



# **PRESIDENCY UNIVERSITY**

(Private University Estd. in Karnataka State by Act No.41 of 2013)

## **School of Law**

### **Details of Active learning conducted during AY 2022-2023**

#### **Even Semester**

**Name of the Faculty:** Ms. Aprajita Verma

**Course Name:** Alternate Dispute Resolution

**Course Code:** LAW 993

S.No.	Class	Date	Time
1	BA LLB Semester X Law 993 Section 3	10/04/23	02:35-03:25pm

#### **Report on Conciliation Exercise Conducted on 10-04-2023**

##### **Introduction:**

On **10-04-2023**, an arbitration exercise was conducted for the students of **BBA LLB Semester X Law 993 Section 2**. The purpose of this exercise was to provide students with a practical understanding of arbitration, a method of alternative dispute resolution commonly used to resolve commercial and legal disputes. The exercise aimed to enhance student's analytical and dispute resolving skills.

##### **Objective:**

The primary objectives for conducting Conciliation exercise are as follows:

- To familiarize students with the fundamental principles and procedures of Conciliation
- To enable students to apply their legal knowledge to practical dispute resolution scenarios.
- To enhance student's ability to construct persuasive arguments and present their cases convincingly.
- To develop critical thinking and problem-solving skills in resolving disputes.

##### **Participants:**

- The exercise involved students of BBA LLB Semester 10 Law 993 Section 2. They were divided into four groups. Each of the student were assigned different role.

##### **Exercise Details:**

1. Preparatory Phase: Before the exercise, students were introduced to the concept of conciliation in class. They were provided with relevant study materials and case studies to analyze. Additionally, they were guided on the legal framework governing arbitration and conciliation and the role of Conciliators.
2. Case Selection: Each group was assigned a specific case study that involved a dispute between two parties. The case studies covered diverse areas of law, such as contracts, employment, business, and intellectual property. The complexity of the cases varied to challenge the students' problem-solving abilities.



3. Preparation and Research: Each group was given sufficient time to thoroughly investigate and prepare their respective cases. Students were encouraged to research legal precedents, statutes, and international conventions related to their assigned cases.
4. Conciliation case Hearing: On the day of the exercise, the groups presented their cases before a panel of mock arbitrators, which consisted of teachers and legal professionals. The students were required to follow the formal procedures observed in real arbitration hearings.
5. Award and Feedback: Following the presentations, the arbitrators provided feedback to each group, evaluating their performance based on their legal arguments, presentation skills, and ability to effectively address counterarguments.

### Conclusion:

The Conciliation exercise held conducted proved to be resounding success. It provided students with an immersive learning experience, helping them bridge the gap between theoretical knowledge and practical application. By engaging in mock conciliation proceedings, the students gained valuable insights into the complexities of dispute resolution and honed their advocacy skills. Furthermore, the exercise allowed students to work collaboratively as a team, promoting teamwork and cooperation among them. The feedback provided by the panel of arbitrators proved invaluable, as it highlighted areas for improvement and offered constructive criticism.

We believe that such practical exercises are essential in shaping well-rounded and competent professionals. The arbitration exercise served its purpose in equipping our students with the necessary skills to navigate legal disputes efficiently and professionally.

### Geo tag Photo:





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## **SIMULATION EXERCISE II- Conciliation**

The case primarily centres around a flat numbered 16/199 located at Khar, West Mumbai and belonging to the Maharashtra Housing and Area Development Authority. The originally belonging to N H Krishnan had been transferred to Manameet Singh Chadha by an agreement dated 7/04/1986 and thereby, purchased by Haresh Dayaram Thakur, the appellant in the present case for a consideration of Rs.345000 and by an agreement dated 21/11/1989. In the same year, during a routine inspection of the premises, the Estate Manager of MHADA in his reports said that the flat in question still belonged to N H Ramakrishnan and the appellant and his brothers, Pitamber Dayaram Thakur and his sister-in-law, Raj Kumari were unauthorised occupiers of the same under 66(1) of the Maharashtra Housing and Development Act, 1996. However, the flat was regularised in the name of the appellant after he presented his documents before the authority on 21/11/1989. Respondent no 3 filed a writ petition with the Bombay High Court challenging the eviction order of the MHADA against him even though he had shared the cost of buying the flat with his brother. However, the High Court disposed of the writ petition and directed the MHADA to look into the claims of respondent no 3. The MHADA after inspection allotted the flat in the name of the appellant. On 18/12/1998. A subsequent writ petition was filed by the respondent no 3 & 4 under article 226 & 227 challenging the MHADA's order dated 18/12/1998 with the Bombay High Court. In this petition, they prayed for the restoration of flat no 16/199 at Khar, Mumbai in their possession that had been allotted to the appellant. The Bombay High Court on 6/3/1999 ordered the matter to be taken up by conciliation and with the consent of the parties appointed Mr. H Suresh as a conciliator between the parties. The parties agreed on the binding nature of the conciliation award. Initiate the conciliation proceedings for the said matter and frame the dialogue for each role.

  
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## CONCILIATION SIMULATION EXERCISE - II

### OPENING STATEMENT OF THE CONCILIATOR

Good Morning. Mr. Hanesh Dayaram Thakur and Mr. Pitambur Jayaram. My name is Advocate H. Sunish, and I have been appointed as the conciliator of this dispute. I want to begin by thanking all of you for agreeing to participate in conciliation process. This is an important opportunity for us to work together to find a mutually acceptable solution to the matter at hand.

As of you all know, the dispute involved the ownership of a flat located in Khar, West Mumbai, and I understand that this issue has caused significant stress and inconvenience to all parties involved. However, I believe that by engaging in an open and respectful dialogue, we can find a resolution that satisfies everyone involved.

I want to stress that as a conciliator, I am impartial and my role is to facilitate a productive discussion between the parties. My goal is to help the parties communicate with each other effectively, explore all options for resolving the dispute, and work towards a mutually beneficial outcome.

I recognize that each of you have your own perspectives on this issue and may have different goals and concerns. However, I encourage all of you to approach this discussion in good faith and with an open mind. Remember that we are all here today to find a solution that is fair and reasonable for everyone involved. I will do my best to ensure that everyone has an opportunity to be heard.



