

National Moot Court Competition

4th & 5th May, 2024

THEME: Competition Law



3rd Edition of Juris-Prudence'24 is dedicated to the memory of Hon'ble **Jurist Fali Sam Nariman** (1929-2024), who embarked on a career that would redefine Indian jurisprudence



ORGANIZING COMMITTEE

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Mr. Ajay Goyal, Chancellor

Patron

Mr. Shobhit Goyal, Vice Chairman

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Prof. (Dr.) Vivek Kumar
Vice Chancellor, Quantum University

Co-Chair

Prof. (Dr.) Manish Srivastava
Director, Quantum School of Business

Convener

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Student Coordinators

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About Quantum University

Quantum University, situated in the scenic town of Roorkee, Uttarakhand, is a distinguished Private University in North India. With its corporate office in Dehradun, Quantum University redefines the learning experience by integrating students' aspirations and passions. The institution fosters a unique interdisciplinary environment, allowing students to combine fields such as computer science with economics, agriculture with entrepreneurship, or pursue an MBA with a focus on cyber security. Quantum University encourages exploration across hundreds of such distinctive combinations while providing opportunities for pursuing individual passions in areas like Theatre, Sports, Music, Dance, Photography, and more.

About School of Law

Within Quantum University, the School of Law stands out as a premier institution offering Integrated Law Courses with various specializations. Distinguished by well-equipped classrooms, state-of-the-art infrastructure, and a fully-functional library, the Quantum School of Law maintains a Moot Court that adheres to the standards set by the Bar Council of India. The institution's innovative pedagogy promotes independent learning through unconventional teaching methods and practical work experiences. The faculty at the School of Law comprises experts from academia and law firms, dedicated to producing exceptional future Law Experts. Students benefit from regular experiential learning and hands-on training, cultivating a deeper understanding of complex legal issues and the skills to provide solutions.

About the Event

In a notable upcoming event, the Quantum School of Law is organizing its 3rd edition of the National Moot Court Competition 2024 on Competition Law, scheduled to take place on 4th & 5th May, 2024, at Quantum University. Led by the conveners of the Moot Court Society, the competition aims to provide students with practical insights into the legal field, fostering the development of interpersonal and advocacy skills. Participation in Moot Court Competitions enhances students' research and oratory skills, preparing them for the challenges of a courtroom. The Convener of the competition, Dr. Ira Rana, is supported by faculty conveners Mr. Arjun Bhardwaj, and Mr. Harshavardhan, serving as the competition's faculty advisor. The student members include Ms. Juveriya Kazmi, Mr. Naman Srivastava, Mr. Tushar Priyadarshi and Mr. Ankit Kr. Rahul.

Eligibility

Eligibility for the competition extends to students currently enrolled in LLB and LLM courses in India. Each institution may be represented by one team, consisting of a minimum of two students and a maximum of three students, including two speakers and one researcher

Location

Quantum School of Law Quantum University 22Km Mile Stone, Mandawar, Roorkee Dehradun Highway (NH-73), Uttarakhand, India-247167.



Message from Chief Patron

Mr. Ajay Goyal, Chairman, Quantum University, Roorkee

I am happy to know that in keeping with the progressive feats achieved by Quantum School of Law, it is organizing JURIS- PRUDENCE'24, the 3rd edition of National Moot Court Competition on Competition Law. It's a platform that will help law students to showcase the art of rational arguments & help them harness their skills.

I wish JURISPRUDENCE'24 a great success and a great learning experience for all the stake holders.

Message from Patron

Mr. Shobhit Goyal, Vice Chairman, Quantum University, Roorkee

Life without law is anarchy. The constitutional framers while framing the constitution mentioned the critical importance of law on everyday lives of individuals. I firmly believe that law provides a safe haven to individuals. Law teaches discipline to society as whole. Who knows law best than a lawyer? Quantum School of Law with its advanced tailor-made courses focuses on making students equipped with all the necessary tools which can be used as a weapon as and when required to defend the needy. The 3rd edition of National Moot Court Competition, 2024 on Competition Law would be a great stage where students would be learning the true meaning of being an advocate. The main agenda of this competition is to generate a sense of responsibility in young professionals, to carve their thoughts, and to channelize their positive energy into the sole goal of being socially responsible adults.

