

2ND NATIONAL E-MEMORANDUM WRITING COMPETITION, 2019

LEX ASSISTO

IN ASSOCIATION WITH

SNK LEGAL ADVISORS

PRESENT

SECOND EDITION

OF

**NATIONAL E-MEMORANDUM
WRITING COMPETITION, 2019**



Lex Assisto

A Step Towards Legal Assistance

FOR MORE DETAILS CONTACT

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LEX ASSISTO
IN ASSOCIATION WITH
SNK LEGAL ADVISORS AND CONSULTANT

SECOND NATIONAL
E-MEMORANDUM WRITING
COMPETITION, 2019

WINNING CASH PRIZE RS. 50,000/-

REGISTRATION FEES
INDIVIDUAL PARTICIPANT:

RS. 400/-

DOUBLE PARTICIPANT
(A TEAM)- RS. 750/-

DATES TO REMEMBER

LAST DATE FOR COMPLETION
OF REGISTRATION:

08TH APRIL, 2019

FINAL SUBMISSION OF SOFT
COPY OF MEMORIAL:

15TH APRIL, 2019

FOR MORE UPDATE

WEBSITE: WWW.LEXASSISTO.COM

FOR ENQUIRES EMAIL US AT: LEXASSISTO@GMAIL.COM

OR CONTACT US AT

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***NO LIMITATION FOR NO. OF PARTICIPATION FROM EACH COLLEGE/ UNIVERSITY.**

2ND NATIONAL E-MEMORANDUM WRITING COMPETITION, 2019

Lex Assisto

In Association With

Snk Legal Advisors

Presents

*Second Edition of National
E-Memorandum Writing Competition, 2019*

Registration Opens on 18th February, 2019

Registration Closes on 08th April, 2019

Date of Submission of Soft Copy of Memorial on 15th April, 2019

Date of Result 21st April, 2019

Dear Sir/Madam,

Greetings!

The Lex Assisto is now gearing up to organize the Second Edition of National E-Memorandum Writing Competition, 2019. Lex Assisto has been working in different legal aspects around the country from more than a year.

It gives us immense pleasure to most cordially invite you and your esteemed institution to participate in the 2nd National E-Memorandum Writing Competition, 2019 being organized by Lex Assisto on April 15th, 2019.

The competition will indeed be an ideal platform to bring together some of the most creative and intellectual young minds from leading Law Schools around the globe to participate and witness their mastery on research skills to be adjudged by a panel of experts.

All the Law School are invited to confirm their participation through registering themselves by filling the form and by sending a confirmation email. The soft copy of the Memorandum should be send last by 15th April, 2019. The payment of registration can be down by Paytm or Bank Transfer.

We look forward to welcoming you for participating in Second Edition of National E-Memorandum Writing Competition, 2019.

Kind Regards,

Mr. Gyotirmoy Banerjee

Founder & Director

Lex Assisto

**OVERVIEW OF THE SECOND EDITION OF THE
NATIONAL E-MEMORANDUM WRITING
COMPETITION, 2019**

The 2nd Edition of the National E-Memorandum Writing Competition, 2019. Lex Assisto came up with this unique concept of online memorial writing keeping in mind that there are 1000's of law students who are capable of heavy research work followed with excellent drafting skills but they are never able to express by standing at the dice when there is moment of oral argument.

The Moot Proposition seeks to promote the interest of students with respect to Contractual Disputes in the Electricity and Energy Sector. The proposition is a blend of Contract Law, Electricity Law and Environmental Law. The correct interpretation of the proposition also requires applicability of Administrative Law and Standard Operating Procedures for awarding Contracts. The Moot Proposition covers a hypothetical and resemblance to any contemporary issue is purely incidental. The laws are *pari materia* to the laws of India.

A very nominal registration fee of Rs. 400 for an individual and Rs. 750 for a team of two people were decided for the registration of the participant.

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MOOT PROPOSITION

Moot Problem for 2nd National E-Memorandum Writing Competition, 2019¹

1. The Republic of India is a rapidly growing economy. The power sector in the country is one of the most diversified and well regulated. The State of Kaza is one of the leading electricity generators among the Indian States. About 65 per cent of the electricity consumed in India is generated by thermal power plants, 22 per cent by hydroelectric power plants, 3 per cent by nuclear power plants and rest 10 per cent from other alternate sources like solar, wind, biomass etc.
2. The Union Parliament, in the year 2003 year, enacted the Electricity Act, 2003 (“Act”) so as to (i) consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and (ii) generally for (a) taking measures conducive to development of electricity industry, (b) promoting competition therein, (c) protecting interest of consumers and (d) supply of electricity to all areas, (iii) rationalization of electricity tariff, (iv) ensuring transparent policies regarding subsidies, (v) promotion of efficient and environmentally benign policies, (vi) constitution of Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal and for matters connected therewith or incidental thereto.
3. Pursuant to Section 63 of the Act, the Ministry of Power, (“MOP”) Government of India, released “Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees”. The said Guidelines lays down the essential process of power procurement by the ‘Distribution Licensees’ clearly exhibiting the bidding process.
4. Malani Power (Keonjhar) Ltd. (“Malani Power”) is a generating company in terms of the Act. The State of Kaza released a “Request for Proposal” on 30th August, 2012 inviting bids to establish a (600 x 2 MW) Power Plant in the State for production of electricity. Malani Power submitted its bid along with multiple other entities. Malani Power was awarded the Letter of Intent on the ground that it quoted the lowest tariff in its bid. Consequently, on 19th September, 2012, a Power Purchase

