



INDIAN INSTITUTE OF LEGAL STUDIES

UG & Post Graduate Advanced Research Studies in Law

Accredited by NAAC

Affiliated to the University of North Bengal

Approved by the University Grants Commission, New Delhi

Recognised by the Bar Council of India, New Delhi

Ref: IILS/A-14/126

Date: 23/10/2021


NOTICE

This is to inform all the students that the Moot Court Society of Indian Institute of Legal Studies, Siliguri is organizing the Intra Moot Court Competition, 2021 during November-December, 2021.

In furtherance to that, this is to inform the students that the Second Intra Moot Court Competition shall be organized on 20th November, 2021 between the students of Semesters III and V of 5 Years Courses and Semester III of 3 Years Course of IILS Siliguri and IILS Coochbehar.

The Brochure attached below contains all the details of the said competition along with the important dates and registration details. Students are directed to take note of the same and act accordingly.

Participation is expected in highest numbers.



Principal-in-Charge,
Indian Institute of Legal Studies.


Copy to:


1. Class Circulation (5 Year BA-BBA-BCOM LL.B, Sem-III & V and LL.B 3 Year, Sem-III of IILS Siliguri and IILS Coochbehar)
2. Website (Notice)
3. Website (Moot Court Society)



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IILS INTRA MOOT COURT COMPETITION, 2021
(IILS MCC, 2021)

Organized by:-

IILS Moot Court Society

Conducted on: 13th November- 11th December, 2021

IILS MCC BROCHURE



MOOT PROPOSITION-2
MOOT PROBLEM FOR ILS INTRA MOOT COURT COMPETITION,
2021

[(Sem- III & V of 5 yrs Course) & (Sem- III of 3 yrs Course)]

Date - 20/11/2021

The Republic of Kindia is an Asian country with the second highest population in the world. The political structure of Kindia is a secular, Sovereign, democratic and socialist nation which is reflected in the Constitution of Kindia, 1950. Kindia has a federal form of government which comprises of 30 States And 10 Union Territories.

Mr. Shekhar Rajput was a resident of Selhi. He had an inherited property there which he was willing to sell, and therefore was looking for a buyer.

The price of the land according to contemporary valuation was Rs. 60 lakhs but he desired to sell it at an inflated price of Rs 80 lakh. Mr. Dilip Singh, an interested party, wanted to buy the property.

They both came to an agreement with respect to the terms and conditions that by means of an Agreement of Sale executed on 01/05/21 for a consideration of Rs 80 Lakh, the ownership of the property would be transferred.

A sum of Rs.60 Lakh was paid in cash against possession under Section 53A of Transfer of Property Act, 1882 at the time of registration and the due amount of Rs 20 Lakh was promised to be paid on 10/07/21 after the registration would be completed.



Naturally, the property was then transferred to Mr. Dilip Singh. After taking the possession of the property when the time dawned for the payment of rest of the amount Mr. Dilip Singh was unwilling to clear the dues but after repeated nagging, he paid Rs. 20 Lakh on 20/05/2021 through the medium of cheque.

On 29/08/2021, Mr. Shekhar Rajput presented cheque to the bank. Thereafter a few days of his visit, he received the information that the cheque was dishonored and he immediately filed a case for the cancellation of deed and the transfer of the property that was formerly made.

During the course of these circumstances, Mr. Dilip Singh already sold the property to Mr. Arjun Rathi, resident of Lucknow, 10/09/21 and Mr. Arjun Rathi, in turn, sold that property to one Mr. Manas Majumdar on 01/10/2021.

After this turn of events came to the knowledge of Mr. Shekhar Rajput, he proceeded to file an FIR. under Section 154 of CRPC, alleging that the property was transferred to the subsequent buyers (Mr. Arjun Rathi & then to Mr. Manas Majumdar), without paying the rest of the amount, with the abovementioned signature of Mr. Shekhar Rajput. Hence, the transfer of the aforementioned property, thereafter until the payment of the remaining amount was totally illegal and against the Transfer of Property Act, 1882.

He also mentioned that he already filed a suit for cancellation of the deed for the transfer that he had made to Mr. Dilip Singh and stated in his FIR that the transfer therein made by Mr Dilip Singh to Mr. Arjun Rathi and also the subsequent transfer made by Mr. Arjun Rathi to Mr.



Manas Majumdar were both completely illegal.

While this matter was taken to Sessions Court, the petitioner argued that the transfer was totally illegal and the respondents counter argued by stating as to whether the cheque was presented before the bank in due time and also the fact that the respondent didn't receive any pre-requisite notice upon dishonor of cheque for Rs 20 Lakh.

Issues:

1. *Whether the transfer of property was according to the Transfer of Property Act, 1882 or not?*
2. *Whether the dishonor of cheque is legally valid or not?*
3. *Whether there is a contract between the parties is a valid contract or not?*

Note:

- *Any other relevant issue that the mooters find appropriate can be raised.*
- *The political structure, legal system and legislation of the Republic of Kindia are in pari materia with that of the Republic of India.*
- *Prepare memorial on both sides.*



IILS MCC RULES & PROCEDURE

A. TEAM COMPOSITION

1. Each team shall consist of three members, comprising of two speakers and one researcher.
2. Students willing to participate can form team within their year or they can form teams consisting of members from different years as well (Only applicable for Moot Proposition 1 and 2).

