



NAAC
GRADE A⁺
ACCREDITED UNIVERSITY



Vivekananda Global University

in collaboration with

Shri Rajdeepak Rastogi,
Additional Solicitor General of India

is organizing

2nd **VGU R.K. RASTOGI MEMORIAL**
NATIONAL NEGOTIATION
COMPETITION, 2024



September 28th - 29th, 2024



VGU Campus, Jaipur

For any inquiries, please contact us at info.adr@vgu.ac.in

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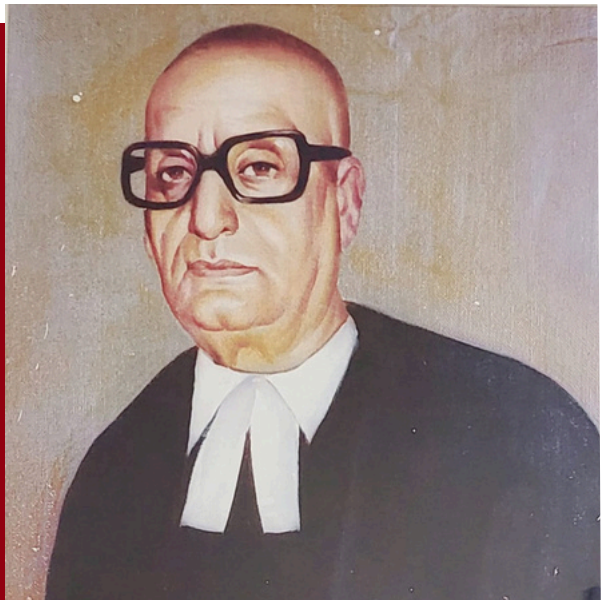
ABOUT DEPARTMENT OF LAW VIVEKANANDA GLOBAL UNIVERSITY, JAIPUR

At Department of Law, Vivekananda Global University, our focus is to develop and advance interdisciplinary legal education and scholarship. We challenge normative pedagogy and believe in establishing and implementing new approaches towards teaching and learning which lead the University to NAAC A+ accreditation in a short span of a decade since its inception.

As a leading research-oriented institute, we encourage unrestricted academic imagination in the belief that thinking outside the box leads to original, relevant and impactful research. Thus, we incubate research on a range of diverse and unconventional ideas, including but not limited to, intellectual property, constitutional law, and criminal law. We take pride that our effective and impact-driven research has on numerous occasions received recognition.

Since our inception in 2013, we have become one of India's premier law universities. Our students have gone on to excel in diverse fields, such as academia, legal practice, administrative services and entrepreneurship. This is a testament not only to our students' drive, talent and intellect but to our sincerity and diligence as well. We value and embrace diversity of thoughts, opinions, values and expressions. We believe that educational institutions should be fair and inclusive spaces that help everyone in achieving their true potential.

About Late Shri R.K. Rastogi



Shri Radha Krishna Rastogi was born in 1909. He had the distinction of serving as the first Member of Legislative Assembly from Jaipur. He was appointed as Advocate General by the erstwhile Rajpramukh of Rajasthan. He was also the founding member of the Rajasthan High Court Bar Association, an elected member of the Bar Council of Rajasthan, and was also a member of Bar Council of India. Shri Rastogi had also served as the Judge of the then Election Tribunal. He was later reappointed as Advocate General in 1978.

He was widely quoted as 'master of facts'. Justice V.S. Dave, in his biography, dedicated a few pages for Shri Rastogi. He was very supportive of his juniors. His junior, Mr. Justice D.P. Gupta went on to become the Chief Justice of High Court of Rajasthan. The Bar Council of Rajasthan regularly conducts R.K. Rastogi Memorial Law Lecture in his honour. He was a stalwart at the Bar which is reflected from the fact that he was one of the only three advocates of Rajasthan who finds an Honorable mention and place in Rajasthan High Court Museum at Jaipur.

