



INSTITUTE OF INSOLVENCY PROFESSIONALS
(Subsidiary of ICSI and Insolvency Professional Agency of IBBI)



XAVIER LAW SCHOOL
XIM UNIVERSITY

Presents

XAVIER
MOOT COURT
COMPETITION

**THEME: INSOLVENCY AND
BANKRUPTCY LAW**

March 6th-8th, 2025

In Collaboration with

**ICSI- INSTITUTE OF INSOLVENCY
PROFESSIONALS**



XMCC
2025

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XIM UNIVERSITY



The identity of XIM University is distinguished by its philosophy of 'Inspiring Futures' by nurturing and educating young minds and by not just walking the well-trodden path but striking out and exploring new paths. XIM University is driven by a resolute commitment to be a trailblazer in responding to societal needs and fostering the creation of sustainable communities, serving as a catalyst for change at the state and national levels. The university stands prominently in its mission to inspire future generations of students seeking excellent quality of higher education. Offering a comprehensive range of programs in Business Management, Human Resource Management, Rural Management, Sustainability Management, Law, Communications, Computer Science and Engineering, Economics, Commerce, Humanities, Compassion Studies, Human Settlement, and Governance, XIM University continually introduces new programs to groom visionary, competent, committed, compassionate, and value-based leaders. The university empowers students by imparting knowledge, skills, and a long-term vision that fuels innovation, societal service, and personal growth. Encouraging students to explore learning opportunities beyond the classroom through various Student Forums, XIM University's academic programs are designed around a "learning by doing" model. This approach fosters extensive interaction with all components of the university's ecosystem, serving as a catalyst for evolving leadership philosophy and resilient business practices. In addition to academic pursuits, co-curricular activities, sports, cultural events, and community engagement are integral aspects of student life. Upholding its vision of faith and spiritual inspiration, XIM University is dedicated to building a just and humane society. It actively supports the poor in their quest for justice, advocates for the rights of displaced persons, promotes compassion and ethics, and prioritizes environmental stewardship as a path to achieving global peace and sustainability





XAVIER LAW SCHOOL



Xavier Law School, recognized by the Bar Council of India, stands as a modern marvel with its outstanding infrastructure, encompassing physical, digital, and intellectual assets. Positioned as a premier new-generation law school, it is committed to providing comprehensive legal education. Nestled in the lush greenery of sub-urban Bhubaneswar, Xavier Law School aims to educate, train, and nurture exceptionally talented individuals into socially responsible legal professionals. The institution is dedicated to academic excellence, achieved through a steadfast commitment to rigorous teaching, scholarly research, and the innovative application of knowledge. As part of its innovative approach, Xavier Law School boasts a digitally enabled Moot Court Hall and a Legal Aid Clinic, along with access to top-tier e-resources such as SCC Online, Manupatra, Lexis Advance, and a comprehensive collection of legal classics, books, and journals, facilitating capacity building among students. Xavier Law School's state-of-the-art infrastructure and digitally enabled resources are geared towards providing a superior education. The institution also strives to make education accessible by offering scholarships to meritorious students, as well as those from Scheduled Tribes, Scheduled Castes, and economically backward/minority backgrounds, assisting them in meeting their educational expenses. In addition to its academic focus, Xavier Law School provides a diverse and enriching experience through various student committees, fostering leadership roles, collaboration with diverse peers, and building strong networks. Four active committees - Moot Court Committee, Legal Aid Committee, Alternate Dispute Resolution Committee, and Literary and Cultural Committee - contribute to the holistic development of students. Furthermore, the institution is committed to supporting students in building competencies for placement in various legal practices, including top-tier law firms, public sector undertakings (PSUs), corporations, chambers, and in-house positions. Xavier Law School goes the extra mile by offering dedicated assistance through training workshops, ensuring that students are well-prepared for successful careers in law.





MOOT COURT COMMITTEE



The Moot Court Committee at Xavier Law School is a vibrant hub for passionate law students eager to sharpen their advocacy skills, immerse themselves in simulated courtroom experiences, and engage in persuasive argumentation. Students are required to gain sufficient experience in moot court environments before entering an actual courtroom upon graduation. The moot court experience is designed to equip students with analytical, argumentative, observational, and drafting skills, providing exposure to litigation in various legal forums, both national and international.

Moot court serves as a simulation of actual courtroom proceedings, where teams of law students present their cases in front of a bench of judges in a simulated environment. Prior to the rounds, students research on a given problem, engaging in a comprehensive preparation process. It has conducted its inaugural National Moot Court Competition in collaboration with the National Human Rights Commission, 2022 and has also organized another National Moot Court Competition in collaboration with the Competition Commission of India, 2024 and also organized Intra-Semester Competitions i.e., Lex Regnum to facilitate practice mooting with experienced panels of judges. The institution also hosts workshops on mooting, fostering an inclusive mooting culture, and enhancing students' research skills in law.





XIM UNIVERSITY



PATRON-IN-CHIEF



FR. ANTONY R. UVARI, S.J.
VICE CHANCELLOR,
XIM UNIVERSITY

The Xavier Moot Court Competition 2024-25 is a testament to Xavier Law School's commitment to nurturing future leaders in the legal profession. This event, organized in collaboration with ICSI IIP, serves as a platform to engage with contemporary legal issues and develop practical skills essential for advocacy. I commend the organizers for their meticulous efforts and extend a warm welcome to all participants. May this competition inspire you to excel and contribute meaningfully to the legal fraternity.

PATRON

FR. S. ANTONY RAJ S.J.
REGISTRAR,
XIM UNIVERSITY



It is an honor for Xavier Law School, XIM University to host the Xavier Moot Court Competition 2024-25, in partnership with ICSI IIP. Moot court competitions exemplify the dynamic spirit of legal education, offering an invaluable opportunity for students to apply theoretical knowledge to practical scenarios. I congratulate the Moot Court Committee as best wishes. I also welcome all the participants to Xavier Moot Court Competition I wish everyone a memorable and enriching experience.



XAVIER LAW SCHOOL



DR. NARAYAN CHANDRA SARANGI
DEAN,
XAVIER LAW SCHOOL

As Dean of Xavier Law School, it gives me great pleasure to welcome all participants and stakeholders to the Xavier Moot Court Competition 2024-25, held in collaboration with ICSI IIP. This competition signifies the intersection of academic rigor and professional growth, embodying the spirit of legal education. I am confident that this event will foster intellectual engagement and prepare our students for the challenges of the legal profession. My sincere appreciation goes to the Moot Court Committee and our esteemed partners for their unwavering efforts in organizing this prestigious event.

DR. BIRANCHI NARAYAN PANDA,
FACULTY CONVENOR,
MOOT COURT COMMITTEE



Xavier Law School, XIM University presents the Xavier Moot Court Competition 2024-25 in collaboration with ICSI IIP. This competition fosters excellence, bridging academia with law and insolvency practice. Moot Court Competitions shape legal acumen, honing advocacy skills, critical thinking, and teamwork. Our collaboration reflects our commitment to excellence, providing a realistic and challenging environment for participants. I extend gratitude to participants, stakeholders, and the organizing team. The competition promises to be exciting and enriching, demonstrating knowledge, argumentation, and problem-solving skills.



