



THOMAS GEORGE & ASSOCIATES

(Advocates)

H. No.: 2-3-74/174, Satyanagar Colony, Uppal,
Hyderabad- 500039.

Website: www.tgalaw.in

01/06/2025

THE 6th TGA VIRTUAL MOOT COURT COMPETITION, 2025

MOOT PROPOSITION

BEFORE THE HON'BLE SUPREME COURT OF INDIGO

APPELLATE JURISDICTION

CIVIL APPEAL NO. ____ OF 2025

(Filed under Section 62 of the Insolvency and Bankruptcy Code, 2016)

In the matter of:

ABC Bank

...Appellant/Financial Creditor

Versus

XYZ Private Limited

...Respondent/Corporate Debtor

1. ABC Bank (hereinafter referred to as the Financial Creditor) is a public sector scheduled bank providing credit facilities to individuals and companies in the Union of Indigo.
2. During its course of business, ABC Bank sanctioned credit facilities to the tune of Rs. 500,00,00,000/- (Rupees Five Hundred Crores Only) to XYZ

Private Limited (hereinafter referred to as Corporate Debtor), a company incorporated under the Companies Act on 01/01/2013. The Corporate Debtor was engaged in various business activities, including activities in the energy sector.

3. Subsequent to the sanction of the credit facilities, the Corporate Debtor executed loan documents in favour of the Financial Creditor. The loan amount was disbursed by the Financial Creditor in full and the Corporate Debtor acknowledges receipt of the same. The Corporate Debtor initially was regular in repayment and defaulted thereafter. The loan account was classified as a Non-Performing Asset (NPA) on 01/04/2014.
4. The said company issued various letters from 2014 seeking the restructuring of credit facilities as well as One Time Settlement (OTS) requests. The following are the letters issued by the Corporate Debtor in favour of the Financial Creditor:

Sl. No.	Particulars	Date
1.	Letter issued by the Corporate Debtor seeking restructuring of credit facilities.	01/07/2014
2.	Letter issued by the Corporate Debtor seeking OTS to the Financial Creditor.	01/01/2017
3.	Letter issued by the Corporate Debtor seeking OTS to the Financial Creditor.	01/01/2018

4.	Letter issued by the Corporate Debtor seeking OTS to the Financial Creditor.	01/01/2019
5.	Letter issued by the Corporate Debtor seeking OTS to the Financial Creditor.	01/01/2020
6.	OTS was sanctioned by the Financial Creditor in favour of the Corporate Debtor for repayment of the entire liability amount as agreed on or before 31/03/2020.	01/02/2020
7.	Letter issued by the Financial Creditor to the Corporate Debtor cancelling the OTS sanction due to failure of payment as agreed in OTS letter dated 01/02/2020.	01/05/2020
8.	Letter issued by the Corporate Debtor seeking OTS to the Financial Creditor.	01/01/2021
9.	Letter issued by the Corporate Debtor seeking OTS to the Financial Creditor.	01/01/2022

5. In the year 2020, the entire world was struck by the COVID-19 pandemic, which affected the lives of individuals, including business entities. Many companies' loan accounts maintained with various financial institutions in the Union of Indigo were classified as NPA.
6. The Union of Indigo introduced the law relating to bankruptcy, named the Insolvency & Bankruptcy Code, 2016, to help revive companies under

financial distress without creating or causing losses to the secured or unsecured creditors. As a number of companies ran into losses due to the pandemic, there was a sense of tension and fear of an increase in the number of filing of Applications under the Insolvency & Bankruptcy Code, 2016.

7. In order to protect companies which genuinely incurred losses due to the pandemic, the then Government, through an amendment, introduced S. 10A IBC. As per the said amendment, no application whatsoever can be filed for initiation of Corporate Insolvency Resolution Process (CIRP).
8. That the Financial Creditor herein filed a S. 7 IBC application before the Hon'ble National Company Law Tribunal (NCLT) against the Corporate Debtor herein on 01/02/2022 by mentioning the date of default as 01/05/2020.
9. The Hon'ble NCLT dismissed the case as it was barred by S. 10A IBC. An Appeal was preferred before the Hon'ble National Company Law Appellate Tribunal (NCLAT) and the same was also dismissed on merits.
10. Thereafter, the Financial Creditor filed another Application U/s 7 IBC on 01/01/2024 before the Hon'ble NCLT against the same Corporate Debtor by mentioning the date of default as the date of NPA, i.e., 01/04/2014. Despite showing that the case was within limitation with the various OTS letters, the matter came to be dismissed by the Hon'ble NCLT on the

grounds that the Financial Creditor cannot change the date of default on its whims and fancies, as well as on the grounds of *res judicata*.

11. An Appeal was filed before the Hon'ble NCLAT and the same was also dismissed on the same grounds. Thereafter, a Civil Appeal has been filed by the Financial Creditor before the Hon'ble Supreme Court. Notice has been issued in the said Appeal, the issues have been framed as mentioned hereunder and the matter is posted for final hearing of both parties.

Issues:

1. Whether or not a Second Application U/s 7 IBC is barred by law?
2. Whether or not mentioning of dates of default is mandatory in Applications under IBC?
3. Whether or not the date of default changes based on facts and circumstances or is it to be taken as the date of NPA in all bank matters?
4. Whether or not a case can be admitted if the default has occurred and the application is within limitation, despite an error in the date of default?

