



CCI-HNLU  
XIITH JUSTICE  
HIDAYATULLAH NATIONAL  
MOOT COURT COMPETITION



IN ASSOCIATION WITH  
AZB & PARTNERS



OFFICIAL BROCHURE

18TH FEB 2022 - 20TH FEB 2022

KNOWLEDGE PARTNER



# TABLE OF CONTENTS

About Hidayatullah National Law University -----	1
About Competition Commission of India-----	2
About AZB & Partners-----	3
About the Event-----	4
Faculty Organizing Committee-----	5
Student Organizing Committee -----	6
Rules of the Competition-----	7
Timeline of Events-----	19
Moot Proposition-----	20
Contact Details -----	25

# ABOUT HIDAYATULLAH NATIONAL LAW UNIVERSITY



Established in 2003, Hidayatullah National Law University has completed a journey of more than one and half decades. In such a short span of time, HNLU has carved out a niche for itself in the realm of legal education across India.

Named after the great legal luminary Justice Mohammed Hidayatullah, the University was established by the Government of Chhattisgarh under the Hidayatullah National University of Law, Chhattisgarh Act (Act No.10 of 2003).

HNLU is sixth in the series of National Law Schools across India. HNLU has been included in the list of Universities maintained by the University Grants Commission under Section 2(f) of the UGC Act, 1956 and has been declared fit to receive central assistance as per the rules framed under Section 12 (B) of the UGC Act, 1956. The university is recognized by the Bar Council of India under Section 7 of the Advocates Act 1961.

Hon'ble Justice Mr. Arup Kumar Goswami, Chief Justice, High Court of Chhattisgarh is the Chancellor of the University and Prof. (Dr.) V. C. Vivekanandan is the Vice-Chancellor of the University. He was the former MHRD Chair Professor of IP Law at NALSAR University and also former Dean of the Rajiv Gandhi School of Law, IIT Kharagpur and School of Law, Bennett University. Prof. (Dr.) Uday Shankar is the Registrar of the University.

# ABOUT COMPETITION COMMISSION OF INDIA



The Competition Commission of India has been established under the Competition Act, 2002 (the Act) to prevent practices having an adverse effect on competition, to promote and sustain competition in Indian markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets, in India, and for matters connected therewith or incidental thereto.

It is mandated, inter alia, to take suitable measures for the promotion of competition advocacy, creating awareness and imparting training about competition issues. It, therefore, pursues its objectives through two sets of instruments, namely, advocacy and enforcement targeted at enterprises. These measures are complementary and are expected to promote and ensure thereby freedom of trade by enterprises and consumer welfare to achieve 'fair competition for the greater good.'

# ABOUT AZB & PARTNERS



**AZB & PARTNERS**  
ADVOCATES & SOLICITORS

AZB & Partners was established in 2004 by merging of CZB & Partners in Mumbai and Ajay Bahl & Company in Delhi. However, the business has departed from the conventional family structure and has established a defined partnership route, earning it recognition for the practice's modernity.

AZB & Partners provides genuine, realistic, and full-service help to clients across all sectors. The organization's activities have extended to include locations in Mumbai, Delhi, Bangalore, and Pune. AZB & Partners is comprised of an experienced and dedicated team of more than 400 lawyers that are committed to providing clients with best-in-class legal solutions. They focus on general corporate and mergers and acquisitions, private equity, competition and antitrust, funds, forensics, employment, capital markets, banking and finance, real estate, direct and indirect taxation, intellectual property, insurance, regulatory and securities, and litigation and arbitration.

Their key beliefs include adhering to the highest professional standards and developing helpful and strong client connections. These ideals are disseminated across the company and seek to instil a thorough understanding of the firm's professional and ethical duties in all of its attorneys. They are defined by a combination of professionalism, openness and approachability at all levels. Internally, there are no strict structures or hierarchies. The value of every employee's contribution to boosting customer service is acknowledged. Their lawyers are divided into major practice areas that collaborate closely. These practise areas are organised to foster knowledge exchange and the creation of a consistently high level of legal assistance across the company. AZB & Partners serves Fortune 500 companies, global enterprises, investment banks, and private equity firms on a local and worldwide basis.