ABOUT ICSI-IIP



INSTITUTE OF INSOLVENCY PROFESSIONALS
(Subsidiary of ICSI and Insolvency Professional Agency of IBBI)

The Institute of Company Secretaries of India (ICSI) has established the ICSI Institute of Insolvency Professionals (IIP) to promote excellence in insolvency practice. The IIP aims to develop and regulate the profession of insolvency professionals in India, in line with the Insolvency and Bankruptcy Code (IBC), 2016. The primary objectives of the ICSI IIP are to develop professional competence, regulate the profession, and promote excellence in insolvency practice.

The ICSI IIP offers various benefits to insolvency professionals, including enhanced professional competence, increased credibility, better career opportunities, and contribution to nation-building. By promoting excellence in insolvency practice, the ICSI IIP contributes to nation-building by helping to improve the ease of doing business in India.

Xavier Law School, XIM University, Bhubaneswar, in collaboration with the ICSI-IIP, proudly announces the 3rd Xavier Moot Court Competition 2024-25, centered on the theme of Insolvency and Bankruptcy Law. This prestigious event invites law schools from across India to participate, offering students a unique platform to enhance their academic knowledge, develop advocacy skills, and gain insights into this specialized field of law.

The competition aims to foster legal excellence and provide participants with an opportunity to interact with leading industry professionals and academicians. By engaging with contemporary issues in insolvency law, participants will sharpen their legal acumen and prepare for future roles as advocates, corporate advisors, and policymakers.



Message from ICSI-IIP Officials



CS Dhananjay Shukla
President,
The Institute of Company Secretaries of India

The Institute of Company Secretaries of India (ICSI) is proud to collaborate with Xavier Law School, XIM University, for the 3rd Xavier Moot Court Competition 2024-25, centered on the vital theme of Insolvency and Bankruptcy Law. This competition reflects the growing importance of corporate governance and financial accountability in today's legal landscape. By engaging with complex legal challenges, participants will gain valuable insights into insolvency frameworks, enhancing both their academic and professional capabilities. We commend Xavier Law School for fostering such a platform that prepares students to excel as future leaders in law and governance.



Dr. Prasant Sarangi
Managing Director,
ICSI Institute of Insolvency Professionals

The ICSI Institute of Insolvency Professionals (ICSI IIP) is delighted to partner with Xavier Law School, XIM University, for the 3rd Xavier Moot Court Competition 2024-25. Focused on Insolvency and Bankruptcy Law, this initiative offers students a unique platform to explore corporate restructuring while developing the essential skills for modern insolvency practice. We are proud to support this endeavor that contributes to the growth of future professionals in the evolving insolvency field.



CORE ORGANISING TEAM



Dr. Arun Sasi
Assistant Professor



Dr. Manisha Chakraborty
Assistant Professor



Dr. Zahid Parwez
Assistant Professor



Dr. Seemasmiti Pattjoshi
Assistant Professor



Fr. Benjamin Lakra
Assistant Professor



Dr. Sneha
Assistant Professor



MOOT COURT COMMITTEE



Rishita Srivastava
Joint-Convenor



Aditya Raj Jaiswal
Joint-Convenor



Arnav Singhal
Deputy Joint-Convenor



Sankalp Mohapatra
Deputy Joint-Convenor



Aayushi Arya
Secretary



Mukund Madhav Satpathy
Treasurer



Sarmista Senapati
Secretary

MEMBERS



Arobrata Das



Aditya Sharma



Deep Gagan Tirkey



Adityaraj Sahoo



Sahil Khetri



Zoyena Parwez



Sheeza Shahid



**Shambhavi
Surendra**



Srijani Mazumdar



Puspita Mitra



Soumita Karmakar



**Rudraksh
Vishwakarma**



Smruti Mohapatra



Ishika Rana



COMPETITION RULEBOOK



1. INTRODUCTION

1. Short Title

This shall be called the Rules for the Xavier Moot Court Competition 2025.

2. General Information

- The Competition is being conducted by Xavier Law School, XIM University, Bhubaneswar.
 - The Competition shall be held from 6th March to 8th March, 2025 physically/offline at Xavier Law School, XIM University, Bhubaneswar (New Campus).
 - The Xavier Moot Court Competition 2025 shall consist of the Preliminary Round, the Advanced Rounds and the Researcher's Test.
- a. Preliminary Oral Round:** - This round will be open to all teams who have successfully registered for the Competition. The Competition shall have one Preliminary Oral Round. Based on the merit of the score in the Preliminary Round, 8 teams shall qualify for the Advanced Rounds.
- b. Advanced Oral Rounds:** - The Advanced Oral Rounds shall consist of Quarter Final Round (8 teams), Semi-Final Round (4 teams), and the Final Round (2 teams).
- The Competition shall be conducted in accordance with the rules mentioned hereunder. Participants are required to adhere to the rules and guidelines prescribed herein

2. DEFINITION

- “**Administrator**” shall mean Xavier Law School, XIM University, Bhubaneswar.
- “**Bench**” means the members duly invited to adjudicate the Oral rounds, individually or collectively.
- “**Clarification**” means the procedural order (s) and/ or any explanation (s) published by the organizers concerning a query posed by any participating team in the competition within the given deadline.
- “**Competition**” denotes the Xavier Moot Court Competition, 2025 of Xavier Law School, XIM University, Bhubaneswar.
- “**Draws of Lots**” means the match-up between the teams in oral rounds to determine court-room fixtures.
- “**Identity**” means any fact pertaining to the identity of the Team, its members, or the Institution/College/University represented by the Team and the state or region where such Institution/College/University is located and includes any identification marks/seal of the Team



COMPETITION RULEBOOK



- “**Moot Proposition**” means the Moot Problem of the Competition released by the Organizers.
- “**Oral Submissions**” means the oral pleadings before the Bench.
- “**Organizers**” means the Moot Court Committee of the Xavier Law School, XIM University, Bhubaneswar.
- “**Participating Institution**” shall be presumed to be the parent institution of the participating teams.
- “**Participating Team**” means the team which is eligible to participate in the competition after completion of the registration procedure.

3. GENERAL RULES

1. Date & Venue of the Competition

- The Xavier Moot Court Competition 2025 shall be held from 6th March to 8th March, 2025 at Xavier Law School, XIM University (new campus), Plot No:12(A), Nijigada, Kurki, Harirajpur-752050, District-Puri, Odisha, India.

2. Team Eligibility

- All students duly enrolled and pursuing a full-time 3-years LL.B. program or a 5-years integrated LL.B. program from the Institution/University recognized by the Bar Council of India or equally competent authority shall be eligible to participate in the competition.
- Only one team from a particular college can register for participation.
- In case of any ambiguity, the Organizers reserve the right to decide thereto, which shall be final and binding

3. Team Composition

- Each team shall comprise a maximum number of three members (two speakers and one researcher) or a minimum number of two members (one speaker and one speaker-cum-researcher).

4. Official Language

- The official language of the competition shall be English, for written as well as oral submissions.



COMPETITION RULEBOOK



3.1. GENERAL RULES

5. Rules Regarding Registration

- Interested teams are required to register for the Competition by completing the Registration Form. Registration shall not be accepted through any means other than the Registration Form.
- The link to the registration form is provided here.