Signature of IC



Dean-SoL





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## **School of Law**

### **Details of Active learning conducted during AY 2022-2023**

#### **Even Semester**

**Name of the Faculty:** Ms. Aprajita Verma

**Course Name:** Alternate Dispute Resolution

**Course Code:** LAW 993

S.No.	Class	Date	Time
1	BA LLB Semester X Law 993 Section 3	10/04/23	02:35-03:25pm

#### **Report on Arbitration Exercise Conducted on 10-04-2023**

##### **Introduction:**

On **10-04-2023**, an arbitration exercise was conducted for the students of **BA LLB Semester X Law 993 Section 3**. The purpose of this exercise was to provide students with a practical understanding of arbitration, a method of alternative dispute resolution commonly used to resolve commercial and legal disputes. The exercise aimed to enhance student's analytical and dispute resolving skills.

##### **Objective:**

The primary objectives for conducting arbitration exercise are as follows:

- To familiarize students with the fundamental principles and procedures of arbitration.
- To enable students to apply their legal knowledge to practical dispute resolution scenarios.
- To enhance student's ability to construct persuasive arguments and present their cases convincingly.
- To develop critical thinking and problem-solving skills in resolving disputes.

##### **Participants:**

- The exercise involved students of BA LLB Semester 10 Law 993 Section 3. They were divided into four groups. Each group consist of 5 students and each of the student were assigned different role.

##### **Exercise Details:**

1. Preparatory Phase: Before the exercise, students were introduced to the concept of arbitration in class. They were provided with relevant study materials and case studies to analyze. Additionally, they were guided on the legal framework governing arbitration and the role of arbitrators.

  
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2. **Case Selection:** Each group was assigned a specific case study that involved a dispute between two parties. The case studies covered diverse areas of law, such as contracts, employment, business, and intellectual property. The complexity of the cases varied to challenge the students' problem-solving abilities.
3. **Preparation and Research:** Each group was given sufficient time to thoroughly investigate and prepare their respective cases. Students were encouraged to research legal precedents, statutes, and international conventions related to their assigned cases.
4. **Arbitration Hearing:** On the day of the exercise, the groups presented their cases before a panel of mock arbitrators, which consisted of teachers and legal professionals. The students were required to follow the formal procedures observed in real arbitration hearings.
5. **Cross-Examination and Rebuttal:** After presenting their arguments, the students engaged in cross-examination and rebuttals, simulating the real challenges faced during the arbitration process.
6. **Award and Feedback:** Following the presentations, the arbitrators provided feedback to each group, evaluating their performance based on their legal arguments, presentation skills, and ability to effectively address counterarguments.

## **Conclusion:**

The arbitration exercise held conducted proved to be resounding success. It provided students with an immersive learning experience, helping them bridge the gap between theoretical knowledge and practical application. By engaging in mock arbitration proceedings, the students gained valuable insights into the complexities of dispute resolution and honed their advocacy skills. Furthermore, the exercise allowed students to work collaboratively as a team, promoting teamwork and cooperation among them. The feedback provided by the panel of arbitrators proved invaluable, as it highlighted areas for improvement and offered constructive criticism.

We believe that such practical exercises are essential in shaping well-rounded and competent professionals. The arbitration exercise served its purpose in equipping our students with the necessary skills to navigate legal disputes efficiently and professionally.

## **Geo tag Photo:**





## **Facts of the case (Problem on Arbitration)**

Nile Pvt Ltd is a steel manufacturing company set up in Bangalore owned by the claimants. It is a family business run by three brothers Mr.Arjun, Mr.Aravinth and Mr.Sriram.

Mr.Lokesh is the Chief Financial Officer and Ms. Thejeswini is the current Supply chain Management Director of the company. The Company was established in 1998 and is known for their Quality of service. They were widely known for their on time deliveries. They manufacture S355 steel for the construction of bridges. The respondent owns Phoenix Industries Ltd. based in Chennai that supplies raw materials to Manufacturing units. The respondents Ms. Thejuswini , Ms.Priya and Mr.Ullas are friends who have formed a partnership to establish Phoenix Industries Ltd. which was established in 2006 in Chennai.



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Ms.Thejuswini is the Chief Executive Officer ( CEO ) , Ms. Priya holds the position of Chief financial officer ( CFO ) and Mr. Ullas is the Managing Director ( MD ). Ms Jeba is the current Company Secretary , Mr. Venkat is Supply officer and Mr Aravind is the Charter Accountant for the company.

The claimant entered into contract with the respondent for the purchase of 80,000 WMT (Wet Metric Tonne) of Iron Ore pellets on 12/02/22. The payment was fixed as 90 Lakhs per 10,000 WMT, and the mode of payment was to be through cheques .The respondents also charged an amount of 10 lakhs for the delivery of goods which was to be paid at the end of the contract i.e after the delivery of the 80,000 WMT of Iron Ore Pellets.The parties agreed that 10,000 WMT Iron Ore Pellets would be delivered on the 5<sup>th</sup> of every month, starting from 5/03/22.

They also agreed that the 50% of the payment ( 45 Lakhs ) would be made in advance .i.e 10 days before the date of delivery of the goods. The Remaining amount ( 45 lakhs ) would be transferred post delivery i.e 10 days after the delivery of the goods.

The respondent delivered the goods for month of March, April, and May, and the claimant made the payments accordingly. The claimant issued a post dated cheque of 45 lakhs dated 26/05/22 towards the advance payment for the month of June .

The cheque dated 26/05/22 was dishonoured. However both the parties failed to notice that the transaction had an issue. The Chartered Accountant Mr Aravind failed to follow up with the transaction due to personal reasons. The Claimants had received a memo from the respective bank for the dishonour of cheque but failed to take immediate action. Neither did they take any action nor inform the respondents .However the post delivery cheque dated 15/06/22 of 45 lakhs for the month of June was successful.The respondents noticed the failed transaction on 24/06/22 when the CFO was inspecting the reports.A meeting was arranged on 25/06/22 to discuss the failed payment. The respondent laid two conditions before the claimant.

The respondent demanded payment of the dishonoured cheque in 10 days i.e on or before 5<sup>th</sup> July This was agreed by both the parties. The respondents demanded full payment of 90 Lakhs in advance for the upcoming months in order to deliver the goods .There arose an argument between the parties regarding the new conditions laid by the respondent that turned into a brawl between the parties with Exchange of foul language . The parties did not resolve the issue.

The respondents proceeded to cash the cheque of 45 lakhs dated 26/ 06/22 as advance for the month of July and demanded another cheque of 45 lakhs in order to deliver the goods. The claimant did not provide the respondent with another cheque a.s they did not agree with the new terms of the contract The respondents did not supply the goods for the month of July as they did not receive the remaining amount as demanded.