Glimpses of

1st VGU R.K. RASTOGI MEMORIAL NATIONAL NEGOTIATION COMPETITION

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23



Prime Minister's Message



प्रधान मंत्री
Prime Minister
MESSAGE

It is a pleasure to learn about the organisation of 'R.K. Rastogi Memorial National Negotiation Competition' by Shri Rajdeepak Rastogi at Vivekananda Global University, Jaipur. Greetings and best wishes for this commendable initiative in the memory of Late Shri Radha Krishna Rastogi Ji.

Justice has been a central element of our societal and cultural framework for centuries. Judicial mechanisms play a key role in the establishment of an inclusive and equitable society.

With a longstanding tradition of resolving outstanding issues through dialogue in India, negotiation and mediation are embedded as key processes in delivery of justice. Be it at the local, national or global level, negotiation remains an integral part of dispensation of justice.

Alternative dispute resolution mechanisms offer a faster and cost-effective way for resolution of cases. Negotiation can bring about a significant reduction in the burden in terms of caseloads and pendency. Ease of Justice is one of our topmost priorities in the nation's development journey and negotiation mechanisms play an important role in ensuring this.

A nation's progress gets greater momentum through the empowerment of youth. May this Negotiation Competition attract the participation of youth in large numbers so that they can benefit from this learning experience. I am sure that the legal luminaries present on the occasion will share their knowledge and practical experiences of negotiation with law students and young lawyers.

Powered by the collective resolve of 140 crore Indians, the period till 2047 is an opportunity to realize the vision of building a just, developed and self-reliant India.

Best wishes to R.K. Rastogi Memorial and Vivekananda Global University for making the Competition a huge success.


(Narendra Modi)

New Delhi
कार्तिक 10, शक संवत् 1945
01st November, 2023



Negotiation Problem

PRELIMINARY ROUND I PROBLEM

Background:

Mr. Rajesh Sharma, a 45-year-old businessman based in Mumbai, purchased a high-end smartphone from TechNova Inc., a reputed global mobile phone manufacturer, on January 15, 2024, for INR 75,000. As the proprietor of a stock trading firm, Mr. Sharma relies heavily on his smartphone to manage business communications, track stock market movements in real-time, and execute trades on behalf of his clients. The phone was marketed as a flagship model, featuring cutting-edge technology and robust performance, ideal for business professionals.

Problem Statement:

Within three months of purchase, the smartphone began exhibiting serious issues, including frequent crashes, unexplained data loss, and severe overheating. The phone's performance deteriorated to the point where it became unusable for professional purposes. Mr. Sharma made three visits to the authorized TechNova service centre in Mumbai between April and May 2024. On each occasion, the service centre performed diagnostics and assured him that the issues were resolved. However, the problems persisted, leading to increasing frustration.

The malfunctioning phone caused Mr. Sharma to miss an important virtual client meeting scheduled for May 10, 2024, which involved a high-value trading opportunity. As a result, his firm lost a key client, which not only tarnished his reputation but also led to a direct business loss of approximately INR 20 lakhs. Additionally, due to a sudden system crash on his phone, Mr. Sharma lost critical data related to a stock transaction, which resulted in a financial loss of INR 5 lakhs to his firm.

Legal Notice and Compensation Demand:

On June 1, 2024, Mr. Sharma sent a legal notice to TechNova Inc., seeking compensation for the faulty phone and the consequent business losses. His total claim amounts to INR 25.75 lakhs, broken down as follows:

- Refund of the phone's purchase price: INR 75,000

Negotiation Problem

- Compensation for business loss due to missed meeting: INR 20 lakhs
- Compensation for loss of critical stock transaction data: INR 5 lakhs

Mr. Sharma emphasizes that the phone's defects have caused significant disruption to his business, resulting in substantial financial damage. He argues that the failure of the device to perform as advertised and the repeated inability of TechNova's service center to resolve the issues justifies his claim for compensation. He has stated that he will approach the Mumbai Mahanagar District Consumer Forum for this relief.

TechNova Inc.'s Position:

TechNova Inc. acknowledges that the smartphone was infact not in a working condition when brought to their service centre, but suspects the condition could also be due to rough handling or water damage in the phone when used by Mr. Sharma, which is visible from certain dents in the body and water marks on the back panel inside the mobile case used by Mr. Sharma. The company asserts that the demand for INR 25.75 lakhs in compensation is unreasonable and far exceeds their liability under the product warranty. TechNova's warranty terms clearly state that the company is only liable for repairing or replacing defective products and does not cover consequential damages, such as business losses or loss of data.

Despite this, TechNova is keen to resolve the matter amicably. The company is concerned about potential damage to its brand reputation and the costs associated with a prolonged legal battle. Therefore, TechNova is willing to offer Mr. Sharma a settlement, which might include a replacement device, a refund of the purchase price, and possibly a goodwill gesture such as a discount on future purchases or extended warranty coverage.

Negotiation Issues:

1. Compensation Amount:

- Mr. Sharma insists on full compensation for his business losses and the cost of the phone.

Negotiation Problem

- TechNova argues that compensation should be limited to the phone's purchase price or a replacement and that business losses are not covered under the warranty.

2. Warranty Limitations:

- Discussion around the warranty terms and whether Mr. Sharma was adequately informed about the exclusion of consequential damages.
- Mr. Sharma's position on how the repeated failures to repair the phone constitute a breach of the implied warranty of fitness for a particular purpose.

3. Goodwill and Brand Reputation:

- TechNova's interest in maintaining customer satisfaction and avoiding negative publicity.
- Potential for a mutually beneficial resolution that avoids litigation and media coverage.

4. Future Business Relations:

- Possibility of TechNova offering a long-term business relationship incentive, such as discounts on future purchases or corporate service contracts, as part of the settlement.
- Mr. Sharma's willingness to accept a compromise that includes non-monetary compensation.

Objective of the Negotiation:

To reach a settlement that satisfies both parties. Mr. Sharma seeks adequate compensation for the financial losses he incurred due to the faulty phone, while TechNova aims to limit its liability while preserving its brand reputation and customer relationship. The negotiation will require both parties to find a balance between Mr. Sharma's demand for fairness and compensation and TechNova's legal limitations and business interests.

Negotiation Problem

PRELIMINARY ROUND II PROBLEM

Background:

Ravi Kapoor, a builder, and Sunil Mehta, a landowner, entered into a contract for the construction of flats on Sunil's land measuring 5000 sq yds. in Jaipur. The value of the land is INR 50 crores. According to the contract:

- Total 200 flats, each valued at INR 2 Crore were to be constructed. The flats were to be divided between Ravi and Sunil as 140 and 60 flats respectively.
- The cost of construction approximated to be INR 170 crores was to be entirely borne by Ravi.
- The contract stipulated that the construction must be completed three years, failing which the builder (Ravi) will be compensated for 3/4th of the total money spent in construction till that time and Sunil will then be free to get the project completed through some other developer under a fresh contractual arrangement.

Current Situation:

Ravi Kapoor has already invested INR 110 crores in the construction over 2 years but is experiencing financial difficulties. Given the financial strain, Ravi is struggling to meet the three-year completion deadline. Sunil Mehta is unwilling to extend the timeline, fearing market fluctuations and potential losses in the value of the flats due to loss of reputation owing to the delay, which could affect his share of the profit.

Key Issues:

1. **Completion Deadline:** Ravi is requesting an extension of the completion timeline by one year, citing unforeseen challenges and the need for additional funds to complete the project. Sunil is concerned about delays impacting the profitability of the flats.
2. **Funding Gap:** Ravi is short of INR 60 crores and is seeking either financial support or an adjustment in the contract terms to secure the necessary funds. Sunil is hesitant to provide financial assistance or to put his property as a security for a loan and is concerned about Ravi's financial stability and ability to complete the project.

Negotiation Problem

3. Risk and Liability: Sunil is worried about potential liabilities if the project is delayed, including penalties under the contract, regulatory issues, and loss of potential buyers due to extended timelines.
4. Market Conditions: Both parties are concerned about the market conditions, with Sunil fearing a downturn that could devalue the flats and Ravi is concerned about rising construction costs.