<https://forms.gle/y929xshoCPEarmKu8>

- The teams must also mention the email ID of either the respective committee or the head/dean of their institution in the Registration Form. The deadline for registration is 19th February 2025 (11:59 P.M. IST).
- Prior payment of INR 5000/- (Five Thousand Only) as Registration Fees, per team is required to fill the Registration Form. The registration fee shall be inclusive of accommodation and food.
- The confirmation of Registration for the competition will be notified to the teams by the organizers after the completion and verification of all the registration formalities.
- Thereafter, the teams will be provided with a Team Code. At any stage of the competition, a team must be identified only by the allotted team code. All team members must refrain from disclosing the identity of their institution at any time in any manner during their participation in the competition. Non-compliance with this rule shall lead to severe penalty or disqualification, as determined by the Organizers.

ii. Payment of Registration Fee:

- All the teams shall be required to make a payment of INR 5000/- (Five Thousand only) via Bank Transfer before 19th February, 2025 (11:59 P.M. IST) to register for the Competition.
- Pay online using our secure payment gateway: <https://rzp.io/rzp/JwjaVnG>



COMPETITION RULEBOOK



3.2. GENERAL RULES

iii. In the Registration Form, the participating team shall indicate which member shall be an official point of contact for the organizers and such person shall be responsible for all official communication between the Organizers and the participating team.

iv. **The attachments of the Registration form shall contain the following:**

Scanned copy or screenshot of the Receipt generated on completion of the electronic transfer of registration fee showing successful transfer in the name of the beneficiary.

Scanned copies of the Bonafide Certificate issued by the Institution of the participating team with the signature of the Dean/Head of the Institution and seal of the Institution.

v. In the event a team notifies the Organizers of its withdrawal or absence from participation in the competition, such team **SHALL NOT** be entitled to the refund of the registration fee or any amount which has been paid in the registration process.

vi. Submissions of incomplete forms and/or registration via email will not amount to successful registration and shall not be considered. In any such event, the decisions of the organizers regarding the mode of submission in such cases shall be final.

6. Allotment of Team Code

i. After successful registration, each team shall be allotted a Team Code, which shall be communicated to them via email of the Point of Contact.

ii. Teams are required to use the Team Code in their memorials and oral submissions to identify themselves.

iii. Revealing personal identification details in written or oral submissions is strictly prohibited at any stage of the competition. Any such disclosure may result in the immediate disqualification of the team from the competition.

7. Dress Code

i. Participants shall be in advocate's attire throughout the conduct of the Competition (Inaugural Ceremony, Oral Rounds, Valedictory Ceremony and Prize Distribution) in the manner provided below:

a. **For Men-** Formals (White formal shirt with black formal trousers, black tie, a black blazer and formal black shoes); and

b. **For Women-** Formals (White formal shirt with black formal trousers/skirt, a black blazer and formal black shoes)



COMPETITION RULEBOOK



4. CLARIFICATION

- i. The teams seeking clarifications regarding the moot problem shall send in their queries through email to: mcc@xim.edu.in on or before 22nd February 2025, 11:59 P.M. IST. The subject of the clarification email must be “Seeking Clarification – XMCC 2025”.
- ii. No requests for any clarification shall be entertained post this deadline unless, the Organizers deem it appropriate to address any such query.
- iii. All clarifications will be released by 27th February 2025 and shall be released via email for the perusal of all teams.
- iv. In case of any delay or change in the responses to the clarifications, the Organizers shall inform the team member who is the official point of contact.
- v. No queries regarding the moot problem shall be addressed by any organizing member or student volunteer personally.

5. MEMORIAL AND MARKING EVALUATION

I. Strict adherence to the Rules:

The Teams are expected to strictly adhere to the rules regarding the submission of Memorials. Non-adherence to the same will attract penalties as provided under the Rules.

II. Memorials to be submitted from both sides:

Each team must prepare Memorials for both sides of the dispute.

<https://forms.gle/sFitYr27qLZRhYRd8>

III. General Conditions for Memorial:

The Memorial shall not contain any form of identification apart from the Team Code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the Memorial, it shall result in instant disqualification of the participating team.



COMPETITION RULEBOOK



4. Specific Guidelines for Memorial Submission:

- The Memorial has to be submitted in both soft copy and hard copy.
- The teams shall submit the soft copy of the Memorial, in “pdf” form only on or before 3rd March 2025 by 11:59 P.M. IST through the Google Form which will be sent to each team. Each Team has to send 2 (two) separate pdf file attachments, one attachment containing the written submissions from each side.
- The name of the Memorial should be according to the Team Code and the side for which the Written Submission is prepared. The Team Code must be ascribed on the top right corner of the cover page and succeeded by the first letter of the side for which the Memorial is prepared, i.e., TC (team code) A or TC (team code) R.
- Teams appearing for Oral Rounds must submit 4 (four) hard copies of memorials, i.e., 2 (two) hard copies of the memorial for each side, at the time of reporting the venue of the Competition.
- Registration for the Oral Rounds shall be deemed complete only on submission of the 4 (four) hardcopies of Memorials on 5th March 2025 at the Competition venue.

5. Guidelines for Formatting

i. Memorial Structure:

The Memorial must contain the following contents in the order as stated below:

- **Cover Page:** The Cover Page must be **BLUE** for Appellant and **RED** for Respondent. A penalty of 1 (One) mark per side shall be levied in case the team uses the wrong cover page in their Memorial.

The Cover Page of the Memorial must contain the following information:

- (a) The ‘Team Code’ in the top right corner.
- (b) The ‘Name’ and ‘Year’ of the Competition.
- (c) The name of the Case (Case Title).
- (d) The ‘Side’ for which the Memorial has been prepared.
- (e) The name of the ‘Forum’ resolving the dispute.

- **List of Abbreviations.**
- **Index of Authorities:** The Index of Authorities must list all the authorities cited in the memorial.



COMPETITION RULEBOOK



- **Statement of Jurisdiction;**
- **Statement of Facts:** The Statement of Facts must contain a concise statement of the relevant facts to the dispute. As far as may be, the Statement of Facts should be limited to the stipulated facts and legitimate inferences which can be drawn from those facts. Argumentative facts are prohibited.
- **Issues Raised;**
- **Summary of Arguments:** The summary of arguments should contain a summary of the substance of the arguments, and should not merely be the production of the various headings and sub-headings of arguments.
- **Pleadings/Arguments Advanced:** All legal arguments must be limited to the Pleadings/Arguments Advanced section of the Memorial.
- **Prayer:** The Prayer shall not exceed 1 page.

ii. Team Code:

The Team Code must be ascribed to the top right corner of the cover page.

iii. Margin:

The Memorial must maintain an equal margin of 1 inch on all sides.

iv. Basic compliance for Memorial:

The Memorial (including the preliminary pages and excluding the cover page) shall adhere to the following mandatory specifications:

- Paper size: A4
- Font type: Times New Roman
- Font size: 12,
- Line spacing: 1.5,
- Text alignment: Justified.

v. Plagiarism

The written submissions in the memorials will not be plagiarized. A similarity index of more than 20% considering the standard exclusions, is not acceptable.