¹ The Problem has been drafted by Mr. Saunak Kumar Rajguru. Any kind of direct/indirect approach by candidates will lead to immediate disqualification of the candidate.

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Agreement was executed between Kaza State Power Corporation Ltd. (a distribution licensee in terms of the Act) and Malani Power for sale of electricity from the 1200 MW (600x2 MW) power plant.

5. The said Power Purchase Agreement inter alia contained the following provisions:-

a. Article 1

1.1 Definitions: In this Agreement, the following words and expressions shall have the respective meanings set forth below

- i. (e) **Change in Law** means any of the following events occurring after the Effective date as a result of, or in connection with, any action or inaction by any Legal authority:
 - i) a change in or repeal of an existing law;
 - ii) an enactment or making of a new law;
 - iii) cancellation or non-renewal or change in the conditions applicable to any legal approval relating to the Unit;
 - iv) any change in, or other alteration in taxes, royalty, and depreciation except those currently applicable to a Mega Project.
- ii. (h) "**Effective date**" means the date of execution and delivery of this Agreement.
- iii. (j) "**Force majeure**" shall have the meaning and scope as appended under general contract law.

6. While submitting the bidding documents, Malani Power had indicated three different fuel sources being (i) the Solar Coal Block; (ii) domestic coal linkage from Coal India and its Subsidiaries and (iii) imported coal.

7. The Ministry of Environment & Forest and Climate Change ("**MoEF**") on 01.01.2013 issued a "letter of allocation" i.e. **LoA** to Malani Power allocating the Solar Coal block to Malani Power for the purposes of its fuel procurement. On the basis of such Letter of Allocation, Malani Power started purchasing initial equipments for setting up a thermal power plant. It is to be noted that out of 1200 MW, 800 MW of coal was to be procured from Solar Coal Block, 250 MW from Coal India and Mahanadi Coal Fields and rest were to be imported by Africa.

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8. Post allocation of the Coal Block, the MoEF proceeded with standard procedures of evaluating the conservation plan of the area. While undertaking monitoring procedures, forest officials noticed an unusual sight of tiger imprints within the allotted area of Solar Coal Blocks, i.e. the proposed Mining area. Immediate steps were undertaken to address the situation and multiple high level meetings were conducted. The Expert Appraisal Committee (“EAC”) of the MoEF noticed that the proposed Mining area at a distance of 27 Km from the Xunder Tiger Reserve and any mining construction therein has a potential impact of affecting in-situ conservation of the tigers.
9. It was also noticed that Malani Power, in its Environmental Impact Assessment, made no mention about the possible impact of mining activities on the conservation status of the tigers in the Xunder Tiger Reserve and associated flora and fauna. The EAC was also apprised of the fact that, on an earlier occasion, the allocation of the same coal block was cancelled on similar grounds. Among other things, the EAC came down heavily on the Ministry of Coal and MoEF in their lack of coordination while allocating resources to the power generators, thereby resulting in such unwarranted scenarios. The EAC *inter alia* premised on the afore-said findings and recommended cancellation of the Solar Coal Block.
10. Consequently, MoEF withdrew the LoA granted to Malani Power and removed Solar Coal Block as one of the fuel sources for Malani Power. Malani Power insisted on alternative allocation of coal blocks, however, despite multiple efforts/requests, the same was not granted. As a result, Malani Power was forced to rely on (i) coal from Coal India and Mahanadi Coal Fields; and (ii) imported coal.
11. Later in July, 2013, on account of promulgation of Kenyan Coal Procurement Regulations, 2013, prices for procurement of coal went up exponentially and rose by 70-80%. It is to be noted that Kenya was the main coal supplier for Malani Power. Multiple requests were made to the Ministry of Power to consider and allocate alternative coal blocks with revised tariff so as to minimize the impact of the hardship so caused to Malani Power. However, the Power Generator did not receive any positive response and was left with no option but to close down its operations resulting in accumulating losses of about 9000 Crores.

