

Queries & Clarifications:

We have recently received queries from teams, who have sought a clarification on the Moot Problem as under:

- Q1. (a) Whether Zinga group discussed in the moot problem is a private registered company as the Zipper group or is a public listed company?
- (b) Whether the promoter group that has been discussed in the facts functions in regard to conglomerate or whether this promoter group acts in regard to different companies of the Zinga Group?

A1. The problem is self-explanatory and no clarification is required.

- Q2. (a) The problem is not clear regarding the paid up equity share capital received by Zipper. The amount of paid up equity share is same as that of the unsecured loan that it received from one of the four permit holder companies of the group, this cannot be possible as Zipper will not sold his share to some other company and take loan from the same company on the same amount. Explain.
- (b) Who actually holds the paid up equity shares of the Zipper company?
- (c) If one of the four permit holder Companies of the Group holds Equity Shares of Zipper, then why it give loan to the company on the same paid up share capital?

A2. The problem is self-explanatory and no clarification is required.

- Q3. 1. Referring to Mr. Corum's witness statement on pg.6, line 8 of the fact sheet - the words used "*.... on the instructions of one Mr. Joseph who was CEO of Zipper at that time.*" The query is that, was Mr. Joseph replaced by Mr. Corum, 2nd June, 2004 onwards or did Mr. Joseph continue to remain the CEO of Zipper on 2nd June, 2004 and afterwards?
2. In the same context, does Mr. Corum continue to remain the General Manager of Zipper, 2nd June, 2004 and afterwards?
3. Referring to pg.1, line 13 of the fact sheet - the words used "*In 2007, one of the major businesses...*", is the year "2007" a misprint or is it accurate?

A3. Query No. 1 & 2:

The problem is self-explanatory and no clarification is required.

Query No. 3:

Kindly refer to the correction made on the website.

- Q4. a. Paragraph 3 (Page 1) states that Zinga controlled 70% iron ore mining business in 2007. Is it the year correct?
- b. Is Zinga private limited or a public limited?
- c. Can you please elucidate on the shareholding pattern of the Zinga group of companies? Is Mr. Markas a majority shareholder of the Zinga Group?
- d. Did Mr. Markas have equity/preference shares with voting rights?
- e. What was the purpose of acquisition, Captive use or commercial sale?
- f. In which year was Zinga incorporated?
- g. When did Zipper Steels and Washaries Private Limited take over Mr. Abraham's proprietary firm?
- h. Was the report of ZID and statements made by company officials disclosed to the accused?

A4. Query (a):

Kindly refer to the correction made on the website.

Queries (b), (c), (d) (e), (f), (g) & (h):

The problem is self-explanatory and no clarification is required.

Q5. The first line of the problem reads "The Zinga group is one of the most powerful **business groups** of the Country...**the** promoter of the group is **one** Mr. Markas.

Page 3, paragraph 1, 2nd last line reads "...rest of the shares were held by **other entities** of the **promoter group**. All of these companies had their independent managing director and Board of directors."

The last two paragraphs on page 3 indicate that the Group's companies required the Benja block for economic advancement and building of the group's companies since it had a project pending.

Thus, clarify whether Zinga is a business group or promoter group since purpose of the group varies substantially? Further, there is a line that says that Markas was the **ONLY** promoter of the group followed by which there is a clause stating that shares of the group were owned by other entities of the promoter group- if there is only one promoter then how can shares be held by others?

A5. The problem is self-explanatory and no clarification is required.

Q6. The 3rd paragraph on Page 1 reads- "In **2007**, one of the major businesses of the Group was manufacture of high quality steel used in the automobile industry."

Shouldnt this be 2002-03-04 since that is the timeline under which we are working?

A.6. Kindly refer to the correction made on the website i.e.

"Typographical error on page 1 paragraph 3 of the Statements of Facts: In the first line '2007' has been corrected to '2003'."

Q7. Page 3 of the problem- paragraph 1 says, "4 companies of the group..as many as 30 applications in the various blocks and were granted the full quota of the 20 permits. In all **30 successful applications**, Mr. Markas was shown as the Promoter of the companies seeking the permit."

Shouldnt this be 20 as well since that is the "full quota"?

A7. The problem is self-explanatory and no clarification is required.

Q8. If the paid up share capital actually exists (as given on first paragraph on Page 4) then does ZID mean that the permit holding company giving the loan is the shareholder or the loan has been given to the shareholder(s) of Zipper to buy shares.

A8. It is clarified as under:

"Clause c. means that an unsecured loan was provided by one of the permit holder companies of Mr. Markas to the shareholder of Zipper which was used to fund the shareholding."

Q9. When was Mr. Joseph appointed as CEO of Zipper Steels and Washaries Pvt. Ltd.?

A9. No clarification is required.

Q10. Is the inclusion of the term "Related Party Disclosures" a typographical error in the definition of control in Financial Norms- 10.3 (c) on page 27?

A10. "Related Party Disclosures' is a typographical error.

Q11. Are the permit holder companies of Zinga public or private limited companies?

A11. No clarification is required."

Q12. When did the matter come to the High Court of Zuru on Appeal?