6. Marking criteria for the Memorial(s) submitted by the Teams:

Memorial from each side shall carry a total of 100 marks. The written submissions shall be marked on the parameters which are laid down as under:



COMPETITION RULEBOOK



| Sr. No | MARKING CRITERIA | MARKS |
|--------|---------------------------------|------------|
| 1. | Evidence of Original Thought | 25 |
| 2. | Knowledge of Law and Facts | 25 |
| 3. | Proper and Articulate Analysis | 10 |
| 4. | Structure, Language and Grammar | 10 |
| 5. | Extent and Use of Research | 20 |
| 6. | Correct Format and Citation | 10 |
| | TOTAL | 100 |

7. Compendium

i. All relevant case laws, statutory material, and other evidence based on which the participants will present and substantiate their arguments may be submitted in the form of a 'Compendium'.

ii. 1 (one) hard copy of the 'Compendium' shall be submitted along with the hard copies of the memorials on 5th March, 2025 during the time of registration at the venue.

[Note: Submission of 'Compendium' is at the discretion of the teams, the same is not mandatory to be submitted by all the participating teams.]

iii. Participants shall ensure that anonymity is not violated while passing on any material to the Bench. If any mark, name, seal, symbol or logo of their institution/college/university is present, participants must ensure that the same is rendered unrecognizable.

8. Exchange of Memorials

i. The Exchange of Memorial for the Preliminary Round will be on 6th March, 2025. The memorial exchange for the advanced rounds of the Competition shall take place prior to the commencement of the advanced rounds (Quarter-Finals, Semi Finals, and Finals) wherein hardcopies of the respective memorials shall be provided.



COMPETITION RULEBOOK



ii. Teams are prohibited from making any remarks on the opponent's Memorial, i.e. the exchanged memorial. Teams are also prohibited from making any copies of the opponent's Memorial, electronically or otherwise.

6. RESEARCHER'S TEST

- i. The Researcher's Test for the Competition will be conducted on 6th March, 2025.
- ii. The Researcher's test will be conducted in offline mode. The venue for the test shall be the same as the venue of the competition, i.e., Xavier Law School, XIM University, Bhubaneswar.
- iii. It shall be a test of 100 marks. It is mandatory for the Researcher of each participating team to give the Researcher's Test. If any team fails to appear for the researcher's test, they shall be awarded with zero marks.

7. ORAL SUBMISSIONS AND MARKING EVALUATION

i. General Rules:

- Teams are not permitted to raise issues in the Oral Rounds that have not been submitted in the Written Submissions.
- The language to be used during the Oral Pleading Rounds shall only be English.
- The use of mobile phones, laptops, or any other electronic gadgets is strictly prohibited during the Oral Rounds, subject to the discretion of the judges.
- Participants may use their own bare acts, print outs and commentaries provided that anonymity is not violated during the Rounds.
- The Researcher shall not be permitted to address the Court during the Oral Rounds.
- The Researcher shall not be permitted to pass notes to the Speakers at any stage of the Competition.
- Teams are prohibited from communicating among themselves during the Oral Rounds in any form or manner.
- The decision of the Judges as to the marks allotted to each team shall be final and binding.



COMPETITION RULEBOOK



2. Structure of Rounds:

i. The Competition shall consist of the following rounds:

Preliminary Round; and

Advanced Rounds including the Quarter-Finals; Semi-Finals; and the Final Round.

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

Appellant Speaker 1

Appellant Speaker 2 ;

Respondent Speaker 1;

Respondent Speaker 2;

Rebuttal: Appellant - Any one of the two Speakers; and Sur-rebuttal: Respondent - Any one of the two Speakers.

3. Time Division between Speakers

Teams shall notify the Court clerks of the division of time between the 2 Speakers, including time reserved for Rebuttal & Sur-rebuttal) 10 minutes prior to the commencement of the Rounds.

Teams exceeding the time limit for the oral rounds shall be awarded with a deduction of 2 (two) marks every minute.

4. Preliminary Rounds

There shall be one Preliminary Round, open for all the participating teams. Each team shall argue once from either side, i.e., Appellant or Respondent, which shall be decided by way of draw of lots to be conducted by the Organizers.

The qualification of the participating teams to the Advanced Rounds shall be determined based on the scores of the Preliminary Round. In the event of a tie, the scores obtained for the Memorial of each participating team shall be considered to determine the qualification of the teams to the Advanced Rounds.

In the event of the tie subsisting, the Organizers shall have the authority to decide the same which shall be final and binding. Best Speaker shall be determined based on the individual score of the Speakers in the Preliminary Round.

5. Advanced Rounds

Every Team shall argue once in each of the Advanced Rounds. The side to be argued shall be determined on the basis of Draw of Lots after the declaration of the results of Preliminary Round.

The qualification of the teams to the subsequent rounds shall be on a knock-out basis for each of the Advanced Rounds.

In the event of a tie, the scores obtained for the Memorial of each participating team shall be considered to determine the qualification of the teams to the Advanced Rounds.

In the event of the tie subsisting, the Organizers shall have the authority to decide the same which shall be final and binding.

Best Speaker shall be determined based on the individual score of the Speakers in the Preliminary Round.



COMPETITION RULEBOOK



A) Quarter-Finals:

The top 8 (eight) teams of the Preliminary Rounds shall qualify for the Quarter-Final rounds. The Quarter-Final round shall be a knock-out round.

The teams shall be required to plead only once, either from the side of the Appellant or the Respondent, as the case may be. The team with the higher score of each courtroom fixture i.e., a total of 4 (four) teams, shall proceed to the Semi-Final Round.

B) Semi-Finals:

The 4 (four) Teams from the Quarter Final Round shall qualify for the Semi-Final Round. It shall be a knockout round. The teams shall be required to plead only once, either from the side of the Appellant or the Respondent, as the case may be. The team with the higher score of each courtroom fixture i.e., a total of 2 (two) teams, shall proceed to the Final Round.

6. Marking criteria for Oral Submissions/Arguments

Oral Submissions/Arguments from each side shall carry a total of 100 marks. The following will be the marking criteria for the oral arguments/pleadings for the Speakers:

| S. NO. | MARKING CRITERIA | MARKS ALLOTTED |
|--------|--|----------------|
| 1. | Appreciation and application of facts | 10 |
| 2. | Application of legal principles | 10 |
| 3. | Use of authorities and precedents | 10 |
| 4. | Presentation skills | 10 |
| 5. | Clarity of thoughts and structure of arguments | 10 |
| 6. | Poise and demeanour | 10 |
| 7. | Court Mannerism | 10 |
| 8. | Strategy & Time Management | 10 |
| 9. | Knowledge of laws | 10 |
| 10. | Response to Forum questions | 10 |
| | TOTAL | 100 |



COMPETITION RULEBOOK



8. DELAY IN APPEARENCE / PRESENTATION

If a team scheduled to participate in the oral submissions of an Oral Round does not appear for 10 minutes after the scheduled time of commencement of the Oral Round, the other team shall have to make oral submissions ex-parte.

9. SCOUTING

- i. Scouting is strictly prohibited. Teams shall not be allowed to observe the oral rounds of another team, unless they have been officially knocked-out of the competition.
- ii. Scouting by any team shall entail instant disqualification.

