral rounds. Each team will participate in two preliminary rounds. The preliminary rounds will be scored in the following manner:
  - a. 30% weightage given to the Memorandum scores
  - b. 70% weightage given to the Oral Round scores

The four highest scoring teams will qualify to the Semi-Final round.

## B. ORGANIZING BODY

1. The Centre for Transnational Commercial Law at National Law University, Delhi (“CTCL”) acting under the Moot Court Steering Committee (“MSC”) shall be the Organising Body for the NLU-IBBI-UNCITRAL RCAP Insolvency and Bankruptcy Moot Court Competition, 2021-22 (“Competition”).
2. The Moot Court Steering Committee (“MSC”) shall comprise of representatives of the organising & supporting organisations, viz, The Insolvency & Bankruptcy Board of India (IBBI), INSOL India, UNCITRAL RCAP, and the organising committee at National Law University Delhi.
3. CTCL shall not be affiliated with nor assist any team registered to take part in the competition.
4. MSC/CTCL:
  - a. Has the sole discretion to:
    - i. enforce all rules;
    - ii. interpret the Rules;
    - iii. resolve any disputes that may arise during the Competition; and
    - iv. answer questions about, and clarify, the problem.
  - b. Has the power to change/supplement the Rules, if any changes or supplements are necessary. The Rules will be posted on the competition website, and change or supplements will be communicated to participating teams as quickly as possible.
  - c. Has the power to modify the moot problem at any stage with prior notice to the teams.

5. CTCL/MSC may, at its discretion, disqualify a team if they consider that there has been any behaviour that is considered a serious violation of these Rules or of the spirit of the Competition.
6. The Organizing Committee will not evaluate any memorandum/pleadings submitted by the participating teams or the Oral Rounds in the moot.
7. The Student Coordinators of the Organizing Committee shall solely be involved in the handling, exchange of memorials, scoresheets and other similar transactions to ensure utmost discretion. However, the entire Organizing Committee will be involved in the organisation of oral rounds.
8. Materials relevant to the administration of the Competition will be posted on the official website of National Law University, Delhi, IBBI and INSOL India.
9. Any questions or enquiries about the Competition shall be made in writing (email is satisfactory) to CTCL at [insolvency@nludelhi.ac.in](mailto:insolvency@nludelhi.ac.in). If a question or enquiry affects participating teams, the question or enquiry and its answer will be e-mailed to participating teams. This does not include clarifications sought upon the Moot Proposition.
10. Each participating team shall provide one valid e-mail address at the time of registration. All communications with CTCL that a participating team undertakes shall be through this e-mail address only. All correspondence and service of documents will be through this e-mail address only.
11. CTCL can be reached at the following address:

Dr. Risham Garg,

Associate Professor of Law,

Director, Centre for Transnational Commercial Law

National Law University, Delhi.

Sector 14 Dwarka, New Delhi. Pin- 110078, India

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Email: [insolvency@nludelhi.ac.in](mailto:insolvency@nludelhi.ac.in)

### C. TEAM COMPOSITION

1. The competition is conducted in the English language. It is open to teams from professionally accredited law schools/colleges and management schools/colleges. Each eligible college may register only one team in the Competition.
2. A team can consist of no less than two and no more than four students, who shall be enrolled as full-time or part-time students of any degree in law or business, in the college/university they represent at the time of the Competition. However, no team member may have already been admitted or licensed to practice Law/CA/CS/CMA in any jurisdiction at the time of oral pleadings.
3. Teams shall not alter composition or members after submission of the list of team members at the time of registration, except upon written permission of CTCL based on a showing of extraordinary circumstances. In the Oral Rounds, no substitution will be permitted after the commencement of the first argument unless the number of team members drops below two.
4. The written submissions made by teams shall be the work of the student team members only.
5. Each team will be assigned a team code by the organising committee. Teams shall identify themselves within their memorials only by use of this anonymous identifier. During the Oral rounds, team members shall avoid identifying their college or University to the judges.

## D. REGISTRATION

1. Registration fee for the Moot is **INR 5000** per team for national teams. The registration fee for international teams is **US\$ 100**. This fee is required to be paid by all the participating teams who successfully submit their memoranda.
2. The registration fee for the Moot is to be paid through an Online Payment Portal which shall be specified to the teams in due course. Such notified teams are required to email a screenshot of the online payment confirmation to [insolvency@nludelhi.ac.in](mailto:insolvency@nludelhi.ac.in) latest by **31<sup>st</sup> March 2022**.

## E. SUBMISSION OF MEMORANDUM

1. The memorial shall consist of following mandatory heads:
  - A. **COVER PAGE**: This part must include team code. Each team will be assigned an identification number. This has to appear in the uppermost right-hand corner of its front memorial cover, the title of the matter and the name of competition and year.
  - B. **TABLE OF CONTENTS**
  - C. **LIST OF ABBREVIATIONS**
  - D. **INDEX OF AUTHORITIES**
  - E. **STATEMENT OF FACTS**: (Not exceeding 2 pages) – Briefly point out the relevant facts from the moot proposition.
  - F. **ISSUES RAISED**:

**G. ANALYSIS OF ISSUES:** Participants are required to include a thorough analysis of all issues taking into consideration all the parties as per the moot proposition. The page limit for

Part A 14 pages

Part B 7 Pages

Part C 2 Pages

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### **OTHER CLARIFICATIONS:**

- i To facilitate anonymous grading, names of the team members and the institution they represent **must not** appear on the memorial.
  - ii The teams may add other issues in addition to the ‘key issues identified’ if they think it is necessary.
  - iii Plagiarism in the analysis of the issues will lead to immediate disqualification.
  - iv Plagiarism refers to (but may not be limited to) cases of using another person’s words without attributing credit to that person, such as copying or paraphrasing text and/or using the same string of views laid down in the works of another person without proper attribution and citation to the author of the source. This is left to the determination of the memo judges who may make use of Turnitin apart from their judgement. A passage in the answer may be deemed plagiarised regardless of intent of the team, whether it was just overlooked, whether someone forgot to check, or whether it was done with complete innocence.
2. Soft Copies of the Memorial must be submitted by all teams in .pdf and .docx format (Office 2013 or Office 2016) on or before the last date of submission as decided and notified by the MSC, to [insolvency@nludelhi.ac.in](mailto:insolvency@nludelhi.ac.in). The attachments shall be named

according to the team code and the party for which the memorial is proposed. It should also contain headers, footers, page number and headings.

Hard Copies of the Written Submission/ Memorial must be deposited by the participating teams before the preliminary rounds begin.

3. Formatting Rules:

All parts of the memorial shall be typed on A4 sized paper/format, with the following mandatory formatting specifications:

- a. Font Type: Times New Roman
- b. Font Size: 12
- c. Line Spacing: 1.5
- d. Margins: 1 inch on each side

For footnotes, the formatting specifications are:

- a. Font Type: Times New Roman
- b. Font Size: 10
- c. Single Spacing between lines; double spacing between two footnotes (6 points before and after)
- d. Citation Style: **BLUEBOOK**

4. Penalties:

- a. Late submission of the memorials after the last date of submission as prescribed: **(-) 1 mark** each exceeding hour.
- b. Exceeding page limit of any section with a prescribed word limit as mentioned: **(-) 3 marks** per page.

- c. Not following the proper font size, font type, line spacing [memoranda and/or footnotes]: (-) 1 mark per page for either violation.
  - d. Non compliance with prescribed page margin, page size etc: (-3) one-time penalty.
  - e. Omitting to include the stipulated parts in the cover page as mentioned in Rule (iv): (-) 1 mark per part included extra/not included.
  - f. Failure to include a specified part in the memorial as mentioned: (-) 2 marks per specification. Provided that that the total **formatting** penalties levied on a memorial shall not exceed 20 points.
  - g. Footnotes should be limited to the citations. Any extra information or arguments in footnotes will attract a penalty of (-) 2 marks per every violation.
  - h. A failure to remove metadata or any other identification mark from the memo will attract a penalty of (-) 2 marks.
- 5. The memoranda shall not contain any annexure, photographs, graphs, diagrams or any other representation of like nature.
  - 6. Footnotes should be limited to only citations or any other information relevant to the arguments. In no event shall footnotes contain extra or irrelevant information and in no case shall footnotes contain arguments
  - 7. Plagiarism- All Memorials will be put through a plagiarism check. Any Memorial found to be plagiarised will be subject to immediate disqualification.
  - 8. Appeals – All appeals from any penalty levied will be resolved by a Committee appointed by the MSC, whose decision shall be final and binding.

**NOTE** - The MSC/CTCL reserve the right to interpret/amend/modify the rules and the format with due notice. Decision of the committee shall be final and binding for any issue arising.

## F. ORAL ROUNDS

1. Teams shall identify themselves in the memorial as well as in all the oral rounds only by use of the anonymous identifier (team code) given to them in advance by the Organizing Committee. Participants shall avoid letting judges know from which law schools their teams appear.
2. The language to be used during the rounds is English.
3. The Competition shall consist of the following rounds:
  - a. Two Preliminary Rounds
  - b. Semi- Finals
  - c. Finals.
4. During the course of oral rounds, no communication is permitted between the speaker at the Bar Table and other members of the team.
5. The Researcher shall not be permitted to address the Court during the Oral Rounds. The Researcher may however, be permitted to pass notes to the Speakers at the discretion of the Judges.
6. Every team can speak for maximum of 35 minutes. A speaker can speak for maximum of 20 minutes. The division of time per speaker is left to the discretion of the team subject to a minimum of 10 minutes per speaker. Teams are allowed to set aside sometime for rebuttals and sur-rebuttals, however that time is to be incorporated within the allocated 35 minutes itself.
7. The use of mobile phones, laptops, or any other electronic gadgets other than that necessary for the conduct of the rounds is strictly prohibited during the Oral Rounds.

8. Participants may use their own bare acts, printouts and commentaries provided that anonymity is not violated during the Rounds. The decision of the Judges as to the marks allotted to each team shall be final and binding.
9. The Organising Committee may photograph the oral rounds for documentation purposes, and it is expected from the participants that they have given their consent and permission to the organising committee for doing the same.
10. The Competition is an educational event and it is necessary that personal data is collected for the operation of the event and that the Organizing Committee will not disclose any personal data to third parties unless specific permission has been obtained from the participants. In case of any participants' concerns or queries about the usage of their data, they may contact the Organizing Committee.
11. So as to ensure uniformity in the marking system all Judges will be provided with a scoring guideline.

## G. JUDGES

The Moot Steering Committee will be responsible for selecting the Judges for the Competition.

## H. MISCELLANEOUS

### A. Language:

The official and only language of the Competition is English.

### B. Access to Score Sheets:

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At the end of Semi-Final Round each Participating Team that does not advance to the Finals will get access to its Score Sheets on request.

**C. Notification to the Competition Administrator:**

The submission of the Memorandum, queries, clarification and any other questions/requests must be submitted to [insolvency@nludelhi.ac.in](mailto:insolvency@nludelhi.ac.in).

**D. Notification to the Participating Team:**

If any one of the members of a Participating Team is notified or informed of any detail or information concerning the Competition, it will be deemed that the said Participating Team as a whole has been duly notified or informed.

**E. Accommodation:**

NLU Delhi will provide accommodation to all the Participating Teams only from 12 P.M., 7th April 2022 till 12 P.M., 10<sup>th</sup> April 2022. Accommodation may be provided on or off campus at the discretion of NLU Delhi. NLU Delhi will only provide accommodation to the members of the participating teams who have submitted their names during registration.