Note:

- **The case is entirely fictional and created solely for academic purposes. In the event of any similarities with any case, it is purely coincidental. The above Moot Proposition is only for academic purposes and does not intend to harm the goodwill or reputation of any person.**

Rules for the Competition:

- I. 3 students from a law college are eligible to form a team for the purpose of participating in this competition. One college can send a maximum of 2 teams.
- II. The Team shall comprise 3 members, viz., Speaker No. 1, Speaker No. 2 and Researcher.
- III. Teams shall be known by the team codes assigned by the firm.
- IV. Students of all years of the Five-year and Three-year law courses are eligible to participate in this Competition.
- V. Registration Fees for each team- Rs. 750/-. The said amount can be paid via Google Pay on +91 8209156354. In case the students want to pay the fees to a bank account, an email requesting the bank details to be sent.
- VI. A mail agreeing to participate shall be sent by the participants on or before 01/09/2025. The said email shall consist of the full names of the team members, the college name, the postal addresses with pin codes of the team members, mobile numbers of all the team members, a scanned copy of the College ID Card of the team and a screenshot of the proof of payment of registration fees. *(The said address is required for the purposes of dispatching participation / merit certificates and mementos, if any. In case the team wants all the certificates to be sent to one address, then one address can be provided; however, in the event the participants wish*

certificates to be dispatched to their respective addresses, then separate addresses have to be provided).

- VII. It is mandatory to send the acceptance email through the official email IDs of the colleges or through Moot Court Society Email IDs; however, acceptance emails can be sent through the personal email ID of any team member if the college does not have any such societies.
- VIII. For all further correspondence, the teams shall communicate using the same email ID used for sending the confirmation email and no communication from new Email IDs will be entertained.
- IX. Each speaker shall speak for 15 minutes, subject to extension granted by the judges.
- X. A steady internet connection is to be maintained.
- XI. Cameras are to be turned on at all times during the rounds.
- XII. Judgments/citations/precedents referred to during arguments can be screen-shared online.
- XIII. Breach of deadlines shall entail disqualification.
- XIV. In case, during the rounds, if there is any internet interruption from the side of the participant, then a 5-minute extension only will be granted, subject to the discretion of the judges.
- XV. Feedback after each round shall be provided.
- XVI. All clarifications are to be sent on or before 10/09/2025.

- XVII. Dress Code for Men: White Shirt, Black or Grey Blazer, and Black or Grey formal pants. Dress Code for Women: White Salwar Kameez, White Shirt, Black or Grey Blazer, and Black or Grey formal pants or skirt.
- XVIII. Failure to follow the dress code shall entail disqualification, subject to the discretion of the Judge.
- XIX. All email correspondences are to be sent to tgacompetitions@gmail.com
- XX. The competition will be held on 06/12/2025 & 07/12/2025. An Inaugural ceremony shall take place on 06/12/2025, which shall be attended by all participants without fail. Not attending the same shall entail a deduction of 10 marks from the preliminary rounds.
- XXI. The Moot Court Coordinators are Mr. Aditya Bhura and Mr. Rahul Jacob, who can be contacted during working hours, i.e., 04:00 PM - 09:00 PM at +91 9831033855 & +91 9908290322. However, to avoid confusion, all queries shall be sent via email only and not via WhatsApp/text.

Memorial Rules:

1. Each team is to prepare Written Memorials from the side of the Petitioners and the side of the Respondent.
2. Blue Colour Cover Page for the Written Memorial of the Petitioners.
3. Red Colour Cover Page for the Written Memorial of the Respondent.
4. Soft Copies of the Memorials are to be sent on or before 15/11/2025, by 06:00 PM.
5. Participants shall not submit hard copies of the Memorials.
6. Memorials shall not exceed 6 A4-size pages of MS Word docx. However, the index, index of authorities, facts of the case, issues framed, and prayer shall not be included while arriving at 6 pages.
7. Body of Contents: Font size- 12, Font Style- Times New Roman, Line Spacing- 1.5, Paragraph Spacing- 0, Margin- Default as mentioned in MS Word docx.
8. Footnotes: Font size- 10, Font Style- Times New Roman, Line Spacing- 1
9. Memorials will be exchanged between the respective teams on 05/12/2025.

TIMELINES

Sl. No.	EVENT	DEADLINE
1.	Confirmation Email & Registration Fees	On or before 01/09/2025
2.	Clarifications regarding the Competition and Moot Problem	On or before 10/09/2025
3.	Publication of Clarifications	15/09/2025
4.	Soft Copy of Moot Memorials	On or before 15/11/2025 05:00 PM
5.	Memorial Exchange	05/12/2025
6.	Inauguration & Rounds of the Competition	06/12/2025 & 07/12/2025

LIST OF PRIZES FOR THE WINNERS IN THIS EDITION OF THE

MOOT COURT:

1. Best team- Rs.20,000/-
2. Runners Up team- Rs.10,000/-
3. Best Memorial - Rs.5,000/-
4. Best Speaker in Prelims- Rs.5,000/-
5. Best Researcher- Rs. 5,000/-
6. Certificates of merit and Trophies to all the winners by post.
7. Certificates of participation for all participants, including winners, by post.
8. Books to the winners sponsored by Gogia Law Agency, Hyderabad.

THE ENTIRE MOOT PROBLEM IS COMPLETELY BASED ON FICTION AND HAS NO RESEMBLANCE TO ANY HAPPENING OR ANY EVENT IN ANY COUNTRY, AND IT IS NOT AIMED AT HURTING ANY SENTIMENTS. THE SAID COMPETITION IS ONLY TO ENHANCE THE LITIGATION SKILLS OF LAW STUDENTS.