10. ACCOMODATION AND FOOD

- i. Accommodation shall be provided by the Organizers to the designated category of Participants of each team for the three nights and three days of the competition, i.e. from the morning of 5th March 2025 to the afternoon of 8th March 2025. Any changes in this rule will be duly notified.
- ii. Accommodation shall be provided on a sharing basis, and no independent accommodation will be made available.
- iii. All facilities shall be provided only to the registered members of a team and no additional members, parents, observers, coaches or faculty advisors shall be accommodated at any cost.
- iv. The Organizers shall arrange Breakfast, Lunch, and Dinner only for 3 days of the competition, i.e., 6th to 8th March 2025 for all participants, as applicable.

11. MISCELLANEOUS

1. General Etiquette

- Teams are expected to behave in a dignified manner and not to cause any inconvenience to the Administrators, Organizers, the Judges and any of the other participants to the Competition.
- The Organizers reserve the right to take appropriate action for any unethical, unprofessional or immoral conduct.
- The Rules shall be strictly adhered to. The Organizers, reserve the right to disqualify Team(s) for deviating from these Rules. The Organizers will resolve any contingencies that may arise and will be the final arbitrators regarding any doubts/grievances. The decision taken by the Organizers shall be final. These Rules are not exhaustive.



COMPETITION RULEBOOK



2. Interpretation of Rules & Regulations

- All interpretations in case of any ambiguity, as well as any waivers, consents or other decisions in the administration of the Competition, are at the complete discretion of the Organizers.
- The Organizers reserve the right to amend, change or delete any rules and regulations of the Competition at any stage as it deems appropriate. Any decision made by the Organizers shall be final and binding on all participating teams.



TIMELINE



20th January 2025

Commencement of
Registration

19th February 2025

Last Date of
Registration

22nd February 2025

Last date of
Clarification

27th February 2025

Release of
Clarification

3rd March 2025

Last date for
submission of Memorials.
(Soft copy)

5th March 2025

Last Date for
submission of
Memorials (Hard copy)

6th March 2025

Researcher's
Test

6th March 2025

Preliminary Round

7th March 2025

Quarter Final
Round

7th March 2025

Semi-Final
Round

8th March 2025

Final Round
and
Valedictory



**ACCOMMODATIONS PROVIDED FROM 5TH MORNING
TILL 8TH AFTERNOON**



PRIZES & AWARDS CATEGORY



- Trophies will be awarded for the following categories:*



WINNER

Cash Prize of INR 50,000/- (Fifty Thousand Only)



RUNNERS UP

Cash Prize of INR 30,000/- (Thirty Thousand Only)



BEST MEMORIAL

Cash Prize of INR 10,000/- (Ten Thousand Only)



BEST RESEARCHER

Cash Prize of INR 5,000/- (Five Thousand Only)



BEST MOOTER

Cash Prize of INR 5,000/- (Five Thousand Only)

**Certificate of Participation shall be provided to all the participants along with other exciting prizes*

**Best Advocate will be based on performance of the participants in the Preliminary Rounds.*



Other PRIZES & AWARDS



Legal Technology Partner



Benefits & Prizes:-Exclusive Access: All participants gain 1-month free access to the Insolvency & Bankruptcy Module, a valuable resource for your legal research and preparation.

Books for Winners and Runners-Up: For each team member of the winners and runners-up team, we will provide our Bare Act on the Insolvency & Bankruptcy Law and Company Law by G.K Kapoor

Knowledge Partner



Awards for Winners

- **Winning Team:** One free Manupatra Academy course of choice.
- **Runner-up Team:** 75% discount on any one Manupatra Academy course.
- **Second Runner-up Team:** 50% discount on any one Manupatra Academy course.
- **All Other Participants:** 15% discount on any one course from Manupatra Academy.



PAST EVENTS AND ACHIEVEMENTS



1ST NATIONAL HUMAN RIGHTS MOOT COURT COMPETITION, 2022

Xavier Law School, XIM University, proudly hosted the 1st National Human Rights Moot Court Competition from December 16-18, 2022. Conducted in collaboration with the National Human Rights Commission of India and the Chambers of Abhinav Mishra Advocates & Solicitors, this prestigious event brought together 17 teams from esteemed institutions across India. The competition featured a challenging hypothetical case focused on Human Rights, necessitating in-depth analysis and application of complex legal doctrines. Eminent judges provided expert feedback, elevating the academic standards of the event. The Valedictory Ceremony was graced by distinguished dignitaries, including Hon'ble Justice Shri Bijaya Krushna Patel. The event celebrated the achievements of winners and participants, underscoring our commitment to fostering academic excellence and professional development.



NATIONAL MOOT COURT COMPETITION, 2024 In collaboration with COMPETITION COMMISSION OF INDIA

The Xavier Law School, XIM University, Bhubaneswar, successfully hosted the National Moot Court Competition 2024 in collaboration with the Competition Commission of India (CCI) from February 16th to 18th. This event showcased the institution's dedication to fostering legal excellence and practical education, aiming to shape the next generation of legal leaders. With 26 teams from prestigious institutions, including nine National Law Universities (NLUs), participating, the competition provided an engaging platform for law students to enhance their advocacy, research, and analytical skills, centered around pressing issues in competition law. A distinguished panel of 40 judges, comprising seasoned legal practitioners and academics, provided insightful feedback and mentorship to participants. The event demonstrated the importance of academic-industry partnerships, underscoring the value of collaboration between Xavier Law School and the CCI, and sets a promising foundation for future partnerships aimed at advancing legal education and fostering excellence.

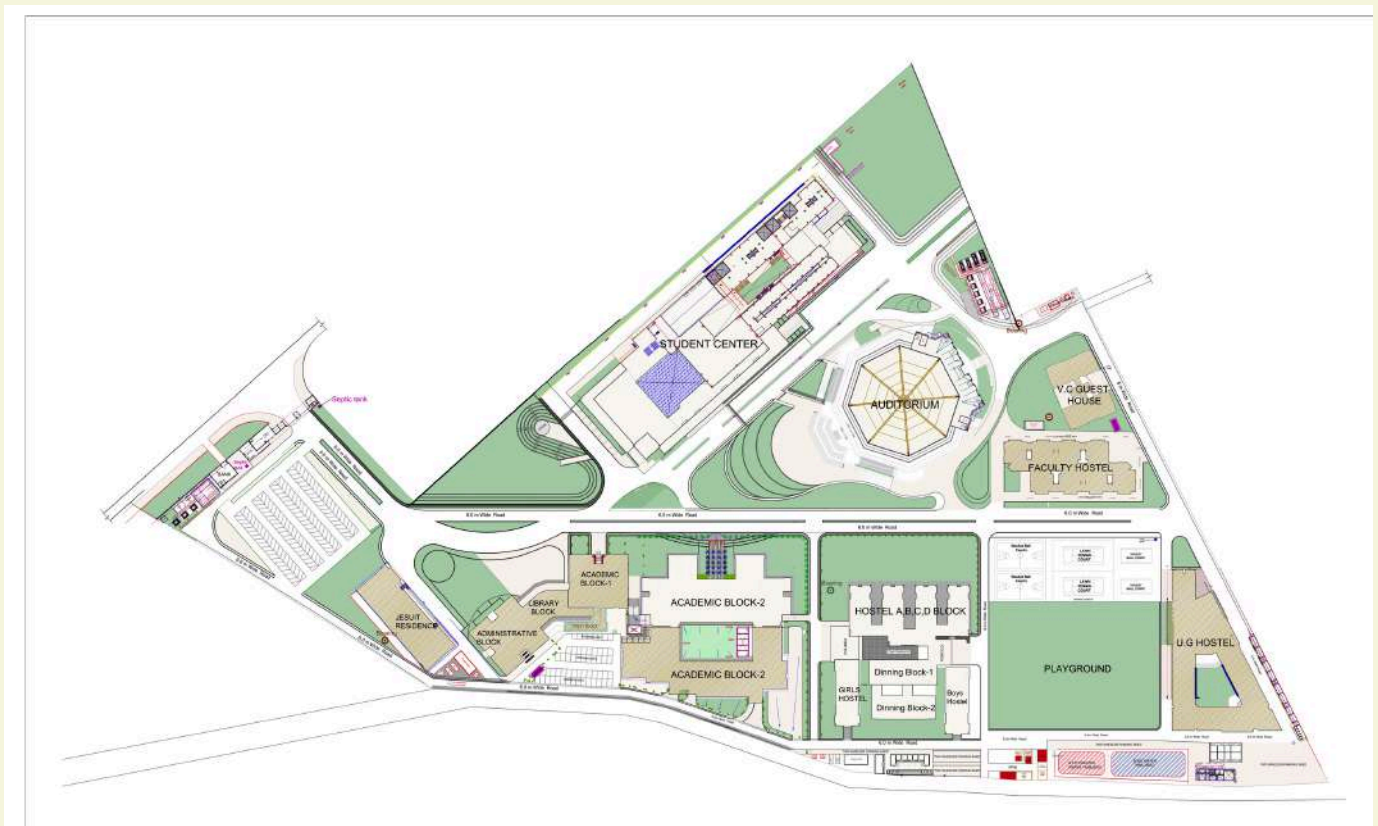


AMENITIES IN XIM UNIVERSITY



XIM University is a beacon of excellence in the realm of education and management in India. Renowned for our commitment to academic rigor, ethical values, and holistic development, XIM University stands as a premier institution in the country. The institute has consistently carved a niche for itself in the field of education, producing visionary leaders and professionals.

We believe in the principle of 'Cura Personalis' i.e 'care for the whole person', education for moral character, adaptability, word affirmation and faith that serves justice are all hallmarks of this philosophy. The emphasis on practical insights, industry exposure, and global perspectives through collaborations with renowned international institutions sets XIM University apart. The state-of-the-art campus fosters innovation and critical thinking, providing students with a conducive atmosphere for growth and exploration.





AMENITIES IN XIM UNIVERSITY



Canteens and Leisure:-

The University boasts canteens that transcend the conventional dining experience. The Ug Mess near the UG Residence, PG Mess near the PG Residence and the IC Mess in the IC Residence offer a diverse range of dining options and snacks. Also, the A la Carte` service, with a diverse menu catering to various tastes, is a culinary delight. Moreover, the vendors located directly behind the UG Residence provide for a quick refreshment with quick bites, hot and cold beverages. Kin & Ken, a café right behind the IC Residence, charms with its inviting ambiance, diverse menu, and a vibrant atmosphere, creating a delightful student hangout.

In Campus accommodation:-

With academic activities round-the-clock, students are required to live on the campus. There are separate Residences for gents and ladies, namely the UG Residence, The IC Residence and the PG residence. All rooms offer 24/7 Internet via Wi-Fi. Amenities in Residences encompass washing machines, water coolers, geysers and lifts. Also, the residence have a common hall namely the Multi-Purpose Hall for recreational purposes. Uninterrupted power supply is guaranteed during outages.

Medical and security Facilities:-

A dispensary is set up on the university campus. An ambulance is available for 24×7 for any emergency. Two fulltime nurses are available to help the residents for consulting any health concerns.

The gated campus has security guards to safeguard and to stop any unauthorized outsiders entering into the residences. CCTVs have been fixed in administrative building, Library building, academic building and students' residences to monitor any irregularities and anti-social elements.





AMENITIES IN XIM UNIVERSITY



Clean Campus:-

XIM University stands out for its impeccably clean campus, reflecting a commitment to environmental stewardship and student well-being. The pristine surroundings create a conducive learning environment, showcasing the institution's dedication to maintaining a hygienic and aesthetically pleasing space for all members of the academic community. The entire campus is a Zero Plastic Zone and dustbins have been implemented quite strategically, that are also segregated before disposal.

Eco space (First Open-Air Butterfly Garden):-

The open-air butterfly garden in the university is a captivating haven where nature and learning converge. Nestled amidst the lush campus, this enchanting space is meticulously designed to foster biodiversity and offer a unique educational experience. As students stroll through the garden, they encounter a kaleidoscope of butterflies, each contributing to the vibrant ecosystem.

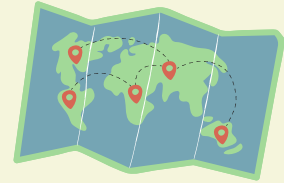
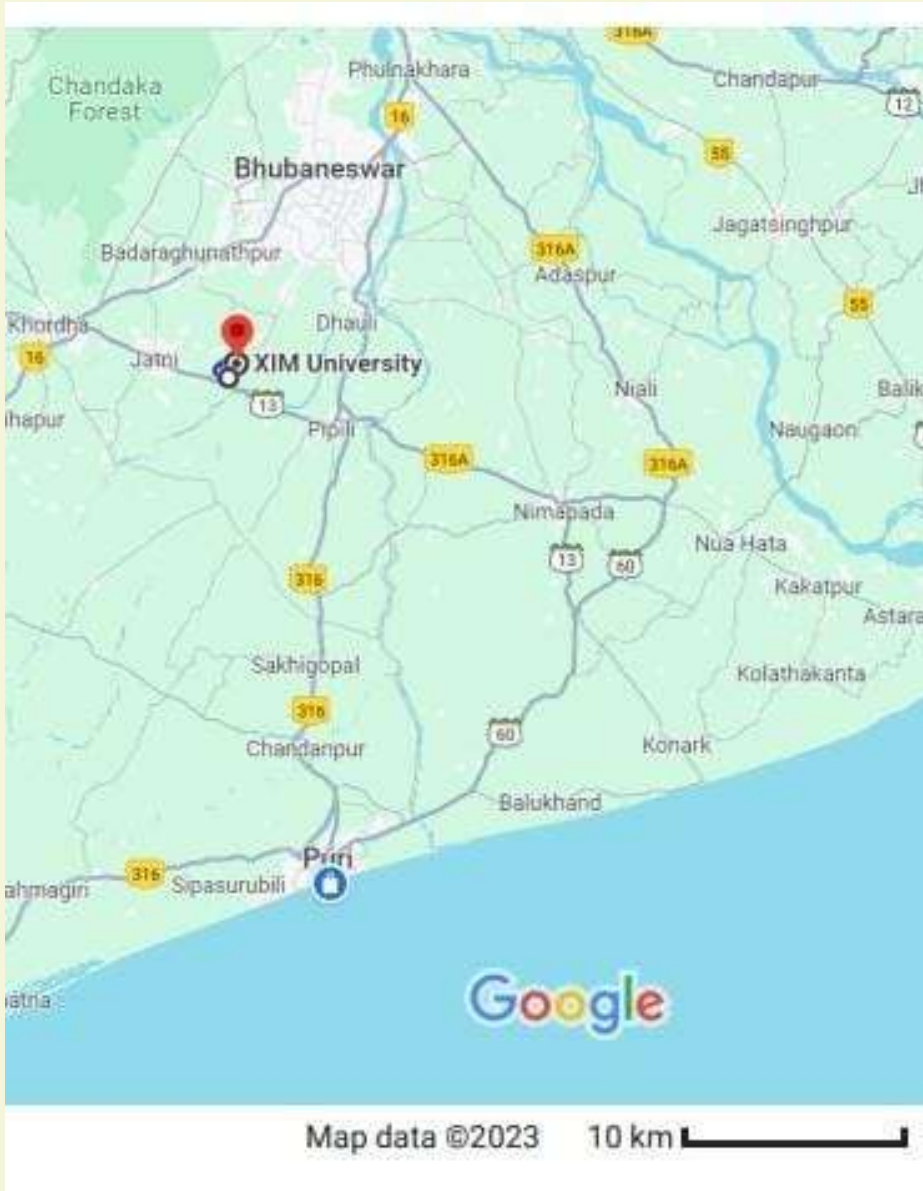
Sports and Fitness Facilities:-