Message from Chair Person

Dr. Vivek Kumar, Vice Chancellor, Quantum University, Roorkee

The Quantum family believes in carving students into individuals with an edge. We march towards the same goal by dedicating our time, energy, & effort. We encourage all and every kind of experimental, holistic, and integrated teaching and learning process. Quantum family now has an energetic law branch. Quantum Law School focuses on helping the individuals to know their own rights and teach the same to the society at large. They not only focus on the academic schedule but are more focused on the inbuilt strengths of individuals, and provide them with appropriate opportunities to display their individual skills and talents. Moot court competition is the king of king's competition and an essential co-curricular activity where students would be learning by experimenting their argumentative skills.



Message from Co-Chair

Dr. Manish Srivastava, Dean Faculty of Business & Management

It would be my humble privilege to invite law students across the nation to participate in the 3rd edition of National Moot Court Competition, 2024 on Competition Law organized by Quantum School of Law. I firmly believe that the students would be turned into true professionals if they are exposed to the idea of research and analysis. A true advocate is the one who have the ability to read in between the lines, and who can conceptualize the black and white words of law with an intention to deliver justice. I hope all the participants to this prestigious event would be sharing their knowledge on various subject matters and would uphold the true spirit of law. I wish all the participants all the best; I wish this. competition would bring in a lot of positivity and a new sensible approach towards legal education.

Message from Convener

Dr. Ira Rana, Assistant Professor, Quantum School of Law

It gives us immense pleasure to invite your esteemed institution to participate in the 3rd edition of National Moot Court Competition, 2024 on Competition Law. We believe in the idea of articulation of skill and powerful display of judgment. I believe that mooting exercise would let the individuals mind run free and would improve critical reasoning. I personally believe that every law student should speak freely, frankly and fearlessly, and what best activity can be conducted to develop the moral other than moot court. I hope that participants are going to benefit a lot from this moot court competition by getting to know all the ups and downs of research, and to know and understand how to be a lawyer with an edge.

Registration Procedure

Online Registration Form: Interested teams are required to register by mailing a scanned copy of the duly filled Registration Form at:

mootcourtsociety@quantumeducation.in

Online Registration Form: https://forms.gle/KwtQvWaG9nxLSD1x7

Subject of the mail: "Registration for Moot 2024" The last date for registration is 2nd April, 2024

Fee Details: All teams shall be required to make a payment of INR 2000 (without

accommodation) and Rs. 3000/- (with accommodation).

The wire transfer/NEFT must be made to:

Name of Account: Quantum University

Name of Bank : HDFC Bank Ltd., Clock Tower, Dehradun

Account No : 50200076398181

IFSC Code : HDFC0009291 (Read 5th,6th,7th letter as Zero)

Scan QR with any Bharat QR / UPI enabled APP to Pay QUANTUM UNIVERSITY DEHRAD TID: 62748540





Important Dates

Deadline for Registration with Fee	10 th April, 2024
Last Date of seeking clarifications based on the problem	12 th April, 2024
Deadline for submission of softcopies of memorials	20 th April, 2024
Deadline for submission of two sets of hardcopies of memorials	25 th April, 2024
Event 4 th and 5 th May, 2024	

Schedule of Events

On-Desk Registration	3 rd May, 2024
Inauguration	4 th May, 2024
Preliminary Rounds	4 th May, 2024
Researcher's Test	4 th May, 2024
Quarter Finals	4 th May, 2024
Semi-Finals, Final & Valedictory	5 th May, 2024

Accolades

- ❖ The Winning Team shall be awarded, Cash Prize of Rs. 11000/-and Cert of Merit.
- The Runner-Up Team shall be awarded Cash prize of Rs. 7000/- and Certificate of Merit.
- The Best Memorial shall be awarded Cash prize of Rs. 2000/- and Certificate of Merit
- The Best Speaker shall get Cash Prize of Rs. 2000 and Certificate of Merit. Best Speaker shall be evaluated on the bases of performance in preliminary rounds.
- $\ \, \ \, \ \, \ \,$ The The Best Researcher shall get Cash Prize of Rs. 2000 and Certificate of Merit.

