

PRELIMINARY NEGOTIATION PROBLEM

Dr. Rajshekhar Bhattacharya, 69 years old, is a renowned cardiothoracic surgeon in the country of India. Dr. Bhattacharya has performed over 20,000 cardiac surgeries including over 1,000 Redo Bypass Surgeries and over 3,000 high risk surgeries. He has a 99.7% success rate in bypass surgery. He is the Vice Chairman and Managing Director of Asia Heart Institute – a speciality cardiac care hospital in Bandra Kurla Complex at Mumbai, India.

Dr. Bhattacharya had a heart transplant surgery on April 2, 2018 in Mumbai, informed to him 12 hours prior to the surgery. He was in Delhi at that time and immediately booked a ticket with Novel Airlines scheduled for 6:00 a.m. on April 2, 2018. He arrived on the airport at 4:00 a.m. and received his boarding pass in the next hour.

On April 2, 2018, at about 5:40 a.m., when all passengers boarded in the Novel Airlines Flight 3411 and the plane was still at the gate, the airlines gate agent announced that there is a need to remove four passengers in order to accommodate four staff members. These staff members had to cover an urgent unstaffed flight at another location. The staff members were originally scheduled to take Flight 4448 which was to depart at 2:55 a.m. but that plane experienced a significant mechanical defect and that flight was cancelled. These staff members was not booked to Flight 3411 till 5:21, and were tried to be accommodated in just 19 minutes before Flight 3411's scheduled departure time.

Passengers were initially offered Rs.10,000 in vouchers for future travel on Novel Airlines, a hotel stay, and a seat in another plane scheduled after 21 hours, if they voluntarily deboard. Finding no volunteers, the offer was increased to Rs.20,000 in vouchers. With still no volunteers, a manager informed the passengers that four people would be randomly chosen by a computer. Three of the selected passengers, that is, a couple and a woman, agreed to leave. This helped airline to meet the urgent requirement to accommodate staff members. The fourth selected passenger was 69-year-old Dr. Rajshekhar. He refused to deboard on the ground that he had to perform a surgery at a hospital in Mumbai on that day.

Novel Airlines staff requested the assistance from Department of Aviation security officers. Dr. Bhattacharya refused to leave his seat. In the ensuing scuffle, he suffered injuries on his head and mouth. According to one passenger, he initiated the ruckus while misbehaving with the crew members.

During the altercation, a number of passengers distressed by the incident voluntarily left the aircraft. Four Novel Airline staff members then sat in the vacated seats. Shortly afterwards, Dr. Bhattacharya managed to re-board the aircraft, repeatedly saying, "I have to go home." Eventually he collapsed on a seat and was removed from the aircraft on a stretcher.



He was seen with a blooded face after he was removed from the seat. Other passengers on the flight recorded the event on video using smartphone cameras. Thereafter, the video got viral on social media.

Dr. Bhattacharya was taken to the hospital with no life-threatening injuries but a broken nose, loss of two front teeth, sinus injuries, a severe injury to his right hand and "a significant concussion" requiring reconstructive surgery.

Novel Airlines has invited Dr. Bhattacharya to negotiate and settle the dispute on 6th April, 2018.



QUARTER-FINALS NEGOTIATION PROBLEM

Ms. Ashima, 16 years old, daughter of Mr. and Mrs. Oberoi (hereinafter called “Oberois”) lives in Morami Apartments in West Enclave. She is a very bright student and always ranks among the top 5 students of her batch. She doesn’t play sports nor has any interest in music. Her parents keep pressurising her to score the maximum in her batch in all the subjects. However, maths is a really tough subject for her and despite all her efforts, she is not able to score the highest in maths. This worried her parents a lot for she had to give her board examinations next year.

The Oberois were good friends with the Manchandas living in the adjacent apartment. Manchanda’s son Tony, 20 years old, was a topper in maths and is now pursuing Maths Honours from a reputed university. The Oberois mentioned their worry about their daughter being weak in maths to their friends and they suggested that their son could help and tutor Ashima to improve her scores in Maths.

Tony began to teach intricacies of the subject and tricks to Ashima to score more. Ashima and Tony spent two hours studying together at Manchanda’s apartment daily in the evening and extra hours on the weekends. In a few months, they grew close and began to develop feelings for each other. It was all sunshine and rainbows for Ashima who completely trusted Tony and even planned to marry him in near future. Tony was a shrewd man who promised to marry Ashima but did not have any intention to act upon that.

After a few months of their secret affair, Tony developed affair with another girl in his college and left Ashima heartbroken. She couldn’t handle all this and went into depression. When her parents found out about their relations, they filed a case of sexual harassment against Tony to punish him for his indecent and immoral acts against their daughter. The case is filed in September 2017, went to trial and continued for 6 months before Tony was acquitted from all the charges by the Special Court in February 2018. This was because the court could not find sufficient and satisfactory evidence; however it was claimed by the Oberois that certain evidentiary messages were deleted which couldn’t be retrieved by the cyber cell.

Tony got furious with the Oberois owing to the allegations and the hardships he faced during the trial. The stress also had an adverse effect on his father’s health. Subsequently, in March 2018, Tony filed a suit for exemplary damages for Defamation and Malicious Prosecution against Oberois.

As Oberois and Manchandas were friends for so long, one of the common friends convinced Manchandas to resolve. Thereafter, Manchandas have invited Oberois to amicably resolve the dispute through negotiation and decided to meet on April 6, 2018.



SEMI-FINALS NEGOTIATION PROBLEM

Mr. Parth Mittal along with his wife Mrs. Purnika Khanna (hereinafter called as Mittals), shifted to New Delhi in the month of March, 2014 to explore more career opportunities. After Mr. Mittal's Grand-Parents passed away unexpectedly, the couple got inheritance and they decided to buy a flat in some residential scheme to raise their family. Both are working in multi-national companies.