# ABOUT THE EVENT



Hidayatullah National Law University (HNLU) is hosting the next edition of the Justice Hidayatullah Memorial National Moot Court Competition (HNMCC) as a physical event. HNMCC was started as a part of the centenary celebrations of the eminent jurist, author, and linguist, Justice Mohammad Hidayatullah. Over the course of a decade, it has established a reputation for being one of India's premier moot court competitions. The moot is going to be organized by the students and faculty of HNLU under the able guidance and mentorship of the Hon'ble Vice-Chancellor Prof. (Dr.) V.C. Vivekanandan.

HNMCC has always witnessed spirited participation from many universities in all of its previous editions. In this edition, we are expecting participation from 40 teams from various reputed universities across the country to compete against each other for the coveted Justice Hidayatullah Memorial Trophy, the 1st Runner Up Prize, the Title of the Best Speaker, the Best Memorial, and the Best Researcher.

HNMCC has been fortunate to witness the expertise of a stellar panel of judges. In the previous editions, the panel has comprised of eminent sitting judges of the High Court of Chhattisgarh for the final rounds while partners of reputed law firms, eminent academicians and experienced advocates from the Supreme Court of India and various High Courts have served as judges for the preceding rounds. The 12th Justice Hidayatullah Memorial National Moot Court Competition, 2022 is scheduled from 18th February 2022 (Friday) to 20th February 2022 (Sunday).

# FACULTY ORGANIZING COMMITTEE

## **Advisory Board**

- Prof. V. C Vivekanandan, Hon'ble Vice-Chancellor.
- Prof. Uday Shankar, Registrar.
- Prof. Vishnu Konoorayar, Professor.
- Prof. Yogendra K. Srivastava, Professor.

## **Organising Committee**

- Dr. Anindhya Tiwari, Assistant Professor, Organising Secretary.
- Dr. Kiran Kori, Assistant Professor.
- Dr. Ankit Awasthi, Assistant Professor.
- Dr. Mohammad Atif Khan, Assistant Professor.
- Dr. Ankit Singh, Assistant Professor.
- Mr. Abhinav Shukla, Assistant Professor.
- Mr. Amitesh Deshmukh, Assistant Professor.
- Ms. Urvi Srivastava, Assistant Professor.
- Ms. Apurva Sharma, Assistant Professor.
- Ms. Garima Panwar, Assistant Professor.
- Ms. Hina Iliyas, Assistant Professor.

# STUDENT ORGANIZING COMMITTEE

## **Student Convenor**

- Sanket Jamuar - Semester VIII

## **Student Co-Convenors**

- Avnish Prakash - Semester VIII
- Deeksha Singh - Semester VIII

## **Student Members**

- Shreem Thite - Semester X
- Masooma Rizvi - Semester X
- Mrigank Patel - Semester VIII
- Chhatresh Kumar Sahu - Semester VIII
- Vinayak Nawal - Semester VIII
- Lokansh Alma - Semester VIII
- Shiwangee Chandrakar - Semester VIII
- Anubhav Verma - Semester VI
- Radhika Ghosh - Semester VI
- Urvi Bhardwaj - Semester VI
- Nitish Dubey - Semester VI
- Aditya Rai - Semester VI
- Ayush Shukla - Semester VI



# RULES OF THE COMPETITION

## 1. Definitions:

a) Advanced rounds: It refers to the Quarter-finals, Semi-finals and Final rounds of the Competition.

b) Memorial: It means the written arguments submitted, on behalf of both Parties, according to the official competition rules by each team.

c) Memorial Evaluators: It refers to the evaluators who will be responsible for marking the memorials submitted by the teams.