Since the goods were not delivered for the month of July , the claimant did not pay the amount of 45 lakhs which they had to transfer on 5/07/22 ( cheque dishonoured amount )

Due to lack of raw materials , the claimant had to stop the production for the month of July which resulted in loss for the company.

  
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On 06 / 07 / 22 the claimant send a notice for specific performance of the contract to the respondent.

On 7 / 07 / 22 the respondent send a notice regarding the dishonoured cheque.

## Report Sample:

Activity - 1  
Contract Drafting

The agreement is made between the Nile Pvt Ltd. (claimant) and the Phoenix Industries Ltd. (respondent) on 12th Feb. 2022.

Nile Pvt Ltd. was established in 1998 in Bangalore under the Industries (Development and Regulation) Act, 1951. Nile Pvt Ltd. is known for their quality of service. They manufacture S355 steel for the construction of bridges, as a buyer Phoenix Industries Ltd. situated in Chennai that supplies raw materials to manufacturing units. Phoenix Industries Ltd. incorporated under the Indian Companies Act, 1956, as a supplier.

Both the parties the Nile Pvt Ltd. and the Phoenix Industries Ltd. came into the contract for the purchase of 80,000 WMT (Net Metric Tonne) of Iron Ore pellets on 12/02/22.

Date: \_\_\_\_\_  
Page No: \_\_\_\_\_

Both the party agree on the following termed conditions for the sale and purchase :-

Supply of Products :

As per the agreement made between the parties the Phoenix Industries Ltd. (respondent) and the Nile Pvt Ltd. (claimant) will supply the Iron Ore Pellets to the claimant's location at Bangalore in Nile Pvt Ltd. address.

Signature of IC

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## School of Law

### Details of Active Learning conducted during AY 2021-2022

#### Even Semester

**Name of the Faculty:** Prof. Dr. Sheikh Inam Ul Mansoor

**Subject:** Alternate Dispute Resolution

Sl.No.	Class	Date	Time
1	BAL Semester 8 Law 993 Section 4	29/03/23	02:35-03:25pm

#### Report on Arbitration Exercise Conducted on 29-03-2023

##### Introduction:

On 29th March 2023, an arbitration exercise was conducted for the students of BAL Semester 8 Law 993 Section 4. The purpose of this exercise was to provide students with a practical understanding of arbitration, a method of alternative dispute resolution commonly used in legal and commercial settings. The exercise aimed to enhance students' analytical and communication skills while simulating real-world scenarios that they might encounter in their professional careers.

##### Objective:

The primary objectives of the arbitration exercise were as follows:

- To familiarize students with the fundamental principles and procedures of arbitration.
- To enable students to apply their legal knowledge to practical dispute resolution scenarios.
- To enhance students' ability to construct persuasive arguments and present their cases convincingly.
- To develop critical thinking and problem-solving skills in resolving disputes.

##### Participants:

- The exercise involved BAL Semester 8 Law 993 Section 4. They were divided into groups.

##### Exercise Details:

Preparatory Phase: Before the exercise, students were introduced to the concept of arbitration in class. They were provided with relevant study materials and case studies to analyze. Additionally, they were guided on the legal framework governing arbitration and the role of arbitrators.





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**Case Selection:** Each group was assigned a specific case study that involved a dispute between two parties. The case studies covered diverse areas of law, such as contracts, employment, business, and intellectual property. The complexity of the cases varied to challenge the students' problem-solving abilities.

**Preparation and Research:** Each group was given sufficient time to thoroughly investigate and prepare their respective cases. Students were encouraged to research legal precedents, statutes, and international conventions related to their assigned cases.

**Arbitration Hearing:** On the day of the exercise, the groups presented their cases before a panel of mock arbitrators, which consisted of teachers and legal professionals. The students were required to follow the formal procedures observed in real arbitration hearings.

**Cross-Examination and Rebuttal:** After presenting their arguments, the students engaged in cross-examination and rebuttals, simulating the real challenges faced during the arbitration process.

**Award and Feedback:** Following the presentations, the arbitrators provided feedback to each group, evaluating their performance based on their legal arguments, presentation skills, and ability to effectively address counterarguments.

## Conclusion:

The arbitration exercise held on 29th March 2023 was a resounding success. It provided students with an immersive learning experience, helping them bridge the gap between theoretical knowledge and practical application. By engaging in mock arbitration proceedings, the students gained valuable insights into the complexities of dispute resolution and honed their advocacy skills.

Furthermore, the exercise allowed students to work collaboratively as a team, promoting teamwork and cooperation among them. The feedback provided by the panel of arbitrators proved invaluable, as it highlighted areas for improvement and offered constructive criticism.

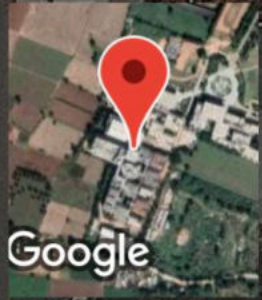
We believe that such practical exercises are essential in shaping well-rounded and competent professionals. The arbitration exercise served its purpose in equipping our students with the necessary skills to navigate legal disputes efficiently and professionally.

## Photo:









Dibbur, Karnataka, India

Presidency University, School of Law. 5G9M+3CQ, Dibbur,  
Karnataka 560089, India

Lat 13.168267°

Long 77.533515°

29/03/23 12:13 PM GMT +05:30





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### Internal Assessment

Student's Name and Student ID: Shruti Mishra 20191BAL0073  
Course: Alternate Dispute Resolution  
Course Instructor: Sheikh Inam Ul Mansoor  
Assignment No:  
Title: ADR Reports  
Day & Time: 29<sup>th</sup> May, 2023

#### Please Note:

It is your responsibility to be aware of and use acceptable academic practices when completing your assessments.

If you are ever in any doubt concerning what may be acceptable practice in relation to an assessment you should clarify the situation with your Course Instructor before submitting the work, or taking the test or examination involved.

#### Statement of Academic Integrity

- I am aware of the University Policy on Academic Integrity and understand that if I plagiarise I will be subject to disciplinary procedures.
- I declare this piece of work is my own and any facts, words or ideas from others have been properly acknowledged.

Signature: Shruti Mishra

Date: 29 May 2023

Signature of Course Instructor:

Dear Sir,  
Kindly consider  
the submission  
with warm regards,  
Anny. P. Anto

Dear Sir,  
Kindly Consider  
W.R.  
Pushpadevi

15/10/23  
29/5/23





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## PRESIDENCY UNIVERSITY

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### Internal Assessment

Student's Name and Student ID: *Snigdha Dubey, 20191BAL0078*  
Course: *BA LLB, 2019 Batch, Section 4.*  
Course Instructor: *Prof. SHEIKH INAM UL MANSOOR*  
Assignment No:  
Title:  
Day & Time: *29<sup>th</sup> May 2023*

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Signature: *Snigdha Dubey*

Date: *29<sup>th</sup> May 2023*

Signature of Course Instructor: *[Signature]*

Dean-Sol: *[Signature]*





# PRESIDENCY UNIVERSITY

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## School of Law

### Details of Active Learning conducted during AY 2021-2022

#### Even Semester

**Name of the Faculty:** Prof. Dr. Sheikh Inam Ul Mansoor

**Subject:** Alternate Dispute Resolution

Sl.No.	Class	Date	Time
1	BCL Semester 8 Law 993 Section 2	01/03/23	02:35-03:25pm

#### Report on Mediation Exercise Conducted on 01-03-2023

##### Introduction:

On March 1, 2023, a mediation exercise was conducted for the students of BCL Semester 8 Law 993 Section 2. The purpose of this exercise was to provide students with an opportunity to develop their conflict resolution skills, enhance their communication abilities, and foster a better understanding of resolving disputes amicably. The exercise aimed to empower students with the essential skills required for effective problem-solving and interpersonal relationship management.

##### Objectives:

- To introduce students to the concept of mediation and its significance in resolving conflicts peacefully.
- To provide a practical platform for students to apply their theoretical knowledge of mediation techniques.
- To enhance the students' ability to empathize and understand multiple perspectives during a conflict.
- To encourage effective communication and active listening skills among students.
- To promote teamwork and collaboration in finding mutually agreeable solutions.
- Details of the Exercise:
- The mediation exercise was organized in the school auditorium on March 1, 2023. Students were divided into groups of five, with each group consisting of individuals with diverse backgrounds and viewpoints. Before the exercise, students received a brief training session on the fundamentals of mediation, communication techniques, and the role of a mediator.

##### Procedure:

  
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- **Introduction to Mediation:** The exercise commenced with an overview of mediation, explaining its purpose and how it differs from other dispute resolution methods, such as arbitration or litigation.
- **Scenario Presentation:** Each group was presented with a unique hypothetical scenario depicting a common interpersonal conflict, such as a disagreement between friends, classmates, or family members. These scenarios were carefully designed to be age-appropriate and relatable to the students' experiences.
- **Role Assignment:** Within each group, two students played the role of disputants, while one student acted as the mediator. The remaining two students were designated as observers who would provide constructive feedback at the end of the exercise.
- **Mediation Session:** The mediation sessions lasted approximately 20 minutes each, during which the mediator facilitated open and respectful communication between the disputants. The mediator encouraged each party to express their feelings, needs, and proposed solutions.
- **Feedback and Reflection:** After each mediation session, the observers shared their observations and feedback with the participants, highlighting areas of improvement and successful techniques employed during the mediation.
- **Group Discussion:** Following the individual mediation sessions, all participants gathered for a group discussion. Students shared their experiences, challenges faced, and insights gained during the exercise. The teacher moderated the discussion, providing additional guidance and clarifications.

## **Outcomes:**

The mediation exercise yielded positive outcomes for the participating students. The exercise helped students develop essential skills such as active listening, empathy, effective communication, and creative problem-solving. Some notable outcomes included:

- **Improved Communication:** Students demonstrated improved communication skills as they actively listened to each other's perspectives without interrupting or judging.
- **Enhanced Empathy:** The exercise fostered empathy among the students as they tried to understand each other's feelings and concerns during the mediation process.
- **Collaborative Solutions:** Several groups successfully arrived at mutually agreeable solutions, showcasing the power of collaboration and compromise.





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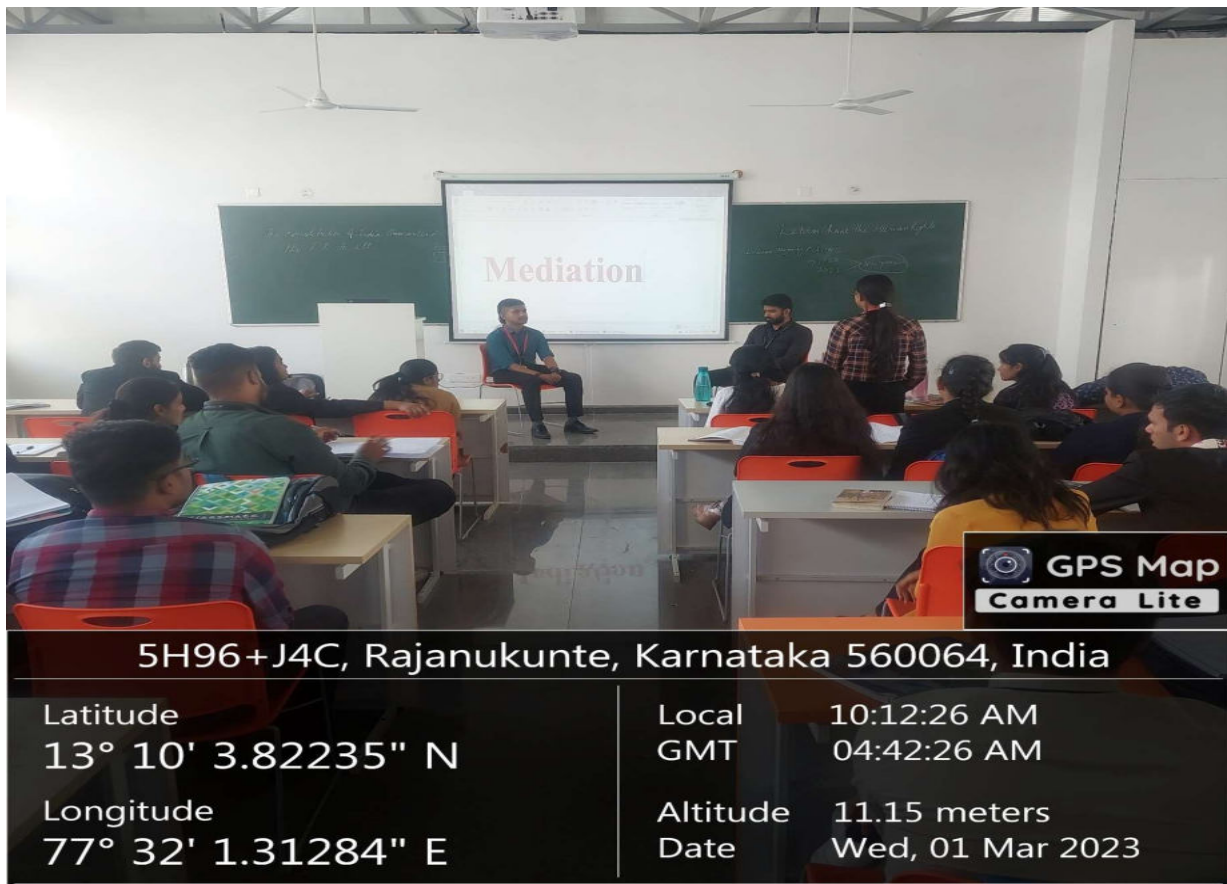
- Increased Confidence: Students who took on the role of mediators gained confidence in managing conflicts and facilitating constructive discussions.

## Conclusion:

The mediation exercise conducted on March 1, 2023, proved to be a valuable learning experience for the students of BCL Semester 8 Law 993 Section 2. It provided them with practical insights into conflict resolution, communication, and empathetic understanding. The exercise encouraged students to approach conflicts with a positive mindset, seeking solutions that are fair and considerate of all parties involved.

We believe that equipping our students with these essential mediation skills will not only benefit their personal lives but also prepare them to be responsible and empathetic citizens in a diverse and interconnected world. Further, we will continue to incorporate such experiential learning activities to foster holistic growth and development among our students.

## Photo:







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### Internal Assessment

Student's Name and Student ID: *Shahid Sameer and 20191BAL0094*  
Course: *Alternative Dispute Resolution.*  
Course Instructor: *Dr. Sheikh Ibrahim Hal Mansoor*  
Assignment No:  
Title: *ADR*  
Day & Time: *Monday, 12.45.*

#### Please Note:

It is your responsibility to be aware of and use acceptable academic practices when completing your assessments.

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- I am aware of the University Policy on Academic Integrity and understand that if I plagiarise I will be subject to disciplinary procedures.
- I declare this piece of work is my own and any facts, words or ideas from others have been properly acknowledged.

Signature: *Shahid Sameer*

Date: *29.05.2022*

Signature of Course Instructor: *[Signature]*





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## PRESIDENCY UNIVERSITY

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### Internal Assessment

Student's Name and Student ID: Shruti Mishra 20191BAL0073  
Course: Alternate Dispute Resolution  
Course Instructor: Sheikh Inam Ul Mansoor  
Assignment No:  
Title: ADR Reports  
Day & Time: 29<sup>th</sup> May, 2023

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Signature: Shruti Mishra

Date: 29 May 2023

Signature of Course Instructor:

*[Handwritten signature of Sheikh Inam Ul Mansoor]*

*Dear Sir,  
Kindly consider  
the submission  
warm regards,  
Anny P. Anto*

*[Handwritten signature]*

*Dear Sir,  
Kindly Consider  
W.R.  
Pushpa Devi*

*15/05/23  
29/5/23*

*Inam*  
REGISTRAR



# PRESIDENCY UNIVERSITY

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## PRESIDENCY UNIVERSITY

Private University Estd. in Karnataka State by Act No. 41 of 2013



### Internal Assessment

Student's Name and Student ID: SELVAPUNITHA.V / 2019IBAL0070  
Course: Alternative Dispute Resolution  
Course Instructor: Prof. SHEEK INAM UL MANSOOR  
Assignment No: 1-16  
Title:  
Day & Time: 29-MAY-2023

#### Please Note:

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Signature: Selva Punitha V

Date: 29. May. 2023

Signature of Course Instructor: [Signature]

Dean – SOL: [Signature]





# PRESIDENCY UNIVERSITY

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## School of Law

### Details of Active Learning conducted during AY 2021-2022

#### Even Semester

**Name of the Faculty:** Prof. Dr. Mohd Saleem

**Subject:** Alternate Dispute Resolution (ADR)

S.N.	Class	Date	Time
1	BBA.LL.B Semester 8 Law 993 Section 1	25/04/23	03:10-04:00pm

#### Report on Arbitration Exercise Conducted on 25-04-2023

##### Introduction:

On 29th March 2023, an arbitration exercise was conducted for the students of BAL Semester 8 Law 993 Section 4. The purpose of this exercise was to provide students with a practical understanding of arbitration, a method of alternative dispute resolution commonly used in legal and commercial settings. The exercise aimed to enhance students' analytical and communication skills while simulating real-world scenarios that they might encounter in their professional careers.

##### Objective:

The primary objectives of the arbitration exercise were as follows:

- To familiarize students with the fundamental principles and procedures of arbitration.
- To enable students to apply their legal knowledge to practical dispute resolution scenarios.
- To enhance students' ability to construct persuasive arguments and present their cases convincingly.
- To develop critical thinking and problem-solving skills in resolving disputes.

##### Participants:

- The exercise involved BBL Semester 8 Law 993 Section 1. They were divided into groups.

##### Exercise Details:







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**Preparatory Phase:** Before the exercise, students were introduced to the concept of arbitration in class. They were provided with relevant study materials and case studies to analyze. Additionally, they were guided on the legal framework governing arbitration and the role of arbitrators.

**Case Selection:** Each group was assigned a specific case study that involved a dispute between two parties. The case studies covered diverse areas of law, such as contracts, employment, business, and intellectual property. The complexity of the cases varied to challenge the students' problem-solving abilities.

**Preparation and Research:** Each group was given sufficient time to thoroughly investigate and prepare their respective cases. Students were encouraged to research legal precedents, statutes, and international conventions related to their assigned cases.

**Arbitration Hearing:** On the day of the exercise, the groups presented their cases before a panel of mock arbitrators, which consisted of teachers and legal professionals. The students were required to follow the formal procedures observed in real arbitration hearings.

**Cross-Examination and Rebuttal:** After presenting their arguments, the students engaged in cross-examination and rebuttals, simulating the real challenges faced during the arbitration process.

**Award and Feedback:** Following the presentations, the arbitrators provided feedback to each group, evaluating their performance based on their legal arguments, presentation skills, and ability to effectively address counterarguments.

## **Conclusion:**

The arbitration exercise held on 25 April, 2023 was a resounding success. It provided students with an immersive learning experience, helping them bridge the gap between theoretical knowledge and practical application. By engaging in mock arbitration proceedings, the students gained valuable insights into the complexities of dispute resolution and honed their advocacy skills.

