

KARNATAKA STATE LAW UNIVERSITY

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯ

SARVODAYA LAW COLLEGE

ಸರ್ವೋದಯ ಕಾನೂನು ಕಾಲೇಜು, ಬೆಂಗಳೂರು.

CLINICAL COURSE - II (IV SEMESTER)

PROBLEM ON ARBITRATION

ABCD are the partners of the firm called "CORAN PRIVATE PARTNERSHIP FIRM" . The firm engaged supply of electronic materials worth Rs. 1000/- crores to QUARNTINE PRIVATE COMPANY, Under the agreement, the firm to supply the materials every month worth Rs. 100/- Crores on or before 5th of every month starting from January 2020, till October 2020. Accordingly, the CPPF (CORAN PRIVATE PARTNERSHIP FIRM) supplied the same till 5th March 2020.

The agreement provided a condition that 50% of the amount worth Rs. 500/- Crore (out of Rs. 1000/- Crore) should be before the supply to begin, hence on receipt of Rs. 500/- Crore, only the "CPPF" started supplying the said materials. There is also another clause in the 'Agreement' that if there is a delay in making supply beyond the said date (i.e 5th of every month), for whatever reasons , the QUARNTINE PRIVATE COMPANY (QPC) is at liberty to resign the agreement or contract, to claim for compensation arising out of delay in supply. Any dispute in this regard can be referred to Arbitrator for Arbitration.

In view of such arbitration clause, the QPC issued a notice Uls for appointment of sole arbitrator to settle dispute since the CPPF failed to supply the materials interns of terms and condition of the agreement w.e.f 5th April 2020. Accordingly Mr. COVID was appointed as sole Arbitrator with consent before the Arbitral Tribunal, the QPC claimed compensation of Rs. 1000 Cr which CPPF denied the liability to the extent claimed by QPC and agreed to return only 200 Crores which is the amount for two installment . Supply, but on 05.04.2020 CPPF reteriated his stand and says that due to Lockdown w.e.f from 24.03.2020, the materials could be supplied , in view of unforeseen situation, he is not agreeing with claim of QPC. The proceeding before the Arbitral Tribunal is going on which is being presided over by sole Arbitrator Mr. COVID.

Now the students to do the stimulation exercise by taking role as under, the students to constitute/ form such number of groups consisting of each 6 members , taking the role of 4 partners representing QPC, are sole Arbitrator (Mr. CPVID).

1. Solve the problem.
2. Students can assume, imagine the situation and prepare a detailed report.
3. Involvement and their assessment on the problem solution and their ability will be examined in the above stimulation exercise.

PROBLEM ON MEDIATION

Smt. Asharani married Shri. Keshava on 02.08.2019, after the marriage both lived together and lead married life happily at Bengaluru. The Marriage was canscemented.

Keshava, on his private work went to New Delhi on 20.03.2020 for seven days. During his stay, the Government of India Disclosed 21 days Lockdown initially and extended till 03.05.2020 to prevent spreading of Corona disease. After May 3 Keshava came back to Bengaluru on 04.05.2020 and heard that his wife became pregnant, the relationship between both was canicive, her 3 months pregnancy was also confirmed. One Mr. Arun close friend of Mr. Keshava, met him and told him that when Keshava was in New Delhi, he used to meet Asharani and helped her for making availble essential food items and became close to her, both were close to each other Asharani without intimation to Keshava used to accompany Arun, that has enraged Keshava, then both pickup frequent quarrels . Ultimately Keshava doubted parenthood of the child in the womb. Relationship became further worsened, as Keshava suspect, it would not be possible to live together. Finally Keshava filed MCNo 11/2020 before family court at Bengaluru seeking dissolution of marriage, dated 02.08.2019 on the ground of illicit relationship. Summons was issued. Asharani appeared and filed written statement denying the case of Keshava and opposed decree of divorce, because Keshava is not ready for DNA test. The learned Judge convinced both to withdraw the case in their interest and welfare of the child in the womb, though they agreed to withdraw and live together, but both remained adamant, therefore learned Judge so as to reconcite , referred the matter for mediation centre for resolution dispute.

1. Solve the problem.
2. Students can assume, imagine the situation and prepare a detailed report.
3. Involvement and their assessment on the problem solution and their ability will be examined in the above stimulation exercise.

PROBLEM ON CONCILIATION

Ramu, Kanaka, Amith are employed as conductor of the buses belonging to the state owned transport corporation. The said conductor is between age group of 56 to 58. They are now not able to work as conductor, in view of pandemic corona disease, They came in contact with coran virus in the month of march 2020, They were quarantined, now discharged. However they are of other aged related diseases, unable to discharge their normal duty. Therefore the management of the Transport Cooperation took a decision in its meeting dated 05.04.2020 to ask the employees like Ramu, Kanaka, and Amith to opt for VRS (Voluntary Retirement Scheme) and accept Lump sum of Rs. 1, 00,000 /- as compensation for prematurity retirement.

After hearing, all the employees of like nature (who are likely to be retired permanently called for a meeting to oppose or discuss the consequences of the decision of the Management. The Union of the employees Association submitted a memorandum to the management requesting to drop the idea of opting of VRS and alternatively they submitted a proposal to the management on behalf of the employers as stated above that they should not be retired prematurely instead, they must be given alternative job in the corporation according to their educational qualification. After receipt of the memorandum of the Employees Association the management put forward another proposal by which it has come forward to pay Rs.2,00,000/- more in addition to the Rs. 1,00,00/- already announced. Not agreeing to the same, they approached state Government. The State Government refereed the dispute to the “Labor Officer” to conciliate between the group’s for resolution and the dispute.

The students shall form a group consisting of 6 members in each group and each should take up different role as provided in the problem.

The students to solve the problem and prepare detailed report on conciliation as per the guidelines and issued by the college.

PROBLEM ON NEGOTIATION

DOWNLOAD QUARNTINE SQUARE MALL, one of the leading mall at New Delhi, has been operating its business since, 1947, The DQSM established several departmental stores at various places in India. It made available many items of Chinese production in their departmental stores. Due to strain relation with China which has caused the death of several Indian soldiers at border, the Government of India called for banning of all Chinese production, as result, the business suddenly fell down. With the result over 1000 salesmen has to go without employment, therefore the management at DQSM offered a proposal to pay compensation of Rs. 40,000/- each to those who are likely to loose employment. Not willing to accept the same, the salesmen deputed are of its salesmen to negotiate with the management of DQSM, to find an appropriate solution.

Note:

1. Students to take part in the stimulation exercise in respect of the above problem by forming a group consisting of 6 members in each group by taking different role and solve the problem.
2. The students to prepare detailed report of their individual role play in the above stimulation exercise and submit as per the guidelines issued by the college.