d) Oral rounds: It refers to a team's pleadings, comprising of both speakers, submitted orally in front of the judges on behalf of one of the parties against another team representing the opposing party.

e) Parties: It refers to the parties to the dispute as identified by the moot proposition as Informant/Appellant and Opposite Party/Respondent.

f) Preliminary rounds: It refers to the Oral Rounds which will take place before the Advanced Rounds of the Competition for the purpose of determining the teams which will proceed to the Advanced Rounds.

g) Raw Scores: The aggregate of the memorial scores and the preliminary oral round scores in the round will constitute the Raw Scores of a team for a specific round.

h) Round Points: For every round, every team will be evaluated on two aspects: memorial score and score in the oral rounds. The memorial of every team will be scored by two (2) Memorial Evaluators.

The memorial score of a team as marked by each Memorial Evaluator will be compared against the memorial score of the other team by the same Memorial Evaluator. The team which receives a higher memorial score will be awarded one and a half (1.5) round points per evaluator. Similarly, in oral rounds, a higher score given by a Judge in a Preliminary Round will carry three (3) round points per judge and a higher score given by a Judge in Quarter-finals and Semifinals will carry two (2) round points per judge.

i) Rules: Rules mean these official Competition Rules and any applicable supplements to these Rules published by the Competition Administrator.

j) Scouting: Scouting is the act of attending a round in which the members of the team or any person related to the team are not competing.

k) Team code: Team code refers to the unique number allotted to each participating team for the purpose of this Competition.

## **2. Eligibility:**

All students enrolled in a 3-year LLB programme or a 5-year integrated LLB programme shall be eligible to participate in the CCI-HNLU 12th HNMCC 2022. However, only one team per university/institution shall be eligible to participate.

## **3. Team Composition:**

The team composition shall be as follows: 2 Speakers & 1 Researcher. The teams may choose to participate without a Researcher.

## **4. Registration:**

Registration for the CCI-HNLU 12th HNMCC 2022 will open on December 12th, 2021. The last date for registration shall be 11:59 PM, January 15th, 2022.

The registration fee for the Competition is ₹5,000 and has to be paid either through RTGS/NEFT/IMPS or through a Demand Draft. The payment details can be found in the registration form.

The following documents shall be submitted by the teams at the time of registration:

- A letter of approval from the university permitting the team to take part in the competition.
- Scanned copy of Demand Draft of the registration fee or the Receipt of online payment.

The registration form can be accessed [here](#).

#### **5. Assistance to a team from another team (s) or third parties:**

Teams are not permitted to receive substantive assistance towards the preparation of memorials or arguments from any third parties, including teachers, alumni, students, etc. Any team found getting such assistance from third parties shall be immediately disqualified.

Further, in the event of collusion between two or more teams, all concerned teams will be subject to immediate disqualification.

#### **6. Clarifications to the Moot Proposition:**

Clarifications can be sought until 11:59 PM, January 5th, 2022.

#### **7. Rights over the memorials:**

The Competition Administrator reserves the right to disseminate and reproduce the memorials for the purpose of the Competition. Submission of memorials in this Moot will constitute the consent of the teams to such dissemination and reproduction.

The Competition Administrator will not be responsible for any mistakes that are a part of the memorial.

## **8. Memorial Rules:**

### **A. Format:**

a) Each participating team is required to prepare a memorial for each party to the dispute with the following mandatory heads:

- Cover Page
- Table of Contents
- Index of Authorities
- Statement of Jurisdiction
- Statement of Facts (not exceeding 2 pages)
- Issues Raised
- Summary of Arguments (not exceeding 2 pages)
- Arguments Advanced (not exceeding 20 pages)
- Final Submission/Prayer (not exceeding 1 page)

b) Teams shall cite authorities using footnotes in accordance with 20th Edition of Bluebook: A Uniform System of Citation.

c) The Cover Page of each memorial must contain only the following information:

- The Team Code in the upper right corner of each memorial
- The name of the forum resolving the dispute
- The name of the Competition
- The Cause Title
- The party for which the memorial is prepared

d) All teams shall send one copy of the memorials in .docx format (Microsoft Office 2019, 2016, 2013 or 2010) as well as .pdf format to 12hnmcc2022@hnl.u.ac.in on or before 11:59 PM, February 10th, 2022, with the subject line as 'Memorials for <Team Code>'.

- All four files (two .docx and two .pdf) should be submitted through a single mail.
- Memorials submitted twelve (12) hours i.e. after 11:59 AM, February 11th, 2022, will not be accepted and shall be disqualified from the Competition.
- A memorial once submitted will be considered as final, and cannot be revised.
- In the scenario where any memorial is sent in late (in separate emails), the penalty for late submission imposed on the latter memorial will be imposed on both the memorials equally.
- The penalty will also be imposed if the aforementioned documents are sent in separate emails.

e) It is the responsibility of each participating team to ensure that the electronic copies of the memorials:

- Can be opened with Microsoft Office 2019, 2016, 2013 or 2010 (.docx format) and Adobe Acrobat Reader 9 (.pdf format).
- Are named according to the team code and the party for which the memorial is proposed. (For instance, Team 01 will name its memorials as 01 I and 01 OP where 'I' is the Informant/Appellant and 'OP' is Opposite Party/Respondent)

f) The teams have to submit four (4) sets of hard copies for each side of the memorials to the Competition Administrator on or before February 17, 2022.

g) All parts of the memorial (including headers, footers and headings) shall be typed on A4 sized paper/format, with the following formatting specifications:

- Font Type: Times New Roman
- Font Size: 12
- Line Spacing: 1.5
- Margins: 1 inch on each side

h) For footnotes, the Formatting Specifications are:

- Font Type: Times New Roman Font Size: 10
- Single Spacing between lines
- Margins: 1 inch on each side
- Speaking footnotes or endnotes are not allowed.

i) The memorials shall be spiral bound. The following colour schemes should be followed for the cover page of the memorial:

- Informant/Appellant – BLUE
- Opposite Party/Respondent – RED

j) The memorials shall not contain any annexure, photograph, graph, diagram or any other representation of like nature.

k) The hard copies of the memorials have to be identical to the soft copies submitted by the team. In case of any violation of this rule, the team shall incur a penalty, subject to the decision of the Competition Administrator.

#### B. Penalties:

a) Any memorial violating any of the specifications mentioned under Rule 8.A will be penalized according to the following scheme:

S. No.	Criterion	Penalty (each side)
1.	Late submission of Memorials	(-) 1 mark each, for every hour after the deadline
2.	Exceeding page limit prescribed in Rule (a)	(-) 1 mark per extra page
3.	Not following the Rules (c), (g) & (h)	(-) 0.5 mark per specification per page
4.	Not following Rule (b)	(-) 0.5 per violation, with a cap of 0.5 per page
5.	Exclusion of items mentioned in Rule (a)	(-) 2 mark per specification
6.	Submitting memorials in multiple emails	(-) 1 mark
7.	Speaking footnote or endnote	(-) 0.5 mark per footnote

b) There will be a maximum cap on the penalties which are imposed for the violations mentioned in the table:

- For late submission of memorials, a maximum of 12 marks will be imposed as penalties.
- For not following the formatting specifications prescribed in Rules (c), (g) & (h) as mentioned under Rule 8.A along with speaking footnotes and endnotes, a maximum penalty of 20 marks will be imposed.
- No cap on penalties will be imposed on any specification other than those mentioned above.

c) Plagiarism in “Arguments Advanced” and “Summary of Arguments” shall be punishable by immediate disqualification. Plagiarism up to 10% is permissible. No relaxation will be made in the above rule under any circumstances.

d) Appeals regarding penalties shall lie with the Competition Administrator and the decision shall be final and binding.

#### C. Scoring criteria:

The marks distribution for the memorial shall be as follows:



S. No.	Criterion	Marks
1.	Application of Facts	25 marks
2.	Reasoning	25 marks
3.	Use of Authorities and Precedent	20 marks
4.	Understanding Law and Procedure	20 marks
5.	Presentation	10 marks

## **9. Anonymity:**

There should be no indication of the institutions which the team represents, or the name of the members in the memorials or any other material carried inside the courtroom. The teams must also not disclose such information during the oral rounds. The teams should not attempt to disclose such information to the Judges, or any other person as decided by the Competition Administrator, for the entire duration of the Moot Court Competition.

The violation of this rule will cause severe penalties, which may involve disqualification, as determined by the Competition Administrator.

## **10. Format of the Competition:**

The Moot shall consist of Preliminary rounds and Advanced rounds. Each team will argue in two (2) preliminary rounds, once on behalf of each Party. In the Advanced rounds, the teams would represent only one side in each round.

## **11. Researcher Test**

A Researcher Test shall be conducted for adjudicating the "Best Researcher" on 18th February 2022. The Speakers shall not be eligible to participate in the test. However, in the case of a 2 member team, one of the speakers shall be eligible to appear for the Researcher Test and that shall be notified to the Organizers at the time of Formal Registration.

## 12. Oral Rounds:

### A. Format:

In the Preliminary rounds, power match-up (Team 1 v. Team 20, Team 2 v. Team 19 and so on) and slide match-up system (Team 1 v. Team 11, Team 2 v. Team 12 and so on) shall be used to determine the match-ups in the first and the second round respectively. The teams with the highest number of wins will proceed to the Advanced Rounds from the Preliminary Rounds. The team with the higher number of Round Points in a round will be deemed to have won a round.

In a situation where there exists a tie in the number of two or more teams, the team with the higher number of total Round points will proceed to the Advanced Rounds. If the tie still subsists, it will be decided in the following order:

- On the basis of Raw Scores
- On the basis of 'Reasoning in the Application of Principles'
- The final decision will be made on the basis of a Coin Toss

The marks breakup for the Oral Rounds shall be as follows:

S. No.	Criterion	Marks
1.	Response to Questions and Articulation	25 marks
2.	Reasoning in the Application of Principles	25 marks
3.	Use of Authorities and Precedents	20 marks
4.	Application of Facts	20 marks
5.	Advocacy Skills, Court Craft and Demeanor	10 marks

### B. Bench strength:

The Bench for the purposes of the Preliminary Rounds shall consist of two judges. For the Advanced Rounds, there will be a three-judge bench for Quarter-finals & Semifinals and a five-judge bench for the Final.

#### C. Communication between members of the team:

During the Oral Rounds, communication between the members of a team shall be allowed, however, the same must be in written form and must not disturb the decorum of the Court.

#### D. Electronic devices in the Courtroom:

The participating teams are not allowed to carry or use any electronic devices, except wristwatches (no smart-watches), in the Courtroom. In case a member of a team is found using any electronic device during the Oral Rounds, the team shall invite a severe penalty which may include disqualification.

#### E. Scouting:

Every form of scouting is strictly prohibited and shall cause disqualification of the team from the Competition. The decision of the Competition Administrator shall be final in this regard.

#### F. Duration:

For Preliminary Rounds, each team will be allotted a total of thirty (30) minutes to present their arguments. No speaker shall be allowed to plead for more than twenty (20) minutes. Each team is entitled to reserve a maximum of five (5) minutes, out of the total thirty (30) minutes, for rebuttals and sur-rebuttals.

For Advanced Rounds, each team will be allotted a total of forty-five (45) minutes to present their arguments. No speaker shall be allowed to plead for more than twenty-five (25) minutes. Each team is entitled to reserve a maximum of five (5) minutes, out of the total forty-five (45) minutes, for rebuttals and sur-rebuttals.

The teams are requested to arrive at the designated Courtroom fifteen (15) minutes before the Round is supposed to start. In case the team is unable to report the designated Courtroom after ten (10) minutes of the starting of the Round, the team will forfeit the Competition and the Round will continue as an ex-parte round.

### **13. Advanced Rounds:**

The party to be represented by the teams in the Advanced Rounds shall be decided by way of a coin toss.

Qualification in the Advanced Rounds (from Quarter-finals to Semi-finals and so on) will be determined by win/loss in the respective Advanced Round.

### **14. Awards and Trophies:**

Awards will be distributed in the following categories:

#### **A. Team:**

The team which wins the final round will be adjudged as the 'Winner of the CCI-HNMCC 2022' and will get an amount of **₹ 1,00,000** along with a trophy. The team members of the winning team will also be given an opportunity to intern with **AZB & Partners**.

The team which secures second place will get the title of 'Runners-up' and **₹ 50,000** as a cash prize.

The finalists will also be awarded various goodies from SCC Online.

#### **B. Best Memorial:**

The team with the highest memorial score (aggregate) will get the 'Best Memorial' prize along with a cash prize of ₹ 20,000.

#### C. Best Speaker:

The speaker who secures the highest score (average) at the conclusion of the Preliminary Rounds will get an award for the 'Best Speaker' with a cash prize of ₹ 20,000. It is necessary to argue for both parties in order to be eligible for the 'Best Speaker Award'.

#### D. Best Researcher:

The researcher with the highest score in the Researcher Test will get the 'Best Researcher' prize along with a cash prize of ₹ 10,000.

### **15. Code of Conduct:**

A violation of the prescribed Code of Conduct will invite sanctions which will be decided by the Competition Administrator.

- Teams are expected to behave with other team members and the Judges/ Organisers/ Volunteers in a dignified manner.
- Teams should not attempt to influence Judges/ Organisers in any manner.
- Participants are expected to maintain decorum in the court during the Competition and to conduct themselves in a manner befitting the legal profession.
- The teams should not engage in any form of unethical, unprofessional and wrongful conduct during the entire period of the Competition.
- Participants should not indulge in the consumption/carrying of drugs/ alcohol/ arms or ammunitions/ immoral/ illegal activity or any other form(s) of taste/addiction during the course of the Competition.
- Participants must adhere to the Sexual Harassment Code.

### **16. Exemplary Power clause:**

In case of any dispute arising in the interpretation of the rules, or otherwise, the decision of the Organizing Secretary in consultation with the Organizing Committee would be final and binding.

# TIMELINE OF EVENTS

12/12/21



Opening of  
Registrations

05/01/22



Last date of  
Clarifications

15/01/22



End of  
Registration

10/02/22



Soft copy Memorial  
Submission

18/02/22



Hard copy Memorial  
Submission

18/02/22



Researchers  
Test

19/02/22



Preliminary &  
Quarter-Final  
Rounds

20/02/22



Semi-Final &  
Final Rounds

20/02/22



Valedictory  
Ceremony  
& Lextronica

# MOOT PROPOSITION

1. The Kingdom of Ruritania is a state which had been a British colony for the last 200 years before its declaration of independence in 1947 resulting in the formation of the state of Ruritania. Ruritania has a large population of close to 1.4 billion and has a diversified economy. As an independent state, Ruritania adopted its own Constitution and constituted its own Parliament, which enacted several laws to govern the newly independent state. Many of Ruritania's laws were modelled along the lines of English law. In the initial few decades of its statehood, Ruritania had a closed economy which was opened to the rest of the world only in the early 1990s. With the advent of liberalization and the entry of multinational corporations into its economic landscape, this period sparked an era of unprecedented economic and technological growth.

2. The Ruritarian parliament passed stronger and more versatile laws to regulate its evolving economy. For instance, while its laws historically sanctioned monopolies and restrictive trade practices, the Ruritarian Parliament, in 2002, enacted the Competition Act, 2002 (**Competition Act**). The Competition Act was implemented in two phases: the provisions prohibiting anti-competitive agreements and abuse of dominance were brought into force in 2009; and the provisions regarding regulations of mergers, acquisitions and amalgamations were brought into force in 2011. The Competition Act also established the Competition Commission of Ruritania (**CCR**) to promote competition and prohibit anticompetitive practices by orders imposing suitable remedies.

3. The CCR passes orders to direct its investigative arm, the Director-General (**DG**), to open investigations against perceived anti-competitive conduct based on references received from the government or its agencies, or information received from citizens, upon finding that a prima facie case is made out. The CCR then passes final orders (including penalties, where applicable) after conducting hearings. Aggrieved parties can appeal the CCR's orders to the Competition Appellate Tribunal (Tribunal) and orders of the Tribunal can be appealed to the Ruritarian Supreme Court



4. Since the Ruritarian competition regime is relatively nascent, the CCR and the Ruritarian Courts hold the decisional practice of competition regulators in the European Union, United States of America (**U.S.A.**) and India in high regard. Given that the laws of Westeros, including its competition laws, are *pari materia* with the laws of India, the Ruritarian competition authorities, Courts and Tribunals consider orders and judgments of Indian courts and tribunals to have high persuasive value. Ruritania also uses Indian currency, i.e., the Indian National Rupee (**INR**).

5. Roark Industries Inc. (**Roark**) is a U.S.A. based multi-national conglomerate, producing products across sectors, including the manufacture of chips used in antiballistic missiles and other air defence systems. Over recent years, it has been increasing its presence in technology-based sectors by aggressively engaging in mergers and acquisitions. In March 2021, Roark completed its acquisition of Brillante Technologies Private Limited (**Brillante**) including its subsidiary in Ruritania. Brillante is a company that has made pathbreaking innovations in Artificial Intelligence (**AI**), with applications in various industrial processes. In particular, Brillante developed a patented AI technology with pathbreaking applications in chip manufacturing, perceived to be years ahead of other such technologies. By 2019, almost all major chip manufacturers servicing the defence sector were using Brillante's technology in their production lines.

6. Atlas Dome Technologies Ltd. (**Atlas**) is a Ruritarian defence technology company, specialising in providing solutions in the air defence sector, including manufacturing of chips used in this sector

7. Shortly after Roark's acquisition of Brillante, officials from the CCR conducted a "dawn raid" on Roark's Ruritanian offices, after receiving a reference from the Ruritanian Ministry of Commerce, regarding alleged cartelization and anticompetitive conduct by prominent players in the chip manufacturing industry, including Roark. The dawn raid was initiated at 0000 hours and continued until 2300 hours, the next day. Roark's lawyers rushed to the office as soon as they were made aware of the dawn raid.

However, CCR officials denied them entry into Roark's offices. Further, by the time Roark's lawyers had arrived, CCR officials had conducted deposed Roark's top officials. In the course of these depositions, the Ruritanian CEO of Roark, stated that Roark had shared certain information relating to pricing strategy and customer retention policies, with GENZ Pvt. Ltd (**GENZ**), a competitor of Roark in the chip manufacturing industry. Roark is a minority shareholder in GENZ, holding 9.5% of its shareholding, along with a board seat. The Ruritanian CEO of Roark is also an independent director of GENZ, although in his personal capacity

8. The CCR found several e-mails that suggested that post the acquisition of Brillante by Roark, Brillante reached out to various competitors of Roark to renegotiate the terms of use and license of its AI technology, asking them to increase the license fee by approximately 25%. Some e-mails also suggested that Brillante was intentionally delaying these negotiations and had asked Roark's competitors to cease and desist from using its technologies pending re-negotiations. The CCR also found a letter from one of Brillante's employees to its compliance officer suggesting that Roark had pressurised Brillante to provide MFN treatment to GENZ and also to share with GENZ the terms and conditions on which Brillante provides services to Roark.