Negotiation Objectives:

- For Ravi Kapoor: To secure an extension of the completion timeline and explore options for covering the additional INR 60 crores required for construction without risking financial insolvency.
- For Sunil Mehta: To ensure the project is completed as close to the original timeline as possible, protect his financial interests, and minimize exposure to further delays or financial loss.



Rules & Regulations

Structure of the Competition

The structure of the competition is as follows: There will be two preliminary rounds of 60 minutes each. Top 4 qualifying teams will then proceed to the semi-final rounds, which will be knock-out rounds. The final round will take place between the winners of the semi-final rounds. Semi-finals and Final round will consist of a 90 minute round, which may be extended at the discretion of the judges, to make it akin to a real life experience.

General Information

Registration fee

A registration fee of INR 3,000 per team will be charged, to be paid in advance at the time of registration itself, to be deposited online.

Registration and Payment Link

<https://vgu.ac.in/national-negotiation-competition/home.html>

Travel Expenses and Accommodation

Each participant will be responsible for his or her own travel expenses. VGU Jaipur will provide accommodation to the participants on the days of the competition charges for which are included in the registration fee.

Team Composition and Eligibility Criteria

- Each team shall comprise of two (2) members only.
- The competition is open for bonafide students pursuing LLB Three/Five Years and LL.M Courses in India.

General Rule

The participating students, acting as lawyers, will negotiate a series of legal simulations. The simulations, which are based on real life examples, comprise:

1. A common set of facts known to all participants.
2. Confidential information known only to the participants representing a particular side.

Rules & Regulations

Negotiation Simulation

- Each Negotiation Simulation will consist of General Information for all parties and Confidential Information for each party.
- All Participating Teams will receive General Information for the two Preliminary Rounds, the Semi-Final and the Final Rounds before the start of the Competition at a date communicated by the Competition Administrator.
- The Participating Teams will be assigned the party that they will represent during each of the Preliminary Rounds in advance at a date communicated by the Competition Administrator.
- Each team will receive Confidential Information pertaining to the interests of the party they will be representing during the Preliminary Rounds along with the General Information.
- The Confidential Information for the Semi-Final and Final Rounds will be provided after the results of the Preliminary Rounds have been announced.
- The Participating Team will not disclose the Confidential Information to anyone else at any time between the receipt of this information and the conclusion of the Competition, save that disclosure by the Participating Teams during a Negotiation Session (to the extent they consider necessary or appropriate) is permitted.

Clarifications to the Negotiation Simulation

Every effort will be made to ensure that the Negotiation Simulations are clear; however, if a Participating Team has any questions, clarifications or interpretations in relation to one or more Negotiation Simulations then these can be submitted to the Competition Administrator latest by 10 days prior to the competition i.e. by 18th September 2024.

Interpretation of the Negotiation Simulation

- Whilst the Participating Teams are not allowed to create new facts, the Negotiation Simulations are subject to reasonable interpretation and the Participating Teams may draw reasonable conclusions from them. Whether a Participating Team's interpretation is reasonable is a matter entirely within the discretion of the Judges.

Rules & Regulations

- Failure to stay within a reasonable interpretation of the Negotiation Simulation may result in a Penalty in accordance with the Competition Rules. In case of any doubt in the understanding or interpretation of any matter concerning the Competition, the decision of the Competition Administrator will be final and binding.

Roles and Rounds

- In a Negotiation Session, each Participating Team will be represented by not more than two participants with one taking the role of "Counsel" and the other taking the role of "Client".
- Each Participating Team will be required to take part in two preliminary rounds, on the basis of which the Top four highest scoring Participating Teams may proceed to the Semi-Final Rounds. For both the Preliminary Rounds, the Participating Teams will ensure that the two participants switch the roles of client and counsel between themselves so that both the participants get an opportunity to take the role of client and counsel.

