



FACULTY OF JURIDICAL SCIENCES

**MOOT COURT EXERCISE AND
INTERNSHIP
(CLINICAL)**

Course : BALLB , 3rd Semester

Subject code : BAL903

Faculty Name : Ms Taruna Reni Singh

Moot Court Exercise and Internship

Objective: The objective of having moot courts is to give the students practical training on how the proceedings of the court take place.

The Paper will have following components

- Moot Court: Every student may be required to do at least one moot court in a year. The moot court work will be on assigned problem.
- Observance of Trial in one case, either Civil or Criminal.
 - Students may be required to attend one trial in the course of the last year of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.
- Interviewing techniques and Pre-trial preparations and Internship diary.
 - Each student will observe one interviewing session of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition.
- The fourth component of this paper will be Viva Voce examination on all the above three aspects.
- Student will be required to undertake legal awareness programme in association with N.S.S. and other authorities as directed by the Faculty.

LECTURE 18

Moot Problem 6

1. Girdhari & Firm is leading grocery firm in India which is a populous, plural, democratic country. India is largest producer and consumer in the world. Girdhari & Firm deals in supplies and services of households and FMCG products and services.
2. Girdhari & Firm has been working in the FMCG sector in last 50 years and has 65% market share in the category. Girdhari & Firm is managed by Adityaveer who is management graduate from Harvard Business School. Girdhari & Firm in 2017 converts in to a public company and in 2020 brings an Initial public offer to raise capital to the tune of Rs. 700 Crore for expansion of their business pan India.
3. Girdhari & Co. is having its registered office in Coimbatore and operates from Chennai. They have a robust supply chain in India and have huge warehouses in four zones of the country which has capacity to feed and supply millions of people.
4. Girdhari & Co. in May 2020 signs an agreement with the Government of India under Article 299 for supply of 200000 Tones of Wheat flour and 300000 Liters of edible oil. Their warehouses are located in Kolkata, Coimbatore, Ahmedabad and Gurugram.
5. In December 2019 China reports an outbreak of Covid 19 virus which is highly contagious and till April it has claimed 500000 lives and 10000000 peoples are infected with this virus. Indian Prime Minister has declared a lockdown in March and extended it intermittently till May.
6. Adityaveer as per the terms of agreement asks for earnest payment. The agreement between Government and Company is not through bidding or tendering process rather it is one to one contract.
7. Government makes the initial payment. Adityaveer is very dynamic businessman of India and he knows that the fiscal policies and political stability and alliance is good for business. He in 2014 and 2019 has funded the Central Government substantially. He is a blue-eyed boy in business community for the ruling party. Adityaveer is having ties to political honchos of the country. His brothers are married to daughters of many Ministers of Union Government.

8. Amid the Covid outbreak Central Government has given guidelines and instructions to State for following lockdowns. States are duly observing the same but lockdown does not apply to the cases of essential items.
9. Adityaveer starts supplying the items at desired locations of Government of India. 200 trucks carrying essential items from Ahmedabad are caught and seized and challaned under relevant law for breaking the lockdown by Rajasthan Government, likewise 200 trucks are seized by Kolkata Governments and these trucks carrying tonnes of wheat flour and edible oils are left open in Jaipur and Kolkata respectively. The value of the items is Rs. 200 Crores.
10. Due to negligence of Government Officials trucks are left unattended and being in open the supply is destroyed by mob rioting and heavy rains. Adityaveer on behalf Company files a petition in Calcutta High Court for payment of compensation owing to tortious acts of State and violation of his Fundamental right to do business and breach of constitutional right of freedom of trade commerce and intercourse and holding it to be a non-contractual bailment.
11. The States rejects the argument and say that they were discharging the duties and obligations under instructions of Union Government and it was like performing sovereign function amidst apprehension of spread of Covid-19. There was no bailment of goods and hence they are not liable.
12. Both High Courts rejects the petition and upholds the Government's stand that this was a sovereign function and it was not a bailment of goods. This kind of function also does not qualify for non-contractual bailment.
13. Both cases go in appeal to Supreme Court which combines the matter for joint hearing. Argue the case.