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12. A Petition being Petition No. 290 of 2014 was filed before the Ld. Kaza Electricity Regulatory Commission (“**KERC**”). Malani Power inter alia contended that (i) the allocation and subsequent withdrawal of Solar Coal Block on account of tiger imprints being found was an (a) unforeseen event; (b) was beyond the control of Malani Power and thus (c) constitutes as a Force Majeure Event under contract law. Additionally, (i) the promulgation of Kenyan Regulations, 2013 is a Change in Law event in terms of the Power Purchase Agreement. In the alternative, (ii) the Judgment of *Manohar Lal Sharma vs. Principal Secretary & Ors.* (2014) 9 SCC 516 that de-allocated all coal blocks allotted post 1993, in itself constitutes a Change in Law Event. As a result, Malani Power is entitled to compensation and damages.
13. The Ld. KERC allowed the desired relief to Malani Power, except denying that the promulgation of Kenyan Regulations was a Change in Law Event. The State of Kaza filed an Appeal before the Hon’ble Appellate Tribunal for Electricity (“**APTEL**”). Malani Power also filed a Cross-Appeal, to the extent aggrieved by the Impugned Order. The Hon’ble APTEL upheld the Impugned Order. Both Parties have decided to file Appeals and Cross Appeals before the Hon’ble Supreme Court of India under Section 125 of the Electricity Act, 2003.
14. Prepare the Memorandum of Appeal and Cross-Appeal on behalf of both the contesting Parties.

RULES OF THE COMPETITION

ALL THE PARTICIPANTS HAVE TO MAKE THE MEMORIALS FROM BOTH THE SIDE (PETITIONER AND RESPONDENT) OF THE CASE.

Article 1: Eligibility for Participation

1. The Competition is open to all students, enrolled bonafide on a regular basis in an undergraduate Law course (5 years integrated Law course / 3 Year L.L.B Course) or its equivalent conducted by any recognized Institution/College/University of any country.
2. Any Institution/College/University can enter the Competition with more than one team or individual.
3. There can be a composition of one single member or two members maximum (a Team). There should be no Team comprising of three members.

Article 2: Language

1. The language use during the competition will be English.

Article 3: Clarification to the Case

Teams may request for clarifications via e-mail to lexassisto@gmail.com, latest by April 11, 2019 (11.59 P.M. IST)

Article 4: Anonymity of Teams

Teams shall not reveal their identity in any form, during the Competition.

1. The Soft copy of the Submissions shall not reveal the identity of the team in any form and should not bear the logo, name etc. of the University represented.
2. Any violation of Article 4.2 shall attract severe penalty or disqualification as determined by the Organizing Committee. The decision of the Organizing Committee in this regard shall be final and not subject to challenge.

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Article 5: Registration of Individual/ Teams

1. Each participant shall complete the registration within the stipulated time. The registration is a two-step process comprising of filling up of the registration form and payment of the registration fee as provided in Article 6.
2. The registration for the event can be done from the official link of the 2nd National E-Memorandum Writing Competition, 2019 at the website of Lex Assisto. (www.lexassisto/2nemwc-2019)

Article 6: Registration Fee

1. *The Registration Fee for 1 Participant is INR 400/-.*
2. *The Registration Fee for 2 Participant (1 Team) is INR 750/-.*
3. Payment of Registration Fee:
 - a. Individual or a Team must make payment by Paytm/ Online Payment. The procedure for the same has been provided in the Annexure to the Competition Rules.
 - b. All the formalities concerning the registration process should be completed by April 08, 2019. The decision of the Organising Committee shall be final in this regard.

Article 7: Written Submission

1. Each Individual or Team is required to submit Memorial and Counter Memorial on behalf of both the Applicant and the Respondent respectively.
2. Each Team shall send one (1) soft copy of the written Submission for each side in MS Word Document 2007 or 2010 (.docx) format only, via E-mail, on or before April 15, 2019 to **lexassisto@gmail.com**.
3. The Written Submission and Counter Memorial shall consist of the following mandatory heads:
 - a. Title Page;
 - b. Table of Contents;
 - c. List of Abbreviations;
 - d. Table of Authorities;
 - e. Questions Presented;

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- f. Fact Highlights, which may creatively and persuasively state the facts of the problem in support of the positions argued in the Written Submission. The Statement of Facts should remain faithful to the official facts and present them in a reasonable way, but not a true copy of it.
 - g. Summary of Arguments;
 - h. Argument including footnotes; and
 - i. Final Submissions to the Tribunal.
4. The Written Submission (including the preliminary pages) and soft copy submission shall be typed on A4-sized paper, with the following formatting specifications
- Font type: Times New Roman
 - Font size: 12
 - Line spacing: 1.5
 - Body of text: Justified

For Footnotes, the formatting specifications are:

- Font type: Times New Roman
 - Font size: 10
 - Single spacing
 - Paragraph spacing: 0
 - No additional space between 2 footnotes
 - Body of text: Justified
5. Table of Contents, List of Abbreviations, Table of Authorities, Section Headings and footnotes shall be typed Single-spaced.
 6. Teams shall cite authorities in the Memorials using footnotes following Harvard Bluebook 19th Edition.
 7. Footnotes should be limited only to citations and must not contain extra information or arguments.
 8. The Soft-Copy Submission shall not contain any annexure, photographs, graphs, diagrams or any other representation of like nature.
 9. The Soft-Copy Memorial shall not in any way identify the Team, its members, the law school, faculty, university or other participating institution except with the Team Code as assigned by the organizers. The electronic version of memorials shall not have any electronic identification of the Team.