Time Limits

- In the Preliminary Rounds, each Negotiation Session will consist of 60 minutes, a break-up of which is as follows:
 - 1.40 minutes for the actual negotiation;
 - 2.10 minutes (5 minutes per Participating Team) for questions from or feedback by the Judges; and
 - 3.10 minutes for the Judges to score the Participating Teams.
- In the Semi-Final and the Final Rounds, each Negotiation Session will consist of 90 minutes, a break-up of which is as follows:
 - 1.60 minutes for the actual negotiation;
 - 2.20 minutes (10 minutes per Participating Team) for questions from or feedback by the Judges; and
 - 3.10 minutes for the Judges to score the Participating Teams.
- The Judges will have complete discretion to:
 - 1.alter the restriction on time limits set out above; and
 - 2.impose a Penalty of 1 mark for every 30 seconds exceeded beyond the time limits for the actual negotiation prescribed herein.

Rules & Regulations

- Any change will be notified to the Participating Teams in advance to ensure that no Participating Team has any unfair advantage or is otherwise prejudiced in relation to its participation in any of the Competition Rounds.

Anonymity

Participating Teams must not disclose the names of the team members, coach, institution or country to the Judges during the Negotiation Session.

Judges

General

VGU, Department of Law will be responsible for selecting the Judges for the Competition and for allocating them to a Negotiation Session in each round of the Competition. Every attempt will be made for the Participating Teams to face different Judges in each round; however due to limited availabilities, this might not always be possible.

Judging Criteria

The Judges will evaluate and score the performance of the Participating Teams according to the judging criteria (the "Judging Criteria") which will include the following:

- Introduction and identification of issues

Each Participating Team must provide an accurate assessment of the fact situation and identify the key issues for each of the parties at the beginning of the Negotiation Session. The introduction can be used to set the agenda or structure for the Negotiation Session.

- Team work

The Negotiation Session should ideally have equal contribution by the four participants. Counsels are expected to focus on the legal and technical issues in the negotiation and the Clients are expected to focus on the commercial aspects and take final decisions on the issues.

- Building relations with the other party

Whilst teams should stick to their respective interests, they should also recognize and appreciate the position and interests of the other party. Participants should aim to develop a positive environment for communication.

Rules & Regulations

- Generation of creative legal solutions

Teams are encouraged to think out of the box and come up with creative legal solutions.

- Analysis of interests and answering questions during the feedback session

Teams should be:

1. in a position to identify their main interests for the Negotiation Session; and
2. to be able to explain the strategies adopted, solutions suggested and rationale there of to the Judges.

Questioning by Judges

After completion of 60 minutes in a Negotiation Session, the Judges may ask questions from each team relating to their negotiation strategy and their actions during the Negotiation Session. During this part of the session, the Judges may not reveal to any Participating Team the results of their individual determinations, the Participating Teams' scores or the contents of the Confidential Information.

Number of Judges in each round

There will be at least one Judge for each Preliminary Round and at least two Judges for the Semi-Final and the Final Rounds. The Competition Administrator will use their reasonable efforts to ensure that all teams will be judged by the same number of Judges within each round.

Best interests and settlement

The Participating Teams are encouraged to act in the best interests of the party they represent during a Negotiation Simulation. It is not necessary that the Participating Teams reach a settlement during the Negotiation Session.

Ranking and Progression

Ranking

- Each judge will mark the team according to the Judging Criteria outlined in the Competition Rules or otherwise communicated by the Competition Administrator to the Participating Teams. The team that secures the higher