**F. Time:**

Any reference to time in the Competition Rules will be construed as a reference to Indian Standard Time.

**G. Dress Code:**

Members of Participating Teams should be dressed in formal dress for the duration of the Competition, including for the welcome address and the valedictory.

**H. Code of Conduct:**

Kindly refer to the document attached which provides the Code of Conduct to be followed by the Participating Teams.

## I. PRIZES

A. The tentative prizes in the form of certificates and trophies/shield to be awarded are as follows:

- i. **Winner**
- ii. **Runners Up**
- iii. **Best Speaker (Advanced Rounds)**
- iv. **Best Speaker (Preliminary Rounds)**
- v. **Best Memorial**

B. Participation certificate will be provided to all teams who successfully submit their memoranda.

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## J. CODE OF CONDUCT

During the entirety of the competition, the IIBMC OC expects you to:

- refrain from consuming intoxicating substances (alcohol and narcotics) in and around the campus premises.
- refrain from smoking in and around the campus premises.
- not cause physical hurt to anyone participating in the competition/campus residents.
- refrain from photographing others or procuring the photographs of others without their consent.
- be accountable for your actions and respectful of the personal space of those around you.
- We encourage you to refer to the ICC rules to modify/regulate your behavior accordingly. We strongly condemn either instances or even an attempt of sexual harassment, assault, molestation, rape, hurt, etc.
- Harassment in any form is strictly prohibited. Harassment includes inappropriate conduct, comment, display, action, or gesture, based on another person's sex, caste, color, race, religion, national origin, age, disability, sexual orientation, gender identity, and any other protected characteristics.
- Any kind of indulgence in any such activity would result in an immediate communication of the same to the Organizing Committee and other necessary authorities. Our role would be limited to requesting the indulgence of the concerned people so that they can take care of the situation thereon.
- If found in violation, you shall be immediately disbarred from participating in the competition.

## K. STANDARD OPERATING PROCEDURE FOR COVID 19 APPROPRIATE BEHAVIOUR

### At the Time of Arrival

1. Participants living in containment zone, shall not be permitted to come to the campus
2. Participants are requested to e-mail their COVID-19 vaccination certificates prior to arrival. Alternatively, an RT-PCR test done 48 hours prior to arrival shall be presented upon arrival.
3. Symptomatic participants shall not be allowed to enter the University Campus.

### General Health and Safety

1. Physical distancing of at least 6 feet is to be followed.
2. Respiratory etiquettes to be strictly followed. This involves strict practice of covering one's mouth and nose while coughing/sneezing with a tissue/hander kerchief/flexed elbow and disposing off used tissues properly.
3. There will be mandatory thermal screening at the main gate, all entry points of the Moot Court Hall, Academic Block and other buildings within the NLU Campus.
4. Sanitizer dispensers are installed in the campus premises to encourage hand hygiene.
5. All the participants are encouraged to regularly wash hands with soap and water for at least 40 seconds or clean them with alcohol-based sanitizer.
6. Face masks have to be worn in an appropriate manner within the NLU campus premises at all times.

7. Social distancing norms, usage of face masks or any other prescribed protection gear are to be followed in the meeting room, cafeteria, academic area, library, and hostel and on NLU campus as per the directions of the administration.
8. Participants are advised not to roam or sit in groups across the campus.
9. Spitting is strictly prohibited on the campus.
10. All participants are advised to self-monitor their health on a daily basis for any COVID 19 symptoms like developing fever, cough, flu-like symptoms, and breathing problems. Any symptoms shall be brought to the notice of the Organising Committee.
11. In the event one has symptoms, they are directed to self-isolate themselves.
12. The Organising Committee may refer the participant to the hospital/government healthcare facility as per the prevailing health protocol prescribed by Government of India/Government of NCT Delhi.