XIM University readies students for the corporate world with top-notch sports facilities. Fitness enthusiasts can find body-mind balance in a well-equipped gym and jogging tracks. Popular sports like basketball, badminton, cricket, football, tennis, table tennis, and volleyball thrive on campus. The sports committee organizes regular events for physical relaxation and mental rejuvenation. In addition to sports, the Student Executive Council (SEC) initiates cultural and intellectual programs, adding a holistic dimension to student life.





AMENITIES IN XIM UNIVERSITY

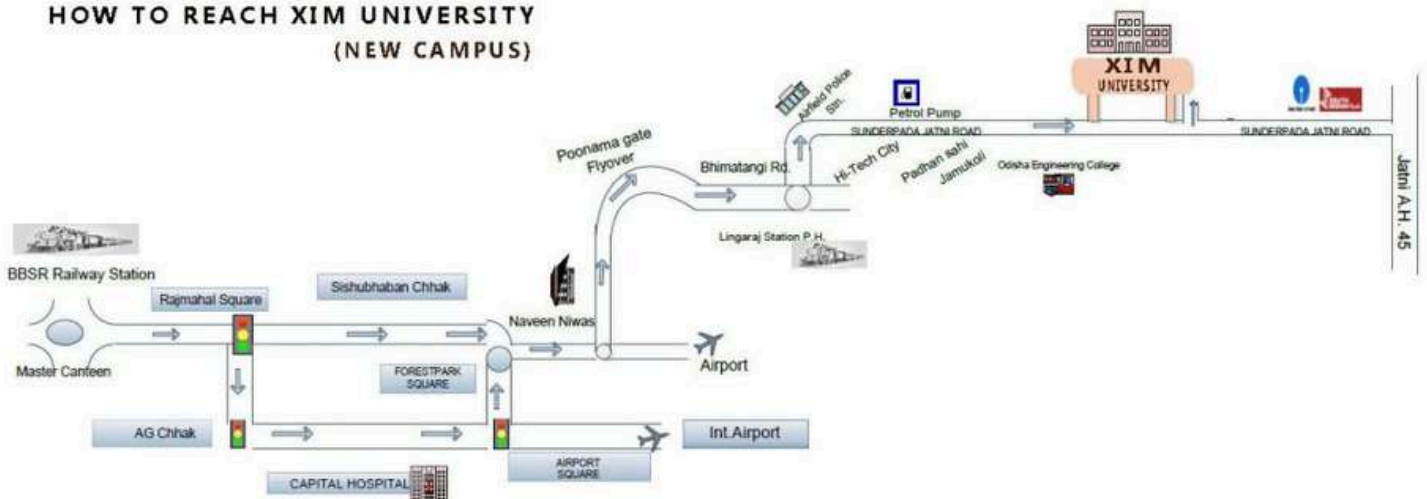


Nearest Airport : BBI (14kms)
Nearest Railway: BBS (16kms)

SCAN FOR MAP ROUTE FROM BIJU PATNAIK INTERNATIONAL AIRPORT TO XIM UNIVERSITY, BHUBANESWAR



HOW TO REACH XIM UNIVERSITY (NEW CAMPUS)



“ବନ୍ଦେ ଉତ୍କଳ ଜନନୀ!”

“I bow to the Mother Utkala”

Odisha, a state in eastern India, stands as a testament to rich cultural heritage, natural beauty, and resilience. The land of temples, Odisha boasts a plethora of architectural marvels, including the iconic Konark Sun Temple, a UNESCO World Heritage Site, and the Lingaraja Temple, showcasing the finesse of Kalinga architecture. The vibrant festivals like Rath Yatra, where the grand chariots carry deities through the streets of Puri, attract millions of devotees and tourists alike, fostering a sense of unity and celebration.

Odisha's diverse geography is a treasure trove of natural wonders. The pristine beaches of Puri and Gopalpur offer tranquility and breathtaking views of the Bay of Bengal. The dense forests of Simlipal National Park harbor a variety of wildlife, making it a haven for nature enthusiasts and wildlife photographers. The majestic Chilika Lake, Asia's largest brackish water lagoon, is a UNESCO-designated Ramsar site, serving as a crucial habitat for migratory birds.

Beyond its natural and architectural splendors, Odisha is known for its warm and hospitable people. The state's commitment to preserving its unique art forms, such as Odissi dance and Pattachitra painting, reflects a deep-seated cultural pride. Additionally, Odisha has made strides in economic development, education, and healthcare, showcasing its progressive outlook.

The state is known as the “City of Temples”, housing one of the bigger Chaar Dhams Known as the Jagannath Dham. The religious generosity it has add to this state a splendor and joyous acronyms to its name while culminating the spirituality it reflects.

Odisha, with its amalgamation of ancient traditions and modern aspirations, stands as a jewel in the tapestry of India, inviting visitors to explore its wonders and experience the warmth of its culture.





MOOT PROPOSITION



1.Brisk Pristine Manufacturing Private Limited (BPM Pvt. Ltd.) was established in 2002, under The Companies Act, 1956, with a registered office located in Southern Bombae, Scindia. The company was founded by Mr. Ajay Mehta and his sister, Miss Alisha Mehta, who served as the directors and promoters. Initially, BPM Pvt. Ltd. started with an authorised share capital of ₹50,00,00,000 and a dedicated team of 15 members, focusing on manufacturing high-quality products in the competitive market.

2.On July 1, 2009, BPM Pvt. Ltd. underwent a significant transformation by converting itself into a public company. This strategic move was accompanied by an increase in its share capital to 500 crores, reflecting the company's ambition to expand its operations and enhance its market presence. The conversion allowed BPM to access broader capital markets and attract more investors, positioning it for future growth.

3.The transition was made under the Companies Act, by filing an application for conversion with the Registrar of Companies (RoC) using Form INC-27. This application was accompanied by essential documentation, including revised versions of the Articles of Association (AoA) and Memorandum of Association (MoA), a copy of the special resolution approved by the shareholders, along with the notice and explanatory statement for the General Meeting where this resolution was adopted, and the minutes from that meeting.