IILS MCS shall bear no responsibility for team formation.

3. Any alteration in the names of the team members shall be informed to the respective team Coordinator before last date of registration.

However any such alteration shall be permitted **only once**.

B. PARTICIPATION AND REGISTRATION PROCEDURE

1. Interested teams should register themselves by filling up the Google Registration Form <https://forms.gle/6WzBDxKpxCsMcNxx6>
2. Memorial submission is mandatory in order to appear for the oral rounds.
3. No person to person query will be entertained; every query will be entertained through respective team Coordinator only.
4. For further information of dates please refer to the Timeline attached.

C. MEMORIAL SUBMISSION GUIDELINES / RULES

The following guidelines for the memorials must be strictly followed. Non-compliance will entail penalties as provided below:

1. Teams have to prepare memorials for both sides.



2. Teams shall e-mail Soft Copies of the Memorandums in PDF formats for both the sides (i.e. two attachments in total) in a single mail on or before the deadline. For example, if the assigned team code is 52, the team shall title the Petitioner and Respondent Memorandums as “52P” and “52R” respectively
3. Teams shall submit soft copy at iilsmootsociety@gmail.com
4. The memorials have to be submitted on A4 size paper, and must contain the following sections.

COVER PAGE;

TABLE OF CONTENTS;

INDEX OF AUTHORITIES;

STATEMENT OF JURISDICTION;

STATEMENT OF FACTS;

STATEMENT OF ISSUES;.

STATEMENT OF ARGUMENTS;

ARGUMENTS ADVANCED;

PRAYER

5. The memorials must be printed in **Times New Roman 12 font size** with **1.5 line spacing**. The footnotes must be in **Times New Roman 10 font size with 1.0 spacing**. And should contain the ‘**Team Code**’ on cover page. (**Top-Right Corner**)
6. The memorials should have a margin measuring one inch on all sides of each page.
7. The page numbering should be on the bottom of each page.
8. The **Petitioner/Complainant/ Appellant’s memorial cover page shall be Blue Colour A4 size, and Opponent/Respondent’s memorial cover page on Red Colour A4 size.**



9. The teams have to use the latest edition of Blue Book for citation format throughout the memorial.
10. The maximum scores for the memorial shall be 100 marks. The memorials shall be evaluated on the following criteria and any non-compliance with above criteria shall result in penalty of 2 marks per missing section.

| PARTICULARS OF MARKS | Marks |
|--------------------------|-------|
| Knowledge of Facts & Law | 25 |
| Extent & Use of Research | 25 |
| Analysis | 20 |
| Clarity & Organization | 10 |
| Format & Citation | 10 |
| Grammar & Style | 10 |
| Total | 100 |

D. ORAL ROUNDS

1. Preliminary round

- a. Each team will get a total of 15 minutes to present their case. This time will include rebuttal and sur-rebuttal. Any time exceeding the allotted time shall be penalized. The penalty shall be of 1 mark for every two minutes exceeded. However extension of time is permissible at the discretion of the judges.
- b. There shall be two oral rounds per team, presenting both appellant/petitioner and respondent.
- c. The division of time per speaker is left for the discretion of the team subject to a minimum of 6 minutes per speaker.
- d. The oral argument should be confined to the issues presented in memorial.



- e. The researcher shall present the compendium in Google meet screen with the speaker during the oral rounds.
- f. The participants shall be mandatorily abide by the dress code as per prescribed by the Bar Council of India. Strict Adherence to Court Manners shall be observed by all the participants.

2. Final round

- a. Each team will get a total of 30 minutes to present their case. This time will include rebuttal and sur-rebuttal. Any time exceeding the allotted time shall be penalized. The penalty shall be of 1 marks for every two minutes exceeded. However extension of time is permissible at the discretion of the judges.
 - b. There shall be two oral rounds per team, presenting both appellant/petitioner and respondent.
 - c. The division of time per speaker is left for the discretion of the team subject to a minimum of 12 minutes per speaker.
 - d. The oral argument should be confined to the issues presented in memorial.
 - e. The researcher shall present the compendium in Google meet screen with the speaker during the oral rounds.
 - f. The participants shall be mandatorily abide by the dress code as per prescribed by the Bar Council of India. Strict Adherence to Court Manners shall be observed by all the participants.
3. Maximum scores for the oral rounds shall be 50 points per speaker. *The oral rounds shall be judged on the following criteria:*

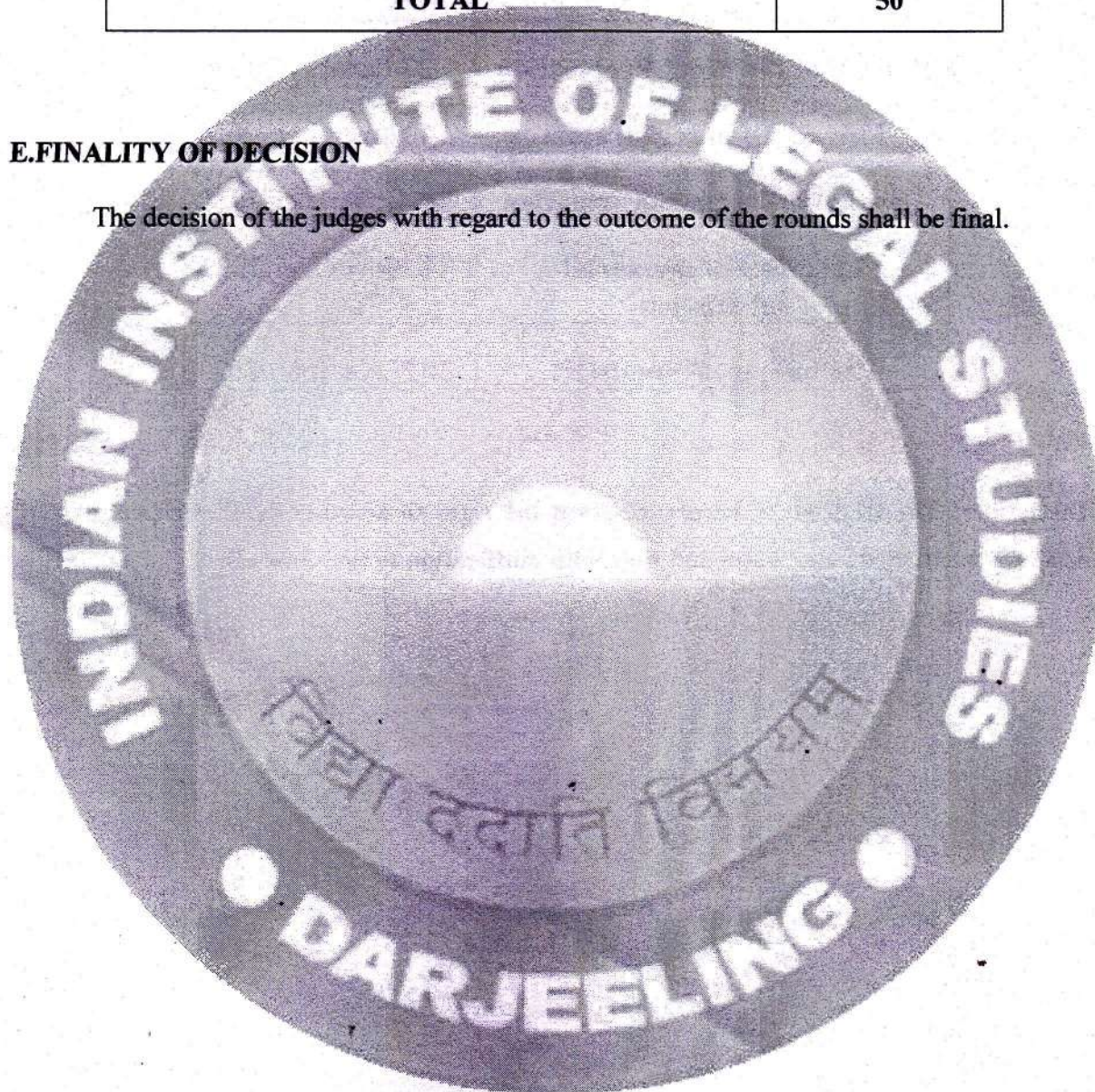
| PARTICULARS OF MARKS | Marks |
|-------------------------------------------|-------|
| Knowledge and Application of Laws & Facts | 10 |



| | |
|-----------------------------------------|-----------|
| Ingenuity & Ability to Answer Questions | 10 |
| Style, Poise, Courtesy, & Demeanour | 10 |
| Organisation & Flow of Arguments | 10 |
| Time Management | 10 |
| TOTAL | 50 |

E.FINALITY OF DECISION

The decision of the judges with regard to the outcome of the rounds shall be final.



IMPORTANT DATES

[(Sem- III & V of 5 yrs Course) & (Sem- III of 3 yrs Course)]

| EVENT | DATE |
|-----------------------------------------|-------------------|
| Release of the Moot Proposition | 23 October, 2021 |
| Last date for registration | 14 November, 2021 |
| Last date of team confirmation | 16 November, 2021 |
| Last date of memorial submission | 18 November, 2021 |
| Preliminary Rounds(II) | 20 November, 2021 |

#Disclaimer: The IILS MCS, hereby reserves the right to add/modify/alter/repeal any of the above mentioned rules, dates and time with notification to the same effect.



ORGANIZING COMMITTEE

| SERIAL NUMBER | CONTACT PERSON | CONTACT NUMBER |
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“All IILS MCS Faculty and Student Members”

#For Regular Updates <https://www.iilsindia.com/moot-court-society>