9. The CCR, based on the dawn raid it had conducted, passed a prima facie order against Roark and others, ordering the DG to initiate an investigation. As a result of the dawn raid, the CCR was also made aware of Roark's acquisition of Brillante. The CCR issued a Show Cause Notice, asking Roark why gun-jumping proceedings should not be initiated against it. Relevant financial details are enclosed as Annexure 1.

10. Although the CCR did not find Brillante to prima facie enjoy a dominant position, it ordered the DG to investigate whether Brillante had engaged in refusal to deal.

11. Upon receiving the DG's reports, and upon hearing the submissions of the parties, the CCR decided to pass an order making the following observations:

a. The direct and indirect exchange of information on pricing trends and strategy between Roark and GENZ amounted to cartelisation.

b. By insisting on a change in terms of the terms of use and license of its AI technology, and intentionally delaying negotiations, Brillante had engaged in a refusal to deal with competitors of Roark.

c. CCR officials did not err by conducting depositions in the absence of Roark's lawyers.

12. The CCR also considered Roark's submissions with regard to gun-jumping proceedings and observed that Roark was required to notify its acquisition of Brillante. The CCR observed that consolidated financial statements of its Indian subsidiaries were required to be considered, which included financials of its offshore subsidiaries.

13. On appeal, the Tribunal considered the submissions made by the various parties and issued an order to list the matter for hearing on 11th February 2022. Accordingly, the participants are required to present written and oral arguments before the Tribunal addressing the following issues (in addition to any other issues identified):

(i) Was the CCR correct in finding that Roark was required to have notified its acquisition of Brillante?

(ii) Did Roark have a right to have its lawyer present during the dawn raid and deposition?

(iii) Was the CCR correct in penalising Roark for exchange of information/ cartelisation?

(iv) Was CCR correct in finding that Brillante had engaged in refusal to deal?

## Annexure 1

### I. Consolidated financial details of the Brillante group

Sl. No.	Geography	Revenue (USD)*
1.	Americas	5.5 billion
2.	Ruritania	66 million
3.	Rest of Asia-Pacific	1 billion
4.	Europe	3 billion

\* Revenue based on the location of customers

### II. Standalone financials of Brillante Ruritania

Sl. No.	Particulars	Revenue (INR Crore)
1.	Revenue from Operations	120
2.	Other Revenue	60
3.	Total Revenue	180

### III. Consolidated financials of Brillante Ruritania

Sl. No.	Particulars	Revenue (INR Crore) *
1.	Revenue of Brillante Ruritania	180
2.	Revenue of Brillante Specialties Inc.*	900
3.	Consolidated Revenue	1080

\* Revenue of Brillante Specialties Inc. is a wholly-owned subsidiary of Brillante Ruritania with operations entirely outside Ruritania.



# XIITH CCI-JUSTICE HIDAYATULLAH NATIONAL MOOT COURT COMPETITION

IN COLLABORATION WITH  
AZB & PARTNERS

Dr. Vishnu Konoorayar  
Professor of Law, HNLU Raipur.  
Phone: +91-83759-24141

Dr. Anindhya Tiwari  
Organizing Secretary, HNMCC 2022  
Phone: +91-96801-30090

Sanket Jamuar  
Student Convenor, HNMCC 2022  
Phone: +91-78709-12857

Avnish Prakash  
Student Co-Convenor  
Phone: +91-91623-85666

Deeksha Singh  
Student Co-Convenor  
Phone: +91-97544-56437

HNLU Campus. Opposite Jungle Safari, Sector 40, Nava Raipur, Atal Nagar, Raipur  
Email: [12hnmcc2022@hnl.ac.in](mailto:12hnmcc2022@hnl.ac.in), Web: [www.hnl.ac.in](http://www.hnl.ac.in)