Furthermore, the exercise allowed students to work collaboratively as a team, promoting teamwork and cooperation among them. The feedback provided by the panel of arbitrators proved invaluable, as it highlighted areas for improvement and offered constructive criticism.

We believe that such practical exercises are essential in shaping well-rounded and competent professionals. The arbitration exercise served its purpose in equipping our students with the necessary skills to navigate legal disputes efficiently and professionally.

  
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 GPS Map Camera

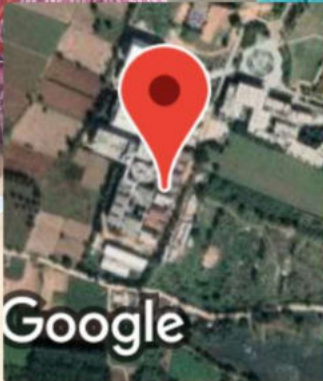
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PRESIDENCY UNIVERSITY, BANGALORE.  
SCHOOL OF LAW



GAIN MORE KNOWLEDGE  
REACH GREATER HEIGHTS

In the partial fulfillment of the requirement for the completion of the 8<sup>th</sup> semester of BBA.LLB (Hons.)  
(THE YEAR 2023)

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SUBJECT: ALTERNATIVE DISPUTE RESOLUTION

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SUBMITTED TO:  
DR. PROF. MOHAMMAD SALEEM  
(COURSE TEACHER)

SUBMITTED BY:  
ABINASH BHARADWAJ  
(20191BAL0007)  
BBA.LLB (Sec. 03)

|| Page

**INTRODUCTION:**

The purpose of our meeting is to help you work out an understanding acceptable to both the parties to resolve the situation that has been developing for you. First, we would like to explain how we will proceed, so the parties know what is happening next. We will begin by asking both the parties to explain to us as Mediators exactly how the parties view things. We will do our best to understand exactly how it looks from your shoes. After that, we will identify and agree on what the basic issues of disagreement are. Then we will work together with you in examining exactly what both the parties want of each other and what some possible solutions might be. Our goal is to help the parties find a solution that both of you feel comfortable with. We would like you to understand what our role is here. Our goal is to help You figure out Your own solution to Your problems. You are the ones who will be living with your solution from here on, so we want the parties to be the ones who decide what the solution will be. We won't be telling you what to do or trying to judge who is right or wrong. We are much more interested in helping you to think about solutions for the future than in trying to judge what happened in the past. Mainly we are interested in helping to talk about a solution that both of you can live with. We want to assure you that anything that you may say during our session is confidential. We will be taking notes from time to time so that we can remember things, but when we finish, we will destroy our notes.

**OPENING STATEMENT:**

Either of you may ask to take a break at any time during our discussion. For example, if you feel yourself getting really upset at any time and feel that you really need to take a break to simmer down a little, let us know, and we will take a little time out. You can step outside for a few minutes if you wish, but we will ask you to let us know what is happening and then to return when you are ready to continue. Sometimes it is helpful for us as Mediators to meet separately with each of you during our discussion, so we may be doing that occasionally as well. It is necessary for this process for each of you to sign this written agreement to mediate. If you would just look it over, please. It basically says that you have come of your own accord, that what you say here will be kept confidential, and that the Mediators will not be asked to release information discussed here, nor will they be summoned into court to testify on matters disclosed here. Last of all, we would like to discuss ground rules a bit. We ask each of you to agree not to interrupt when the other person is speaking. We have placed paper and pencil here on the table so that you can keep notes about any responses to make. We

also would like for you to agree to avoid the use of any abusive language, name calling, etc. These rules are especially important in the next part of our discussion here.

**PRE-NEGOTIATION:**

There was a contract of sale and purchase of steel scrap between the parties. The petitioner alleged that the respondent has committed breach of contract by failing to establish the letter of credit and received the delivered goods. The dispute arose between them. The matter has been referred by High Court to conduct an arbitral proceeding between the parties. In the light of the above-mentioned facts discuss the law relating to the reference of dispute and discuss the procedure of appointment of an arbitrator and highlight the judicial trend.

**CONFIDENTIALITY CLAUSE:**

Section 42A of the Arbitration and Conciliation Act, 1996, imposes the obligation to maintain confidentiality on the arbitrator, the arbitral institution and the parties to the arbitration agreement. This clause states that without the consent of parties related to the arbitration, materials discussed in the arbitration such as arbitration award and other relevant documents cannot be disclosed by the tribunal, parties, witnesses or any other individual attending an event.

**PROCEDURE:**

(a) The parties may agree on the procedure to be followed by the mediator/conciliator in the conduct of the mediation/conciliation proceedings.

(b) Where the parties do not agree on any particular procedure to be followed by the mediator/conciliator, the mediator/conciliator shall follow the procedure hereinafter mentioned, namely:- he shall fix, in consultation with the parties, a time schedule, the dates and the time of each mediation/conciliation session, where all the parties have to be present; he shall hold the mediation/conciliation at any convenient location agreeable to him and the parties, as he may determine; he may conduct joint or separate meetings with the parties; each party shall, ten days before a session, provide to the mediator/conciliator a brief memorandum setting forth the issues, which according to it, need to be resolved, and its position in respect of those issues and all information reasonably required for the mediator/conciliator to understand the issues such memoranda shall also be mutually exchanged between the parties; each party shall furnish to the mediator/conciliator such other information as may be required by him in connection with the issues to be resolved, where there is more than one mediator/conciliator, the mediator/conciliator nominated by each party shall first

they have received the damaged products from the petitioner because of which they did not establish the letter of credit to the petitioner. Not establishing a letter of credit to the petitioner is only to prohibit from acknowledging the damaged goods. If the respondent acknowledges the damaged goods, it will incur serious loss to them.

**CONTENTION-2:** The petitioner contended that even though they have not committed any breach of contract as per the terms of agreement, in order to maintain good relations with the respondent company, the petitioner is ready to sell the goods/steel scrap to the respondent by reducing the cost by 10% than the original for a period of six(6) months. The respondent contended that even though they are at loss by receiving the damaged good, in good faith and to maintain the contractual relationship with the petitioner, the respondent is ready to give the compensation for not establishing the letter of credit and 15% of their benefits will be shared with the petitioner for a period of six(6) months.