All the members of the teams that entered into Quarter Final and Semi Final shall be awarded Certificates of Appreciation. All the members of the other participating teams shall be awarded Certificates of Participation.

Rules of the Competition

Language: The language of the Competition shall be English.

Eligibility Criteria:

Law schools/Colleges/Institutes/ Universities, recognized by the Bar Council of India, are eligible to participate. The participants should currently be pursuing their degree in law i.e., Three Year/Five Year Law/LLM Courses, Students who have completed their law courses are not eligible to participate in the competition.

Only one team can register from a particular law school/College/Institution/ University to participate. There shall be two speakers and one Researcher designated for each team. In case of illness of the designated speaker, the researcher may be allowed to argue for the team with prior permission of the Committee.



Registration:

The Participating team shall duly fill the Registration Form provided along with the ficial rules and send it along with a Registration fee of Rs. 2000/- (Rupees Two Thousand only) without accommodation and Rs. 3000/ with accommodation. The Registration fee shall be sent through Online Payment.

The last date for receiving the registration form with fee shall be 10th April, 2024.

The participants are required to submit one passport size photograph of each team member along with the registration form.

Each team shall be allotted a Team Code on the receipt of registration fee and form. The Draw of Lots for the Preliminary rounds shall be drawn by the QSL Debating Society on 4th May, 2024and the opponent memorial shall be mailed to the respective teams after Draw of lots. The name of the Institution shall not be disclosed at the time of submission of memorials. Any such disclosure shall lead to disqualification.

Written Submissions/Memorials

- All participating teams shall submit 6 sets of written memorials. The cover page of memorials for the Prosecution shall be in Blue and the Defense shall be in Red.
- The teams shall not indicate their names or the names of their college or the university on memorials. For all communications purposes, only the team code shall be specified.
- The team code allotted to all teams shall be indicated at top right corner of the memorial, which will be communicated by way of E-mail.
- All participating teams must submit a soft copy of their memorial in PDF format, for both sides by 11:59 PM. IST on or before 20th April, 2024. Hard copies must be exact prints of the soft copies. Non-compliance with this rule would entail negative marking which may also attract disqualification. Decision in this regard shall be taken by the Committee.

The written memorials shall conform to the set standards

Written memorials shall be printed on white A4 size paper with black ink and neatly bound. No plastic divider should be used in the memorials. 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, if any, must not be less than size 10.

Blue Book mode of citation (20th Edition) must be followed. Each page must have a margin of at least an inch on all sides. The Memorial should not exceed 25 typed pages (not including the Cover Page) and shall consist of the following parts:

- a) Cover Page
- b) Table of Contents
- c) List of Abbreviations
- d) Index of Authorities
- e) Statement of Jurisdiction
- f) Statement of Facts
- g) Issues Raised
- h) Summary of arguments
- I) Arguments Advanced (not Exceeding 15 pages)
- j) Prayer



Deduction of Marks

,	Deduction of Marks			
	S.N	Scheme of Deduction	Marks Deducted	
THE PERSON NAMED IN	1	Teams submitting soft copy after 11.59pm 20th April, 2024	1 mark for each delayed day	
	2	Non-compliance with the rules relating to font of body memorial and line spacing	0.5 mark for each page	
	3	The memorial exceeding 25 pages	1 mark for each page	
	4	Non-compliance with the Blue Book citation (20th edition).	0.25 mark for each page containing such violation	
	5	Submitted Hard Copies mismatch	1 mark deducted for each violation	

Evaluation Criteria for Oral Submission

Marking Criteria	Maximum Marks Allocated
Knowledge of Law & Facts	15
Grammar & Style of Presentation	10
Application of Law to Facts	20
Analysis and Organization	10
Use Authority	15
Proper Citation & Correct Format	10
Originality in Presenation	10
General Impression & Clarity of thought	10

