



॥वसुधैव कुटुम्बकम्॥



ADR S
ALTERNATIVE DISPUTE RESOLUTION SOCIETY

NATIONAL MEDIATION COMPETITION

27TH - 29TH MARCH, 2020



GENERAL INFORMATION

PRELIMINARY ROUND I TROUBLESOME RICE

Kaura & Sons Pvt. Ltd. is an Ahmedabad based company which sells rice. The Managing Director of the Company Mr. Ritvik Kaura (a local politician), approached one Mr. Srinivasan and informed him that he had a stock of 10,000 tonnes of basmati rice in their warehouse, which got spoiled due to extreme weather conditions. Mr. Srinivasan, who is a Managing Director of EXIM India, (an import export Company) agreed to purchase the said stock from Kaura & Sons at a much-reduced price and a MOA was entered into for the sale of 10,000 tonnes of damaged basmati rice for a total consideration of INR 40 crores.

The said Srinivasan approached Xi Yotoo Pvt. Ltd. which is a company incorporated in China and entered into another MOA for export of the said quantity of damaged basmati rice to China for 8 million USD. Mr. Srinivasan made the deal with the Managing Director of Xi Yotoo Pvt Ltd., Mr. Xi Liang.

Mr. Xi Liang in order to ensure the availability of the agreed quantity of the damaged rice, visited India to the warehouse of Kaura & Sons in Ahmedabad and after being satisfied, made pre-payment of 4 million USD to Mr. Srinivasan.

Mr. Srinivasan in turn paid an amount of INR 20 crores to Kaura & Sons, stating that the remaining will be paid on delivery of the goods. It was agreed between Mr. Srinivasan and Mr. Xi Liang that the arrangements will be made by Xi Yotoo Pvt Ltd., to lift the stock from the warehouse of Kaura & Sons and Mr. Srinivasan will take care of export formalities in India.

This problem is drafted by Mrs. Manisha Sravan Unnam for the 1st National Mediation Competition, 2020 at Symbiosis Law School, Hyderabad. Names, characters, places, events, locales, and incidents are used in a fictitious manner and any resemblance to actual persons, living or dead, or actual events is purely coincidental. All rights concerning the problem shall rest solely with the drafter and the work shall not be reproduced or copied by any means, without the prior permission of the drafter.

Xi Yotoo Pvt. Ltd. filed a suit for breach of contract, damages and refund of advance against Mr. Srinivasan, stating that when his representatives went to take the delivery, there was no stock, as agreed.

Mr. Srinivasan in turn filed a suit for breach of contract, damages, and refund of money against Kaura & Sons and also filed a criminal complaint against Ritvik Kaura for cheating under Section 420 IPC, on the ground that the warehouse showed to them at the time of entering into MOA was not of Kaura & Sons and actually belonged to the Government and the stock of the Government was showcased as if, the same belongs to Kaura & Sons and thereby, has committed an offence of cheating.

Kaura & Sons in turn makes a counter-claim of remaining sale consideration on the ground that due to their failure in taking delivery of the goods, the damaged rice got completely spoilt and unfit for use. He further claimed the storage and maintenance charges to a tune of INR 10 crores with damages.

Now the parties have agreed to settle the matter by way of mediation.

Mediation will take place separately between:

- (1) Ritvik Kaura & Mr. Srinivasan and
- (2) Mr. Srinivasan & Xi Liang