**FINAL RESOLUTION:**

The final resolution was propounded and both parties reached a settlement of providing the goods/steel scrap to the respondent by reducing the cost by 10% than the original for a period of six(6) months by the petitioner and by providing compensation for not establishing the letter of credit and 15% of their benefits will be shared with the petitioner for a period of six(6) months. The award is binding on both the parties and both parties have decided the award to be final and are abiding by it.

**CONCLUDING REMARKS:**

If a judicial proceeding has taken place for the same dispute, a similar result wouldn't have been concluded with instead it would cost a lot of time. In this case, it was a win-win situation for both parties who amicably with no force or coercion agreed for the award.

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## School of Law

### Details of Active Learning conducted during AY 2021-2022 Even Semester

**Name of the Faculty:** Sanidhya Sadanand Nayak

**Subject:** LAW 3007 Company Law 1

Sl.No.	Class	Date	Time
1	BBL Semester 4 LAW 3007 Section 3	22/05/23	02:35-03:25pm

#### Report on Case Law Analysis Conducted on 22-05-2023

##### Introduction:

On 22nd May 2023, a case law analysis was conducted for BBL Semester 4 LAW 3007 Section 3 students. The exercise aimed to enhance students' analytical and communication skills that they might encounter in their professional careers.

##### Objective:

The primary objectives of the arbitration exercise were as follows:

- To familiarize students with the fundamental principles of analysis a case law
- To enable students to apply their legal knowledge to practical disputes in company law
- To enhance students' ability to construct persuasive arguments in support of their decision.
- To develop critical thinking and problem-solving skills.

##### Participants:

- The exercise involved BBL Semester 4 LAW 3007 Section 3.

##### Exercise Details:

**Preparatory Phase:** Before the exercise, students were assigned A K Bindal v Union of India

**Activity Day:** On the day of the exercise, the students were to present the case through PPT





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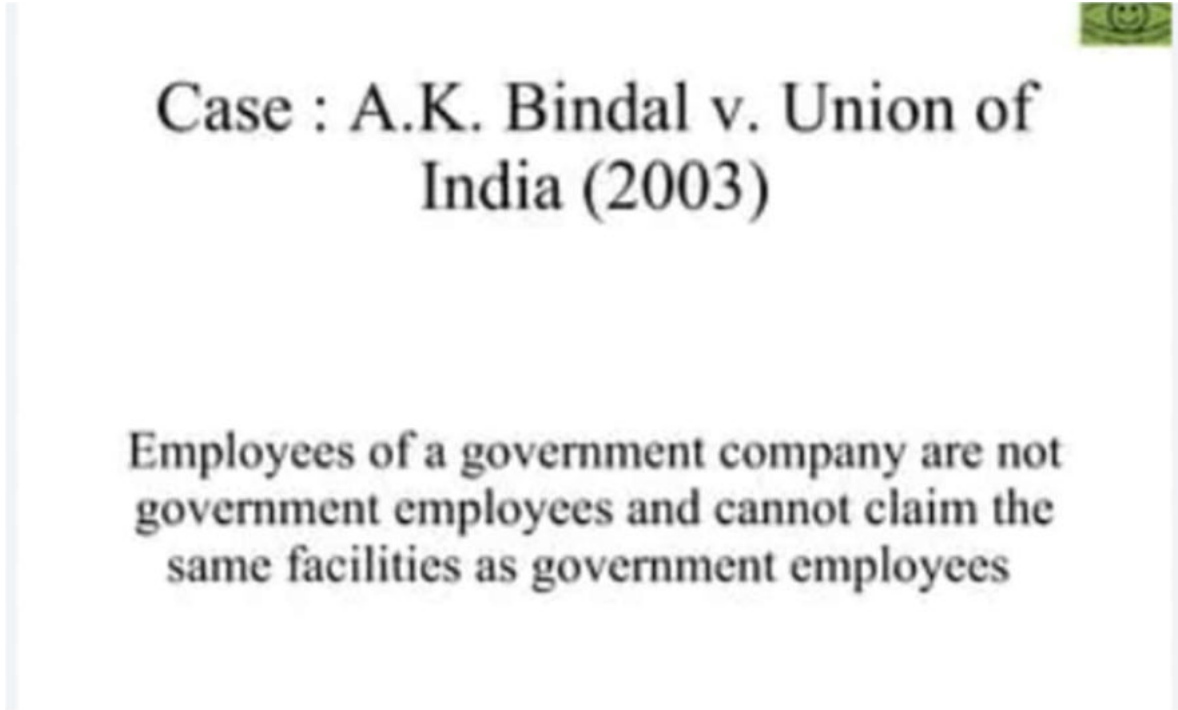
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Feedback: The approaches of the students were analyzed and feedback was provided to improve on the approaches.

**Conclusion:**

The students were enabled to improve their problem-solving and analytical skills

**Photo:**



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## School of Law

### Details of Active Learning conducted during AY 2021-2022 Even Semester

**Name of the Faculty:** Sanidhya Sadanand Nayak

**Subject:** LAW 3007 Company Law 1

Sl.No.	Class	Date	Time
1	BBL Semester 4 LAW 3007 Section 3	18/05/23	02:35-03:25pm

#### Report on Case Law Analysis Conducted on 18-05-2023

##### Introduction:

On 18th May 2023, a case law analysis was conducted for BBL Semester 4 LAW 3007 Section 3 students. The exercise aimed to enhance students' analytical and communication skills that they might encounter in their professional careers.

##### Objective:

The primary objectives of the arbitration exercise were as follows:

- To familiarize students with the fundamental principles of analysis a case law
- To enable students to apply their legal knowledge to practical disputes in company law
- To enhance students' ability to construct persuasive arguments in support of their decision.
- To develop critical thinking and problem-solving skills.

##### Participants:

- The exercise involved BBL Semester 4 LAW 3007 Section 3.

##### Exercise Details:

Preparatory Phase: Before the exercise, students were assigned Tata Sons v. Cyrus Mistry case.

Activity Day: On the day of the exercise, the students were to present the case through PPT





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Feedback: The approaches of the students were analyzed and feedback was provided to improve on the approaches.

**Conclusion:**

The students were enabled to improve their problem-solving and analytical skills

**Photo:**



## TATA SONS V/S CYRUS MISTRY



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## School of Law

### Details of Active Learning conducted during AY 2021-2022 Even Semester

**Name of the Faculty:** Sanidhya Sadanand Nayak

**Subject:** LAW 3007 Company Law-1

Sl.No.	Class	Date	Time
1	BBL Semester 4 LAW 3007 Section 3	15/05/2023	01:20 - 2:20 pm

#### Report on the exercise of structuring answers conducted on 15-05-2023

##### Introduction:

On 15th May 2023, a class was conducted for the students of BBL Semester 4 Section 3 for LAW 3007 Company Law-1. The purpose of the exercise was to familiarize the students with the process of a structured approach toward answers posed in the examination. The exercise aimed to enhance the written communication skills of the students which in turn could be enhanced for the purposes of tasks encountered in their work life.

##### Objective:

The primary objectives of the exercise on structuring answers were as follows:

- To familiarize students with the approach towards structuring answers for company law
- To enable students to apply their knowledge in framing answers in the examination
- To enhance students' ability to manage time in answering the questions
- To develop an attitude toward organized and clear answers.

##### Participants:

- The exercise involved BBL Semester 4 Section 3 for LAW 3007. They were divided into groups.

##### Exercise Details:

**Preparatory Phase:** Before the exercise, students were provided suggestions on the techniques of structuring answers for the examination in a clear manner.





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**Selection of Question:** Knowledge-based questions were selected from the question bank available on the library website.

**Preparation and Research:** Each group was given sufficient time to come with answers for the questions. Students were encouraged to include relevant provisions and precedents in their answers.

**Remedial Class:** On the day of the exercise, the groups presented their answers in class.

**Award and Feedback:** Following the presentations, feedback was provided by the course instructor along with commendation for the innovative content of answers.

## Conclusion:

The exercise held on 15<sup>th</sup> May 2023 was beneficial. It provided students with an opportunity to analyze their approach in examination and upgrade the same for the purposes of future examinations.

Furthermore, the exercise allowed students to work collaboratively as a team, promoting teamwork and cooperation among them. The feedback provided assisted the students in upgrading their approach and improve on the skill of time management.

It is to be noted that such exercises are essential in advancing the slow learners to the category of average learners.

## Photo:

### PART A

#### ANSWER ALL THE FOLLOWING QUESTIONS

10 X 2 = 20M

1. Write any four characteristics of a company. (CO1) [Knowledge]
2. Write one advantage and disadvantage of a company. (CO1) [Knowledge]
3. Outline any two significant amendments of the Companies Act 2013. (CO1) [Knowledge]
4. During a war all members of a private company, while in general meeting, are killed by a bomb. Does the company cease to exist because all the members die? State reasons. (CO2) [Knowledge]
5. "Members of a limited liability company, may nevertheless have unlimited liability." Comment. (CO2) [Knowledge]
6. Outline any two duties of a promoter. (CO2) [Knowledge]

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## School of Law

### Details of Active Learning conducted during AY 2021-2022 Even Semester

**Name of the Faculty:** Sanidhya Sadanand Nayak

**Subject:** LAW 3007 Company Law-1

Sl.No.	Class	Date	Time
1	BBL Semester 4 LAW 3007 Section 4	16/06/2023	3:55-4:45 pm

#### Report on the exercise on answering case law-based questions conducted on 16-06-2023

##### Introduction:

On 16th June 2023, a class was conducted for the students of BBL Semester 4 Section 4 for LAW 3007 Company Law-1. The purpose of the exercise was to familiarize the students with the process of understanding the manner in which a case law-based question is to be answered. The exercise aimed to enhance the written communication and analytical skills of the students which in turn could be enhanced for the purposes of tasks encountered in their work life.

##### Objective:

The primary objectives of the exercise on answering case law-based questions were as follows:

- To familiarize students with the approach towards attempting case law-based questions
- To enable students to apply their analytical skills in framing answers for case-law based questions
- To enhance students' ability to manage time in answering the questions
- To develop an attitude toward organized and clear answers.

##### Participants:

- The exercise involved BBL Semester 4 Section 4 for LAW 3007. They were divided into groups.

##### Exercise Details:





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**Preparatory Phase:** Before the exercise, students were provided suggestions on the content and techniques for answering the case law-based questions.

**Selection of Question:** Application-based questions were selected from the question bank available on the library website.

**Preparation and Research:** Each group was given sufficient time to come up with answers to the questions. Students were encouraged to include supporting case laws and decision on the basis of such cases.

**Remedial Class:** On the day of the exercise, the groups presented their answers in class.

**Award and Feedback:** Following the presentations, feedback was provided by the course instructor along with commendation for the innovative content of answers.

## **Conclusion:**

The exercise held on 16th June 2023 was beneficial. It provided students with an opportunity to analyze their approach in examination and upgrade the same for the purposes of future examinations.

Furthermore, the exercise allowed students to work collaboratively as a team, promoting teamwork and cooperation among them. The feedback provided assisted the students in upgrading their approach and improve on the skill of time management.

It is to be noted that such exercises are essential in advancing the slow learners to the category of average learners.

## **Photo:**

  
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- Mr X, is a shareholder in a company named Sheraton Exports Ltd. He holds 1 lakh shares in the company worth 50 lakhs as per the closing price of the share on the Bombay Stock Exchange. Unfortunately, Mr X's son suffers an accident causing serious head injuries. An operation is advised for which the expenses would be 10 lakhs. Mr X makes a demand to Sheraton Exports Ltd to buy 20% of his shares so that he can pay for his son's operation as he has no ready cash available with him. Is such a demand capable of being entertained by a company?
- Mr Y is the proprietor of a grocery business valued at 10 lakh rupees. He decides to incorporate a company to buy and take over his proprietorship business. The said company incorporated by Mr Y buys the business and pays Mr Y by issuing him 50,000 equity shares of the face value of 10 rupees each, debentures to the tune of 2,50,000 and a secured loan of Rs 2,50,000. The Company has 7 directors. Mr Y holds 95% of the shares while the remaining 5% shares are held by his close family members. In the course of running its business, the Company takes loans and it also suffers losses due to adverse market conditions. It goes into liquidation and there is nothing left to pay the unsecured creditors. These unsecured creditors sue Mr Y and pray to the court to hold Mr Y personally liable for the loans extended by them to the company. Decide the liability of Mr Y in company law.
- Mr Z is a timber merchant and he has a stock of timber worth 20 lakh rupees in his godown. He incorporates a private company having two members he himself and his wife. Mr Z holds all the shares of the company except one which is held by his wife. He subsequently transfers all the timber in the name of the company as the company was incorporated for carrying on the business of timber trade. In order to safeguard the timber stock he takes a fire insurance policy on the timber in his own name. Unfortunately a fire destroys his stock of timber. He makes a claim for the insurance amount which is rejected by the insurance company. Is the insurance company right in rejecting the claim? If so, why?

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