

Government College of Law, Thiruvananthapuram's
7th NATIONAL ADR COMPETITION FOR KELSA TROPHY

Problem I: All India Street Vendors Confederation approached the High Court of the State with a writ petition to issue direction to the Municipal Corporation Authorities to stop the emergency eviction of the street vendors, at the outset of the forthcoming World Under 17 Football Competition hosted by the Football Federation in the City. The Corporation contended that the conduct of business of the wayside vendors shall cause much pressure and hardship to the occasion. The Court directed the State Labour Welfare Department to convene and conduct an appropriate forum for an amicable resolution to the issue with mutual participation of interested parties.

Problem II: Mahesh, an icon and entrepreneur in the I.T. field, who is engaged in hectic business activities throughout the world, entered into a contractual marital relationship with Meera, a renowned cine artist, unfortunately met with a marital issue. The wife Meera filed an application for restitution of conjugal rights before the Family Court in the Capital City. While considering this application the Court directed to constitute a transformative mediation session on this subject matter so as to bring out an improved open court decision in the case. Both the parties came over the scene of mediation with their own arguments and evidences. Convene the session properly.

Problem III: In an international commercial arbitration issue, Viscard India Ltd. applied for setting up of an arbitral bench in India at Mumbai, whereas the opposite party i.e. TNC registered at Havana opposed the said application. Viscard contended that there is nothing contrary to the agreement between the parties in this regard, and hence the arbitration shall be proceeded within the stipulated time period from the date of the Court order referring the subject matter for arbitration. TNC refused this contention as Indian Courts have no jurisdiction over them. However the appointed arbitrators assumed their jurisdiction. Now the arbitral bench decided to hear objection as regard to the dispute in relation to its jurisdiction, place of arbitration, and to determine the subject matter, regarding delivery of tele-transcribed text and payment of reward in between Viscard India and TNC. Viscard also raised an issue of compensation on deferred payment with 8% interest and cost for the arbitration process.