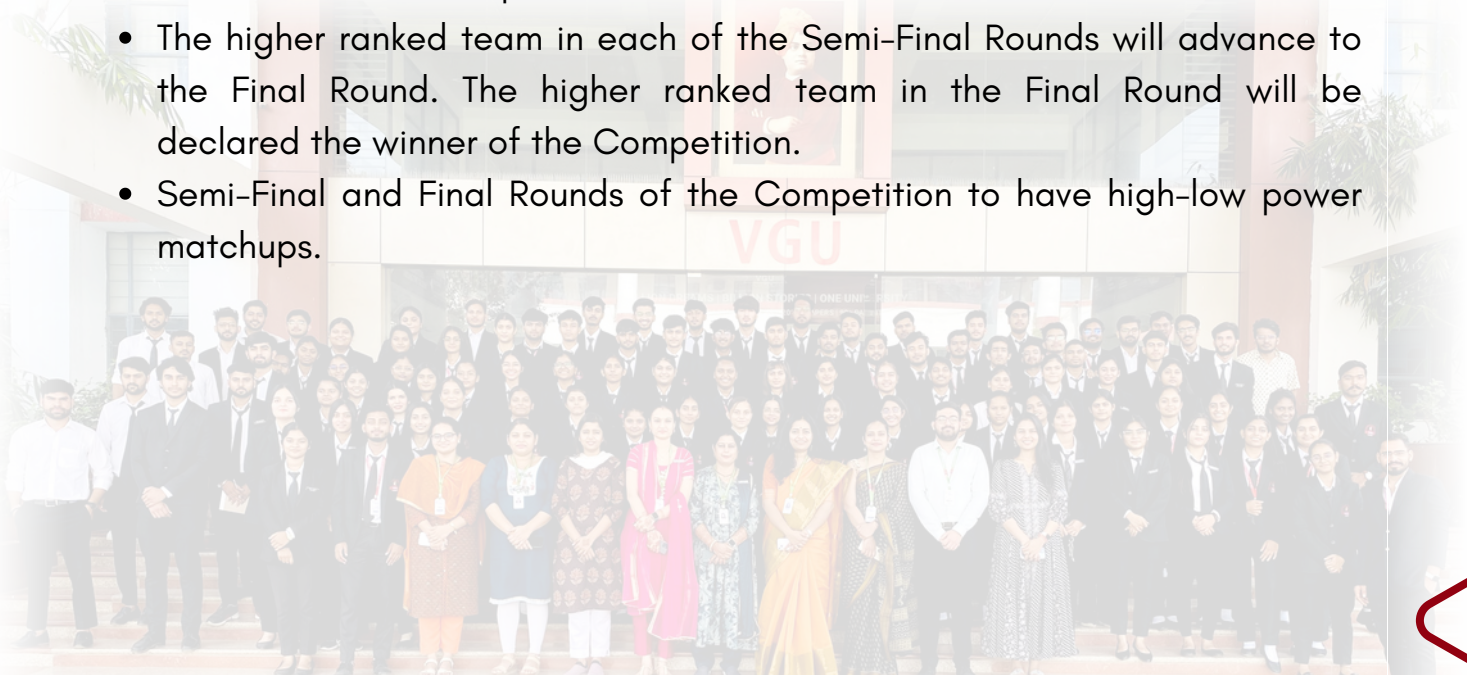
Rules & Regulations

number of points on a particular judge's Score Sheet will be the winner on that judge's Score Sheet.

- The Judges will be informed that they cannot mark both teams with an equal score and must necessarily give higher marks to one of the two teams.
- At the end of the Preliminary Rounds, the Participating Teams will be ranked based on the following criteria:
 1. the total number of overall points scored;
 2. in the case of a tie, the total number of Score Sheets designating a "Win"; and in case there continues to be a tie, the lowest total of the differentials between the number of points scored in each Negotiation Session (where relevant).

Progression

- The four top ranked Participating Teams on the basis of scores from the Preliminary Rounds will advance to the Semi-Final Rounds.
- Semi-Final and Final Rounds of the Competition shall be knock-out rounds. In each of these rounds, Participating Teams will be ranked based on the following criteria:
 1. the total number of Score Sheets of that round designating a "Win";
 2. in the case of a tie, the total number of points scored in that round;
 3. and in case there continues to be a tie, their ranking in the Preliminary Rounds of the Competition.
- The higher ranked team in each of the Semi-Final Rounds will advance to the Final Round. The higher ranked team in the Final Round will be declared the winner of the Competition.
- Semi-Final and Final Rounds of the Competition to have high-low power matchups.



Awards



Categories

The Competition will involve the following:

- **Winner's Trophy**

To be awarded to the Participating Team declared as the winner of the Final Round of the Competition, which will include a cash prize of INR 25,000.

- **Runner-up Trophy**

To be awarded to the Participating Team coming in second in the Final Round of the Competition, which will include a cash prize of INR 15,000.

- **Best Negotiator Award**

To be awarded to the individual who has received the highest cumulative score in the Preliminary Rounds, which will include a cash prize of INR 5,000.

- **Spirit of the Competition Award**

To be awarded to the team which best represents the spirit of negotiation and communication in its interaction with other teams during the Competition, which will be decided by a vote amongst the Participating Teams, and which will include a certificate and a cash prize of INR 5,000.

- **Certificate of Participation**

To be awarded to each member of all Participating Teams.

- **Awards ceremony**

All Participating Teams shall attend the awards ceremony, which will be held on the last day of the Competition. No competition awards, including Certificates of Participation, shall be awarded in absentia.

Schedule

DAY-1 (SEPTEMBER 27th, 2024)	
Arrival of Teams	3:00 PM
Registration and Draw of Lots & briefing of teams for Preliminary Rounds	3:00 PM – 5:00 PM
High Tea	5:00 PM – 6:00 PM
Dinner	8:00 PM – 9:00 PM
DAY-2 (SEPTEMBER 28th, 2024)	
Arrival of Teams at the VGU Campus Auditorium	8:30 AM
INAUGURAL CEREMONY	9:00 AM onwards
Lunch	1:00 PM – 2:00 PM
PRELIMINARY ROUND 1	2:00 PM – 3:00 PM
PRELIMINARY ROUND 2	4:00 PM – 5:00 PM
GALA NIGHT	5:00 PM – 8:00 PM
Result Declaration	(In Gala night)
Dinner	8:00 PM – 9:00 PM

Schedule

DAY-3 (SEPTEMBER 29th, 2024)	
Arrival of Teams at VGU Campus	9:00 AM
SEMI-FINAL ROUND	9:30 AM - 11:00 AM
Result Declaration	11:30 AM - 12:00 PM
Lunch	12:00 PM - 1:00 PM
FINALE ROUND	1:30 PM - 3:00 PM
VALEDICTORY, RESULT DECLARATION & AWARD CEREMONY	3:30 PM - 4:30 PM
High Tea	4:30 PM - 5.00 PM



Advisory Committee

PATRONS



Shri Rajdeepak Rastogi
Additional Solicitor General of India



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Chief Patron, VGU
Chairman, VTS Rajasthan



Dr. K R Bagaria
Founder & Vice Chairperson, VGU
Former Member, RPSC



Dr. Lalit K Panwar (Retd. IAS)
Chairperson, VGU
Former Chairman, RPSC



Er. Onkar Bagaria
CEO, VGU

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Acting President and Pro President (Academic
Affairs), VGU



Prof. (Dr.) D.V.S. Bhagavanulu
Pro President (Research Affairs), VGU

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Mitra**
Dean, Faculty of Law

CONVENOR



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Head of Department

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Mr. Sarthak Rastogi
Advocate, Rajasthan High Court

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Ms. Pooja Sharma
Assistant Professor



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Assistant Professor



Ms. Sakshi Poonia
Assistant Professor



Ms. Shardiya Singh
Assistant Professor



Ms. Sehla Gokhru
Assistant Professor



Ms. Sneha Rathore
Assistant Professor



Ms. Lavina Bachchani
Assistant Professor



Ms. Aditi Shanker Sharma
Assistant Professor



Ms. Poojashree Kumawat
Assistant Professor



Ms. Daminee Sharma
Assistant Professor



**Mr. Shubham Kumar
Thakuriya**
Assistant Professor



Ms. Ritika Goswami
Assistant Professor



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Curated by Khagesh K. Sharma

For any inquiries, please contact us at info.adr@vgu.ac.in