

MOOT POSITION

1. Mr Heisenberg is a data analyst working with DataMax, a financial consultancy company. His work requirement is such that he barely gets any days off. Owing to the severe workload, in case of any planned leaves, it is mandatory that he applies for a leave several weeks in advance. Despite the hectic work schedule, Mr Heisenberg makes it a point to take a family vacation once every few years with his wife and two kids. During July 2017, Mr Heisenberg was planning for a family vacation to Australia in the second week of September.
2. Travel Solutions Private Limited is a highly reputed private limited company based in Mumbai that provides travel services such as booking of air tickets, processing the request for visas, hotel reservation etc. For making arrangements for his trip to Australia, Mr Heisenberg contacted Travel Solutions Private Limited.
3. The sales team of Travel Solutions Private Limited met Mr Heisenberg and explained to him about the services provided by them. Mr Heisenberg was particularly concerned about the visa process. Upon inquiry, the sales team of Travel Solutions Private Limited assured Mr Heisenberg that the process of issuance of a tourist visa generally takes 10-15 days and not more than that.
4. Mr Heisenberg was keen on booking the air tickets through Travel Solutions Private Limited from Mumbai to Sydney via Singapore. However, Travel Solutions Private Limited advised him that the flight from Chennai to Sydney would be much cheaper and consider that he would be booking the tickets for his entire family, it would be more economical. Acting on the advice of Travel Solutions Private Limited, he got the flight bookings to Sydney through Chennai on 08.09.2017.
5. Mr Heisenberg was given a list of documents required for the processing of visa on 07.08.2017 by Mr Tommen of Travel Solutions Private Limited. He had requested him to secure the documents and give it to him personally so that he may scrutinise it and send it to their Delhi Office for filing it with the embassy.
6. Prioritising the process of compiling all the documents, Mr Heisenberg managed to submit the documents to Travel Solutions Private Limited on the evening of 11.08.2017 at the reception desk by which time Mr Tommen had already left the office. Mr Heisenberg called up Mr Tommen who instructed the receptionist to dispatch the documents immediately.

7. On 21.08.2017, Mr Heisenberg got a call from the Delhi office of Travel Solutions Private Limited informing him that an additional document was required. Mr Heisenberg was furious as to why the documents given by him ten days back were not yet submitted to the embassy.
8. He was informed that on 12.08.2017 and 13.08.2017 the office was closed on account of Second Saturday and Sunday. 14.08.2017 was a holiday on account of Janmashtami and 15.08.2017 was Independence Day. The documents were dispatched on 16.08.2017 and received only on 18.08.2017. