

MOOT PROBLEM - 1

1. Ramakanth is a Professor in Biotechnology at Taraka Central University, situated in Zamanabad, in the State of Taavinadu, of Bharatavani. Prof. Ramakanth is well known across the globe for his research inventions in the field of biotechnology and Pharmacy. He has many Patents to his credit which were commercialised for treating life threatening diseases like HIV and Cancer. Prof. Ramakanth has given license of his patent to some of the pharmaceutical companies for a royalty of INR 1.5 Crores per year. In order to utilise his expertise and knowledge sharing purposes, he has been invited by many national and international research, academic institutions and also government organisations.
2. As a part of knowledge sharing program, Vinicent Biotech Company; a research and development institute of Durban in South Africa (SA) has invited Prof. Ramakanth to attend one of its international conference titled “International Conference on Biotechnology Changing Dimensions in Pharmaceutical Sector”, which was scheduled at 2:00pm on January 15th 2016 at its headquarters in Johannesburg, SA. Vinicent Biotech Company also requested Prof. Ramakanth to be the chief guest of the said program and inaugurate the conference. The Vinicent Biotech Company requested Prof. Ramakanth to meet Mr. Rubande, the President of SA and scheduled the meeting at 10:00am on January 15th 2016 at the President Office in Pretoria, SA which is one hour travel from Johannesburg, the venue of the conference.
3. Prof Ramakanth accepted the said invitation and confirmed his willingness for the conference and meeting with the President. Further the meeting of Ramakanth with Mr. Rubande, the President of SA is very important for the Vinicent Biotech Company for procuring grant. As the President promised the Vinicent Biotech Company with government grant to be released to the said company only after knowing the importance of the research undertaken by the company from inputs of Prof. Ramakanth from Taraka Central University.
4. In this regard, the Vinicent Biotech Company has informed Prof. Ramakanth to make necessary conveyance arrangements such as booking tickets and choosing air carriers

as per his choice so as to reach the place of the conference and to meet the President of SA without any delay.

5. On 4th January, 2016, Prof. Ramakanth approached Florella Fly Travels, (Travel Agency) Zamanabad to book his tickets and gave the schedule of his meeting with President of SA and the conference. The Florella Fly Travels after verification of available flights to South Africa, booked air tickets with Falak Airlines for Prof. Ramakanth with one stop route in Port Louis, Mauritius on January 13th 2016. The flight tickets booked from Zamanabad in Bharatavani to Port Loius in Mauritus and from Port Louis to Johannesburg with air carrier of Falak Airlines. The said air carrier boarding time was 10:15am at Zamanabad. The total duration of travelling with one stop break is 16 hours. The Travel agency assured that Prof. Ramakanth could reach in advance of 24hrs of the scheduled meeting.
6. Accordingly Prof Ramakanth started his travel and reached Port Louis Mauritusat 1:30 am on January 13th 2018. When he approached Check-in counter of Falak Airlines for Johannesburg Flight, some of the personnel of Falak Airlines refused to give boarding pass to Johannesburg and allow him to travel by its air carrier. Prof Ramakanth pursued the check in counter officials by giving his identity and explaining emergency and importance of his travel by Falak airlines flight to Johannesburg and his meeting with the President of South Africa, however they turned down his request.
7. After stranded for many hours with regard to availability of tickets with Falak Airlines, Prof Ramakanth approached another air carrier namely Air Mauritius and paid extra money for getting ticket to Johannesburg and boarded the Flight of Air Mauritius. Due to this, Prof Ramakanth had to change his flight and check in another flight of another air carrier in Port Louis, Mauritus. He reached Johannesburg on January 15th 2016 at 10:30am with a delay of two hours to the scheduled time of arrival. He was received at Johannesburg, SA and was taken to the office of President at Pretoria SA but by the time he reached the place, the President Mr. Rubande has already left Lesotho for some official Program. Then Prof Ramakanth attended only conference and returned to Bharatavani without meeting President of SA. It resulted in not releasing of financial grant to Vinicent Biotech Company and the Company in

Durban was forced to close for want of funds within a period of six months and thereafter.

8. The Vinicent Biotech Company wrote a letter to Professor Prof Ramakanth accusing him of the reason for closing the Company and this created a bad image of Prof Ramakanth in field of R&D. Prof Ramakanth suffered mental agony and was forced to give clarifications to many other research institutions and associations about the reason for delay in reaching the President's Office.
9. Prof Ramakanth sent a notice for refund of the tickets amount he paid to the Florella Fly Travels and Falak Airlines, and claimed damage of Rs 2.5 crore, but there was no response either from the travel agency or from the air carrier. As a response to repeated notices, Falak Airlines informed him saying that they are not liable to pay any damages except refunding 25% of the basic fair of the tickets as per the terms and conditions shown on the ticket.
10. Then Prof Ramakanth approached and filed a complaint with State Consumer Commission, Zamanabad against Falak Airlines and Florella Fly Travels for refund of cost of the flight tickets paid by him from Port Louis, Mauritius to SA along with interest @24% and damages of 2.5 crores for the agony he suffered and also for loss of reputation in the field of Research.
11. The Falak Airlines argued that they are only liable to pay 25% of the value of the ticket as provided under the terms and conditions of the ticket to him and the air carrier argued that they are in no way concerned with Prof Ramakanth. They are only permitting the ticket holders as transit Visa to Mauritius as per the International travel rules. The air carrier will be permitting the transit passengers to board the flight only if they have transit Visa. As Prof Ramakanth did not have the transit Visa, so they were justified in refusing him to travel in scheduled Falak flight from Port Louis to Johannesburg.
12. The State Consumer Commission after hearing both the parties, has awarded refund of entire amount of ticket along with interest of 6% from the date of refusal to travel and compensation of Rs. 1 crore towards damages without any interest from both the Falak Airlines and Florella Fly Travels jointly

13. The Falak Airlines and Florella Fly Travels approached the National Consumer Commission, where the National Consumer Commission confirmed the award of the State Consumer Commission.
14. Aggrieved by the order of National Consumer Commission, they preferred an appeal to the Supreme Court of Bharatavani.

For the purpose of this moot problem –

1. The Constitution of Bharathavani adopts the Constitution of India verbatim and all the provisions of the Constitution of India are incorporated as the provisions of Bharatavani Constitution.
2. The powers and the jurisdiction of the Supreme Court of Bharatavani is the same as the powers and the jurisdiction of the Supreme Court of India.
3. The rest of the laws of Bharatavani, including the Contract and Consumer protection Laws are in pari materia with the laws of the Republic of India.