4.Following its transition to a public company, BPM Public Limited, leveraged its enhanced capital structure to invest in advanced manufacturing technologies and expand its product offerings. The company focused on establishing a robust supply chain and enhancing operational efficiencies to meet the growing demands of its clientele.

5.Following its conversion to a public company, BPM Ltd. the company's shareholder composition now includes 200 preferential shareholders and 115 equity shareholders, reflecting a diverse investment base that supports its operational and strategic objectives. Registered with the Registrar of Companies (RoC) in Bombae, BPM Ltd. ensures compliance with regulatory requirements while positioning itself for further growth in the manufacturing sector. This transformation marks a significant milestone in the company's journey as it continues to expand its market presence and enhance shareholder's value.



MOOT PROPOSITION



6. The company for the purpose of furtherance of business and enhancement of the same the managing director in the name of the company has taken loan from Prosperity Housing Finance Limited ("PHFL") dated on 24/08/2013, by mortgaging the property located at Plot No. 7, Block-C, Sector 62, Bombae, Mahapur ("Secured Property") owned by the Respondent, Mr. Ajay Mehta, who has mortgaged it as security for a loan of INR 28,50,00,000/- (Twenty-Eight Crores Fifty Lakhs).

7. The factual backdrop of the present case in which Mr. Ajay Mehta, Managing Director of the company and also the personal guarantor in respect of credit facilities that had been availed from the PHFL.

8. As the Company did not pay its debts on time, the account of Ajay Mehta was classified as a Non-Performing Asset on 25.03.2014. Consequent thereto, the PHFL issued a notice dated 04.08.2015 demanding an outstanding amount of Rs. INR 31,85,07,621/- from the company within the statutory period of 60 days. As no payment was forthcoming, a possession notice under Section 13(4) of the SARFAESI Act was issued on 20.06.2019. This legal action aimed to recover the outstanding amount by taking symbolic possession of the mortgaged property.

9. Parallely, Brisk Pristine Ltd. faced significant legal challenges stemming from transactions with Roshan Steel concerning the supply of raw materials. While Roshan Steel successfully delivered the materials as per their agreement, Brisk Pristine Ltd. failed to make the requisite payments. This breach of contract led Roshan Steel to file a civil suit against Brisk Pristine Ltd., which is currently sub judice. Under Section 73 of the Indian Contract Act, 1872, Roshan Steel is seeking compensation for losses incurred due to this breach, asserting that the non-payment constitutes a clear violation of their contractual terms.

10. This case raises important questions about the enforceability of contractual obligations and the potential remedies available to Roshan Steel amidst Brisk Pristine Ltd.'s ongoing financial difficulties. The outcome of this civil suit could significantly impact Brisk Pristine Ltd.'s efforts for financial recovery and its overall corporate governance practices as it navigates multiple legal challenges.

11. Following the statutory provisions under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), Prosperity Housing Finance Limited (PHFL) assigned the loan account to Indus Asset Reconstruction Company Ltd. (IARCL) on July 5, 2014. This assignment was executed in accordance with the provisions that allow financial institutions to transfer their rights and obligations regarding non-performing assets to asset reconstruction companies, thereby enabling a more efficient recovery process.



MOOT PROPOSITION



12. Subsequently, on July 8, 2015, the District Magistrate of Gautam Buddh Nagar, Bombae passed an order under Section 14 of the SARFAESI Act, granting permission for the physical possession of the secured property. This order was a critical step in the enforcement of PHFL's security interest, allowing IARCL to take control of the property that had been mortgaged as collateral for the loan.

13. On March 9, 2016, Global Alliance Finance Ltd., a financial creditor to Brisk Pristine Ltd., filed an application under Section 95 of the Insolvency and Bankruptcy Code (IBC) before the National Company Law Tribunal (NCLT), Bombae Bench. This application initiated personal insolvency proceedings against Ajay Mehta, who is both the Managing Director of Brisk Pristine Ltd. and a personal guarantor for the loan. Invoking Section 95 signifies a critical juncture in the legal landscape surrounding Brisk Pristine Ltd., as it seeks to address its financial obligations amidst ongoing recovery actions from secured creditors.

14. On March 29, 2016, the Tahsildar executed the physical possession of the secured property, subsequently transferring custody to Indus Asset Reconstruction Company Ltd. (IARCL). Following this transfer, Ajay Mehta, dissatisfied with the actions taken regarding the physical possession of the secured property, filed an application (IA-1009/2016) before the National Company Law Tribunal (NCLT), Bomabe. In his application, he contested the legitimacy of IARCL's possession and sought restoration of possession of the secured property, arguing that his rights were being infringed upon.

15. In response to this application, the NCLT issued an ex-parte order on April 4, 2016, directing IARCL to restore possession of the secured property to the Resolution Professional appointed for the Corporate Insolvency Resolution Process (CIRP). This order was significant as it reinforced the Tribunal's authority to intervene in matters concerning possession during insolvency proceedings, ensuring that the interests of all stakeholders were adequately protected.

16. Subsequently, on August 6, 2016, the loan account was assigned to Sunrise Financial Reconstruction Ltd., further complicating the ownership and management of the secured asset.

17. Upon appeal, the National Company Law Appellate Tribunal (NCLAT) upheld the NCLT's order. The NCLAT ruled that the interim moratorium under Section 96 of the Insolvency and Bankruptcy Code (IBC), 2016, comprehensively applies to all debts of the Respondent, including those related to the mortgage of the secured property. This ruling underscored the protective measures afforded to debtors under the IBC during insolvency proceedings and emphasized that such protections extend to secured assets in light of ongoing financial distress.



MOOT PROPOSITION



18. Sunrise Financial Reconstruction Ltd. further filed a statutory appeal before the Supreme Court of India arising from the judgment dated 20.08.2018, passed by NCLAT in Company Appeal which raises significant question about the interplay between IBC, 2016 and SARFAESI.

In the above matter the following issues were raised:

- I. Whether the scope and nature of moratorium under Section 14 of the IBC (applicable to corporate insolvency) is materially different from the interim moratorium under Section 96 (applicable to personal guarantors), particularly in relation to secured assets?
- II. Whether the interim moratorium under Section 96 of the IBC applies to secured assets where symbolic possession has already been taken under the SARFAESI Act prior to the commencement of insolvency proceedings?
- III. Whether private measures taken by secured creditors under Section 13 of the SARFAESI Act without court intervention constitute "legal action or proceedings" under Section 96(1)(b) of the IBC?
- IV. Whether Section 96 of the IBC, which places a moratorium on debts, can be interpreted to include a moratorium on enforcement actions against secured assets?

Additional Issue:

Whether the distinction between symbolic and physical possession is relevant for the purposes of Section 96 of the IBC, and whether obtaining physical possession after symbolic possession is merely a ministerial act?

Note: - All characters and entities in this moot problem are fictional. Any resemblance to real persons or entities is purely coincidental.

Assumptions

- 1) The timeline of events and proceedings mentioned in the proposition are accurate and binding.
- 2) All notices and procedural requirements under the SARFAESI Act were duly complied with.
- 3) The validity of the loan assignment to the Appellant is not in dispute.
- 4) The interim moratorium under Section 96 of IBC commenced from 07.01.2021.



PARTNERS

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