

**Faculty of Law, Manipal University Jaipur in
collaboration with Ranka Public Charitable Trust**

presents

**8th MANIPAL RANKA INTERNATIONAL MOOT
COURT COMPETITION- 2022**

In association with

Institution Partner



Knowledge Partner



October 1st – 2nd, 2022

MOOT PROPOSITION



**MANIPAL UNIVERSITY
JAIPUR**

Contact Us:



MOOT PROPOSITION

1. Tanishq Chopra is an Indian Standup Comedian, Script Writer, and Performer. He moved to US for further studies in Creative Arts. While he was at the States, he took part in various plays at his college theatre as an Actor, Director and would also open/host the open mics held across the country. After performing and comparing various shows for over 5 years in US, he thought of starting a Comedy Collective in India and was on a lookout for a suitable partner to invest in his Comedy Venture.
2. He started making regular visits to India for performing at various open mics/standup comedy shows in places like Mumbai, Bangalore, Pune, Delhi etc. While performing at these places he met Ratan who along with Avalok and Giri had incorporated Funs and Giggles, a Company Registered under the Companies Act, 2013. Fun and Giggles is involved in the Production of various Standup Shows, Comedy events, Improv Comedy Shows etc across India.
3. Ratan agreed to invest in Tanishq's Comedy venture. Tanishq and Funs and Giggles executed a Joint Venture Agreement and formed All India Comedy, having its Registered Office at Mumbai. Giri, Avalok, Ratan and Tanishq are 25% shareholders each in the Joint Venture Company.
4. As per the terms of the Agreement, Tanishq would decide pertaining to the Comedy Shows to be conducted in US and other parts of the world including getting the regulatory approvals from concerned authorities and owners of the theatres, places of Performing Arts etc whereas All India Comedy was responsible for carrying out arrangements pertaining to shows to be conducted in India and handling the Public Relations and Social Media Accounts of the Joint Venture.

5. As per the terms of the Joint Venture, all four would be the Directors of the Company. It was also agreed that any dispute(s) between the parties arising out of event(s) transpiring out of India may be settled by way of Arbitration before the **American Arbitration Association and International Center for Dispute Resolution** and any dispute(s) between the parties arising out of event(s) transpiring in India may be settled by **Indian Council of Arbitration**.
6. With their Quirky lines, Satires and Unique Comedy Genre the shows/content of All India Comedy struck a chord with the youth and became immensely popular. The Company also started making promotional videos for various National and International Brands and Feature Films because of which the Company started raking in revenues.
7. Because of his strong political tendencies and beliefs, Tanishq regularly receives criticism and backlash while contributing on a regular basis to National and International Newspapers, Journals, and Magazines. Tanishq made an offensive Joke against a renowned and revered Indian Celebrity while performing for one of his Comedy Shows outside of India. This caused a stir, and he received backlash from many groups in India. Shortly after several Fan clubs demanded that his comedy shows be banned, and several FIRs were registered against Tanishq and All India Comedy Group. Additionally, the topic attracted a lot of Media Attention.
8. All the above-mentioned resulted in All India Comedy Company losing sponsorships of several Brands and creating financial and legal troubles for the Company. As a result, disagreements developed between Tanishq, Avalok, Giri and Ratan and Tanishq were asked to apologize but he refused to do so and because of the same, Funs and Giggles terminated the Joint Venture Agreement.

9. Tanishk approached **American Arbitration Association and International Center for Dispute Resolution (AAA)** whereas Fun & Giggles approached **Indian Council of Arbitration (ICA)**. **AAA** pronounced the Award in favor of Tanishq and the same was challenged before the Hon'ble Court of Mumbai by Fun & Giggles and the Hon'ble High Court upheld the Award. Meanwhile, **ICA** pronounced the award in favor of Fun & Giggles.
10. Aggrieved by the award passed by **Indian Council of Arbitration (ICA)**, Tanishq approached the Supreme Court. The matter is pending before the Supreme Court of India.
11. The issues before the Supreme Court of India are as follows-
- I. The award passed by which Arbitral Institution would prevail?
 - II. Whether the matter involving Criminal Defamation can be adjudicated by Arbitration?
 - III. Whether the foreign arbitral award can be set aside by the High Court in India?

GOVERNING LAW

This Agreement shall be governed by, and construed with, in accordance with the Laws of the Republic of India.

CONTACT INFORMATION

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