Structure of Rounds

* Preliminary Rounds

There shall be two preliminary rounds on 4th May, 2024 and every team shall be given the opportunity to argue on each side. The Draw of Lots for the Preliminary rounds shall be drawn by the Committee on 4th May, 2024. Each team shall get a total of 30 minutes to present their case and shall include the time for 'rebuttal' and 'Sur-rebuttal. Any extension of time beyond the specified period shall be subject to the discretion of the judges. The division of time between the speakers is the discretion of the team members, subject to a maximum of 20 minutes for one speaker. Before the commencement of each round, each team shall indicate to the 'Court officer' as to how they wish to allocate their time. At the end of the preliminary rounds, the top 8 teams will qualify for the Quarter Finals. The top 8 teams will be selected on the basis of scores. For the purpose of calculation, the marks awarded for the written submissions shall be added to the oral round score and a team will be evaluated for 300 Marks in the round. If the situation of tie still persists, then only the total oral marks of the teams from both sessions will be considered. The team with the higher score in the oral rounds will advance to the Quarter Finals. If the situation of the tie still persists, then it would be resolved by flip of a coin.

❖ Ouarter- Finals

The Quarter Finals will be held after the completion of the preliminary rounds i.e., on 4th May, 2024. The Quarter Finals shall be knock-out round. A team will be credited with a win in the Quarter Finals if their total marks are higher than itsopponent's team. The side to be presented by the team shall be determined by way of draw of lots with the teams picking the lots after the completion of the preliminary rounds. Each team shall get a total time of 30 minutes to present their case and shall include the time for 'rebuttal' and 'Sur-rebuttal'. The division of time between the speakers is the discretion of the team members, subject to a maximum of 20 minutes for one speaker. Before the





commencement of the round, each team shall indicate to the 'court officer' as to how they wish to allocate their time

❖ Semi-Finals

The Semi-Finals will be held on 5th May, 2024. The Semi-Finals shall be knock- out round. A team will be credited with a win in the Semi-Finals if their total marks are higher than its opponent's team. The side to be presented by the team shall be determined by way of draw of lots with the teams picking the lots after the completion of quarter-finals rounds. Each team shall get a total of 40 minutes to present their case. This time will include the time for 'rebuttal' and 'Sur-rebuttal. The division of time between the speakers in the discretion of the team members, subject to a maximum of 25 minutes for one speaker. Before the commencement of the round, each team shall indicate to the court officer as to how they wish to allocate their time.

* Final Round

The final round will be held on 5th May, 2024. A team will be credited with wining the Final if their total marks are higher than its opponent team. Each team shall get a total of 45 minutes to present their case. This time will include the time for 'rebuttal' and 'Surrebuttal'. The division of time between the speakers is the discretion of the team members, subject to a maximum of 30 minutes for one speaker. Before the commencement of the round, each team shall indicate to the 'court officer' as to how they wish to allocate their time.

Evaluation Criteria for Oral Pleading Session

The oral pleadings would be marked on scale of 100 marks per judge and would be evaluated on the following grounds:

Marking Criteria	Maximum Marks
Knowledge of Law & Facts	20
Interpretation of Law & its application to the facts	25
Use of Authorities	15
Style, Poise and Court Mannerism	10
Organisation of Arguments	15
Time Management	15



Researcher Test

The Researcher Test shall be conducted on Day 1 of the Competition.

- A.The test shall be for duration of Forty-Five (45) minutes only. The test will be based on MCQs (Multiple Choice Questions) of thirty Marks (60) questions (Multiple Choice Questions).
- B.If a team comprises of three (3) members, then ONLY the Researcher is eligible to take the test. Researcher test marks will NOT be added up in the marking criteria.

Dress Code

The official Dress Code for the Competition is as follows:

- Gentlemen: Black Trousers, White Shirt, Black Blazer, Black neck tie, and Black formal shoes;
- Ladies: Black Trousers/Skirt, White Shirt, Black Blazer, Black neck tie and Black formal shoes (or) White Salwar Kameez, Black Blazer, and Black Formal shoes.

Queries/Disputes

All queries relating to the Moot Problem may be clarified by sending an email to mootcourtsociety@quantumeducation.in on or before 10th April, 2024.

Any dispute about the Moot Court Competition shall be referred to the Committee before the end of the competition. In all the matters of complaints or disputes, the decision of the Committee shall be final.

Accommodation:

Participants from outstation shall be provided shared accommodation by the university for the duration of the competition. Only the registered three members of the team shall be provided accommodation. The team shall make their own arrangements for any extra members. All teams shall be provided accommodation from the evening of 3rd till 6th morning

Note: On-Desk Registration will take place on 3rd May.

IURIS~PRUDENCE24



MOOT PROPOSITION

- 1. In the sovereign nation of Junaantu, renowned for its commitment to technological advancements and startups, the constitutional framework nurtures innovation. The Constitution of Junaantu acknowledges the pivotal role of startups in propelling economic growth and fostering technological breakthroughs. Under Article 19, the fundamental right to trade and engage in business is enshrined, providing a robust foundation for entrepreneurial endeavors. The constitutional ethos of Junaantu places a premium on fostering a competitive business environment while safeguarding the rights of individuals and startups alike.
- 2. While some startups are booming, many face a tough time. The big tech companies own a large part of the market. This makes it hard for startups to compete. The startup scene in Junaantu is lively, but the dominance of traditional players poses a threat to innovation. In order to tackle this and prevent monopoly the Competition Act, 2002, takes center stage as the regulatory framework addressing concerns of anti-competitive practices.
- 3. In the vibrant landscape of the technology sector in Junaantu, the battle for dominance and innovation unfolds among key players. Junaantu, renowned for its burgeoning tech market, witnesses the clash between Nexus Dynamics, a stalwart in smart device software, and Quantum Innovations Consortium, an alliance of tech innovators. As of 2023, Nexus Dynamics commands a considerable market share of 45%, solidifying its position as a leading force in the realm of smart device software. Not far behind, Quantum Innovations Consortium claims a competitive share of 35%, standing as a collaborative powerhouse in technological innovation. The entrance of Photon Enterprises, a dynamic newcomer, disrupts the status quo by swiftly securing 12% market share within a short span of two years. Various other smaller entities also contribute to the vibrant market.
- 4. Nexus Dynamics and Quantum Innovations Consortium, in their pursuit of market dominance, independently engage in agreements with various app developers. These agreements impose restrictions on app developers, preventing them from creating applications for the smart devices of other companies. This strategic move by both entities significantly influences consumer choice and impacts the competitive landscape, particularly affecting smaller players like Photon Enterprises.
- 5. Photon filed a complaint with the Competition Commission of Junaantu ("CCW"), alleging anti-competitive conduct by Nexus and Quantum Consortium. The core of the complaint revolves around the "exclusionary agreements" entered into by both entities, limiting app developers' ability to create applications for the devices of other companies. While there was no accusation of collusion or cartelization between Nexus and Quantum Consortium, the complaint argued that both were dominant players in the smart device software market of Junaantu, abusing their position to the detriment of smaller players like Photon, thereby negatively impacting overall competition.
- 6. In support of the complaint, market research reports highlighting Nexus's 45% market share and Quantum Consortium's 35% were submitted. Photon sought



directions from the CCWto penalize Nexus and Quantum Consortium for abusing their dominant position and to restrict them from entering into or acting upon agreements that limit app developers from creating applications for the devices of other companies.