One of Purnika's co-worker, Shivank Gupta, informed her of a new residential scheme titled as "Sarvodaya" in Gurgaon near Iffco Chowk, in which he has already bought an apartment for investment, from a well - known developer Papija. Mittals also saw an advertisement which promoted the developer as an awardee of "Best developer" in North India. It was mentioned that the possession of well-furnished and luxurious flat will be given in three years including the facilities of swimming pool, departmental stores and restaurant. Assurances regarding conformity of the project to the applicable norms, including sufficient green area etc., were especially emphasised in the advertisement.

In September 2014, Mittals visited the Papija developer. There they were informed that the developer has recently bought the land where the apartments were to be built. However, yet the Haryana Urban Development Authority (HUDA) has not given permission for the said plan. However, the couple were assured that the plans will be definitely sanctioned as there is no shortcoming and Occupancy Certificate (OC) will also be received on completion.

On this, Mittals paid the booking amount and thereafter agreed to pay as per the demand raised by the developer from time to time. The cost of the flat was Rs. 42 lakh which they paid. They were given the possession of the apartment on time. They started residing in the same immediately and utilised one room as a Fashion Boutique which was a passion project for Purnika as the extra income helped with their monthly expenses.

After a year in possession, they began to realise that material used was sub-standard in the construction of the property. The water and sewage lines were not installed as per the requirements of construction. This led to continuous problems for the residents, including Mittals, and they had to regularly pay for the maintenance of the same.

In November 2017, the Haryana High Court passed an order for the sealing of unauthorised and illegal houses and the residents of "Sarvodaya" found out that the apartments had never been approved by the Haryana Urban Development Authority (HUDA) and the apartments were built illegally. The apartments were subsequently sealed.

The Mittals, like other occupants, had to vacate their properties immediately. In January 2018, Mittal filed a case in Consumer Court. Papija told Mittal to withdraw the case and invited Mittals to negotiate and settle the dispute on 6th April 2018.



FINALS NEGOTIATION PROBLEM

Berzerkistan, member of UN, is a developing and a promising country due to its growing economy. Graznavia, member of UN is an under developed country but have special support from country Sultantpur, a permanent member of UN Security Council. Berzerkistan and Graznavia have good relations with each other thus they both give free transit to each other for all types of transportation under an agreement of “Badhukbhai”.

There is an agreement between the two countries i.e. Berzerkistan and Graznavia to provide a framework for the cooperative exploration and exploitation of hydrocarbon resources across the Berzerkistan-Graznavia maritime boundary in the Gulf of Graznavia. The agreement is called the “Product Share Agreement”. This Agreement allows license holders on the Berzerkistan side and Graznavia National Oil Company to explore and exploit a transboundary reservoir as a “unit”. Unitization – where two or more license holders manage the exploration and exploitation of a resource as a unit through a single operator – promotes the rational, efficient production of a resource, reduces waste and the drilling of unnecessary wells (and therefore reduces the corresponding environmental risk).

Since 1994, both countries have shared the resources by doing negotiations with each other. With a gap of every eight years, the countries revisit the terms of the agreement by negotiations. In the month of March 2018 the Product Share Agreement is coming to an end and has to be discussed again. Both the countries are looking forward for a new deal since the current moratorium on oil exploration and production in the Western Gap portion of the Gulf of Graznavia ended recently. This development will help to kick start cooperative agreements between the countries and spur business deals.

About 27 percent of Berzerkistan’s oil production and 37 percent of its natural gas production comes from federal leases in the Western and Central portions of the Gulf of Graznavia. Similarly, Graznavia also depends heavily on its Gulf of Graznavia offshore fields for its domestic needs.

The agreement requires that any joint exploration or exploitation of a transboundary reservoir must be approved by both the countries. In addition, they are required to make a joint determination estimating the amount of recoverable hydrocarbons in the transboundary reservoir and the amount on either side of the maritime boundary.

For joint exploitation in the area of ‘Toledo’, there is a disagreement regarding the sharing percentage of recoverable hydrocarbons on the sides of the boundary. Graznavia states that the division should be 73% and 27% for Graznavia and Berzerkistan respectively as the reservoir is more on the Graznavia side of the boundary. This disagreement has led to disturbance in the relations between the two countries.

According to the agreement, both countries must exchange information and written notices in the event if any party came to know of a transboundary reservoir. A written notice must be



provided when a licensee has submitted an exploration plan within three nautical miles of the boundary. However, if any licensee submits a plan for development or production in that area, the plan must be disclosed to the other party.

The Graznavia National Oil Company submitted a new plan for production within three nautical miles of the Western Gap, but did not disclose information regarding the same to the other parties, i.e. licensees on the Berzerkistan side. Although the licensees on the Berzerkistan side received such information through other agents which left the licensees dissatisfied with the conduct of Graznavia National Oil Company.

Due to the stiff over understanding, people of Berzerkistan started agitations and blocked seaways and roads between Berzerkistan and Graznavia from 21 March 2018. On account of this, Graznavia was not able to use ships or road transport which was going via Berzerkistan to another country, mainly to Sultanatpur.

Graznavia is having a trade deal with Sultanatpur that got disrupted due to roadblockage. Hundreds of trucks and shipments loaded with perishable goods got stuck at the border and port of Berzerkistan waiting for safe transit and to reach to Sultanatpur. Graznavia got impatient as trade with Sultanatpur got impaired. Graznavia asked for compensation of \$90 million from Berzerkistan. On the other hand, Berzerkistan is not ready for the same.

Both countries have appointed their respective lawyers to negotiate the agreement. Berzerkistan invited Graznavia to their country to negotiate the deal on 6th April 2018.