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10. Following colour scheme shall be followed for the cover page of the Soft-Copy Submission:

- Petitioner: BLUE
- Respondent: RED

Article 8: Evaluation Criteria for Memorial Submission

1. The Memorial marks of each Team in the preliminary rounds shall be awarded by a discrete Panel other than the Oral Pleading Sessions Panel.
2. Every Written Submission will be marked on Scale of 100 and will be evaluated according to the following criteria:

S. No	Marking Criteria	Maximum Marks Allocated
1.	Knowledge of fact & Law	20
2.	Application of Law & Facts	20
3.	Use of Authority / Precedents	20
4.	Organisation of Arguments and Clarity of Thoughts	20
5.	Mode of Citation of source	10
6.	Presentation Style	10
	Total	100

Article 9: Interpretation of Rules

1. The ORGANIZERS shall serve as final arbiter of implementation and interpretation of these Rules.

Article 10: Miscellaneous

1. The Organizers reserves the right to modify any of the Competition Rules at any point of time. The Organizer shall communicate any changes made in the Competition Rules to the Teams.
2. The Organizers reserves the right to take decisions on any matter not mentioned in the Competition Rules. Any such decision taken by the Organizer shall be final and binding. The Organizers reserves the right to interpret any of the Competition Rules. Such interpretation shall be final and binding.

REGISTRATION FORM

Lex Assisto presents the Second Edition of National E-Memorandum Writing Competition, 2019 which has taken an initiative to take a step towards a change for the society in the upcoming world.

The competition is based on the different facts and circumstances related to the modern world which we people most of the time do neglect due to ignorance. The participants have to make the Memorial from Both the side (Petitioner and Respondent) of the Case.

Each and every individual has to fill the Registration Form to make themselves register for the Competition. In this the participant can register themselves on Individual basis or in a formation of two members in a Team.

The participant has to make the payment by any mode via PAYTM or Bank Transfer, the details are given below.

Details for Payment: -

1. **To Pay Rs. 400/-:** Click on this link: <https://p-y.tm/51f-9Ky>
2. **To Pay Rs. 750/-:** Click on this link: <https://p-y.tm/DC-f9Ky>

(Mentioning your Name and College)

3. **Account in the Name Of:** Jyotirmoy Banerjee

Bank Name: State Bank of India

Account Number: 35084245274

IFSC Code: SBIN0008067

Branch Name: Kapoorthala Bagh, Lucknow

After the completion of payment, along with complete registration form all the participants are required to take a picture/ screen-shot of the receipt. And compulsorily sent an e-mail at lexassisto@gmail.com, attaching your receipt with mentioning (Participant Name, College/ University/ Institution Name, Year, Course, Contact No).

The registration form can be available at: <https://goo.gl/forms/yjInsqMosOArhcYC2>

SCHEDULE OF EVENTS

S. No	List of events	Dates of Event
1.	Release of Moot Problem	27 th Feb, 2019
2.	Registration Opens	28 th Feb, 2019
3.	Last date of Payment	08 th April, 2019
4.	Registration Closed	08 th April, 2019
5.	Last date for Clarification	11 th April, 2019
6.	Submission of Soft-Copy of the Memorial	15 rd April, 2019
7.	Release of Result	21 st April, 2019

AWARDS

WINNING CASH PRIZES OF RS. 50,000/-

WINNER AWARD:

Cash Prize worth Rs. 20,000 + E- Certificate of Achievement

1ST RUNNER-UP:

Cash Prize worth Rs. 15,000 + E-Certificate of Achievement

2ND RUNNER-UP:

Cash Prize worth Rs. 10,000 + E-Certificate of Achievement

SPECIAL PRIZE:

Top 5 Participant will receive a Cash Prize of Rs. 1,000 + E-Certificate of Achievement

*All the participant will be awarded with Certificate of Participation.

CONTACT DETAILS

Mr. Jyotirmoy Banerjee

Mr. Karan Rajpurohit

Lex Assisto

Lex Assisto

Founder & Director

Chief Operational Officer

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Official Website of Lex Assisto for the Second Edition of National E-Memorandum Writing Competition, 2019

(www.lexasissto.com/2nemwc-2019)