- 7. Simultaneously, Photon filed an application for interim relief, aiming to restrain Nexus and Quantum Consortium from enforcing agreements restricting app developers from creating applications for the devices of other companies. Photon argued that without interim relief, smaller players would face extinction, being forced to exit the market within a few months.
- 8. The CCW rendered a decision rejecting the complaint, stating that the data presented by Photon indicated a lack of a single dominant entity in the smart device software market. Instead, it showcased fierce competition between Nexus and Quantum Consortium, portraying them as business rivals rather than a dominant force. The concept of more than one dominant entity in the same market was deemed foreign to the Competition Act, 2002. Consequently, the complaint was dismissed, and the case closed. The application for interim relief was also dismissed.
- 9. Undeterred, Photon appealed the CCW's decision before the Competition Appellate Tribunal("COMPAT"). The COMPAT, acknowledging that the agreements restricting app developers could be viewed as restrictive and anti-competitive, observed that further investigation was required to ascertain if there was a violation of the Act or if the restrictive clauses had a commercial justification.
- 10. Nexus and Quantum Consortium highlighted their significant market shares and emphasized that nothing in the Competition Act, 2002 prohibits the existence of more than one dominant enterprise in the same market. Photon argued that the regulator should not turn a blind eye iftwo entities engage in abusive practices. Photon invokes Article 19 of the Constitution of Junaantu, emphasizing the fundamental right to trade. They contend that the restrictive agreements imposed by Nexus and Quantum Consortium impede their freedom to trade, hindering their growth and innovation. Photon asserts that, as a startup, they are essential contributors to the burgeoning tech ecosystem and should be afforded protection against anti-competitive practices that stifle their ability to compete.
- 11. The COMPAT directed the Director General to investigate and present a report to the CCW. Additionally, it restrained Nexus and Quantum Consortium from enforcing agreements restricting app developers from creating applications for the devices of other companies until the final order of the CCW.
- 12. Nexus and QuantumConsortium filed an appeal before the Supreme Court ofJunaantu against the order of the COMPAT. It was contended that by simply expressing a possibility of violation without any definite finding, the COMPAT had





failed to arrive at any prima facieview of violation, which would warrant investigation. It was also argued that the present casewas not a fit case for grant of interim reliefs and that Photon had failed to make out a case forgrant of such reliefs. The agreements had a commercial justification, and Photon wasattempting to use the regulatory route to impede the business of established and efficient market players. Further the legal issue of whether the Act recognizes the concept of more than one dominant undertaking was placed before the Supreme Court of Junaantu.

13. In the heart of Junaantu's technological renaissance, this case stands as a pivotal moment, unravelling the complexities of competition in an era where innovation and dominance walk hand in hand. The legal discourse now rests in the hands of the Supreme Court, as it navigates through the intricate intersections of competition, innovation, and regulatory oversight in the dynamic landscape of Junaantu's techdriven future. As the legal saga unfolds before the apex court, the interpretation and application of justice, good conscience, and equity will play a pivotal role in determining the fate of Nexus Dynamics, Quantum Innovations Consortium, and the burgeoning startup, Photon Enterprises.

Participating teams have to frame their issue and sub-issues accordingly.

(Note: The laws of Junaantu are pari-materia to that of India)

This Moot Problem has been formulated solely for the purpose of this competition for furthering the academic exercise only.





BONAFIDE LETTER

NOTE

Furnishing of information required herein is mandatory. A bonafide certificate issued by an appropriate authority of the Institution/ College/ University must be sent along with Memorials.

Institution/College/University Information

Address
Postal Code City
Country
Ph: Email:

Date: (Seal and Signature of Head of the Institution)





TRAVEL ACCOMODATION

ARRIVAL DETAILS

S. No.	Name of Participant	Date & Time of Arrival	Mode of Arrival	Train/Flight/Bus No.	Other Details

DEPARTURE DETAILS

S. No.	Name of Participant	Date & Time of Departure	Mode of Departure	Train/Flight/Bus No.	Other Details

Accommodation facility required YES / NO If Yes, then

1. Number of Male Members :

2. Number of Female Members : Date: (Seal and Signature of Head of the Institution)





National Moot Court Competition

4th & 5th May, 2024

Theme: Competition Law

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REGISTRATION FORM

1. University Name
2. University Address & Contact Details
3. Speaker 1. Name
Speaker Contact Details
4. Speaker 2. Name
Speaker Contact Details
5. Researcher's Name
Researcher's Contact Details
6. Payment Details/NEFT
Bank's NameDateDate
Transaction IDIFSC
7. Emergency Contact





3rd Edition dedicated to
Hon'ble Jurist Fali Sam Nariman Memorial
NATIONAL MOOT COURT COMPETITION

4th & 5th May, 2024