A12. No clarification is required.

Q13. Do the appellants have to represent only Mr. Markas or all the persons/entities which were held guilty by the Trial Court?

A13. The problem is self-explanatory and no clarification is required.

Q14. Is section 320 "Offences by Companies" supposed to be a part of the Zuru Investigation Department and Criminal Evidence Act?

Q15. If yes, what does "committing an offence under the act" mean?

Q16. If not is it a part of the Zuru Criminal Code?

A14 to

16. Section 320 is to be read as a part of the Zuru Criminal Code and not of the Zuru Investigation Department and Criminal Evidence Act.

Q17. Is there no other definition of companion entity/associate company in any of the statutes of Zuru?

A17. The problem is self-explanatory and no clarification is required.

Q18. 1.) Teams are to argue either for the Appellant(Mr. Markas) or for the Respondent (Zuru Government)

Clarify:

(i) The two speakers have to represent either the Appellant or Respondent?

(ii) Who will decide whether we should represent the Appellant or Respondent.

(iii) and if we represent one of them, we have to submit one memorial of the party ?

A18. Please refer to Rule No. 14 point No. 2 of the Rules of the 10th K.K. Luthra Memorial Moot Court, 2014 which states as under:

14. Memorials:

Each team must submit the **Memorial** for the **Applicant** and the **Respondent** in PDF Format, no later than 6:00pm [Indian Standard Time] on 15.11.2013 to info@kkluthramoot.org. The Organizers will not be responsible for the non receipt of the soft copies of the memorials. Teams are requested to ensure that soft copies via email are sent well in time and that the attachments can be viewed.

Q19. Is there any chance that there may be any extension in the deadlines for the memorial submissions.

A19. The last date of submission of memorial for the Applicant and the Respondent in PDF format is 15.11.2013. After 15.11.2013 ½ mark will be deducted for each day of delay. Memorials submitted after 21.11.2013 shall not be accepted and the team shall stand disqualified. No extension shall be granted with regard to submission of the memorials.

For further information, please see the Rules of the 10th K.K. Luthra Memorial Moot Court, 2014.

Q20. 1. Whether the case laws mentioned in footnotes of the memorial, but not in Written Pleadings, are to be included in the Supplementary Volume?
2. Whether the Supplementary Volume attached to the Memorial has to be separate for the Appellant and the Respondent?

A20. You may include relevant articles/materials/case laws in the Supplementary Volume on which you rely upon. It is the discretion of the participants whether they want to submit a separate supplementary volume and combined Supplementary volume.

For further information, kindly see the Rules of the 10th K.K. Luthra Memorial Moot Court, 2014.

Q21. Will you please assist me about how to prepare volume of judgments. If we are needed to send pdf copy of judgments, then how will we compile all the judgments together in a volume. Whether judgments from unauthorized sites like www.indiankanoon.org will be acceptable?

A21. There is no requirement to send a PDF copy of judgments along with the memorials. Supplementary volumes which may contain judgments are required to be sent only after the declaration of memorials results on 16.12.2013.

For further information, please see the Rules of the 10th K.K. Luthra Memorial Moot Court, 2014.

Q22. In the Rule no 14 the submission date is mentioned as 15th November, 2013 but that rule does not make specification about the submission time of Supplementary Volume. May i know the exact date and time of submission of Memorials and Supplementary Volumes?

A22. There is no requirement to send a PDF copy of judgments along with the memorials. Supplementary volumes which may contain judgments are required to be sent only after the declaration of memorials results on 16.12.2013.

For further information, please see the Rules of the 10th K.K. Luthra Memorial Moot Court, 2014.

Q23. As given in the Moot Proposition **the High Court of Zuru is the Highest court in the country, So while referring to case laws or judgements, are we allowed to refer to Judgements from High Courts in India or we need to stick to the Supreme Court of India judgements?**

A23. You can rely upon the judgments from High Courts in India.

Q24. Rule 14 states that: "After the declaration of Memorial Results on 16.12.2013, the qualifying 60 teams shall be required to submit five hard copies each of the Memorial for the Appellant and the Respondent along with ONE copy of the Supplementary Volume by 24.12.2013 to Prof. (Dr.) UshaTandon."

Rule 15 states that "Relevant articles/materials/case law may be provided as a supplementary volume to the Memorial, which must also be submitted with the Memorial."

Please clarify:

(1) May a team only have one Supplementary Volume, or may it have two Supplementary Volumes - one to accompany the Appellant Memorial and one to accompany the Respondent Memorial?

(2) Must any Supplementary Volume be submitted in soft copy, along with the Memorials, on 15.11.2013? Or may only the Memorials be submitted in soft copy on 15.11.2013, and then the Supplementary Volume be submitted in hard copy with the hard copies of the Memorials?

A.24 There is no requirement to send a PDF copy of Supplementary Volume along with the Memorials.

The Supplementary Volume in hard copy with the hard copies of Memorials which may contain judgments are required to be sent only after the declaration of Memorials results on 16.12.2013.

It is the discretion of the participants whether they want to submit a separate Supplementary Volume for the Appellant and the Respondent or combined Supplementary Volume.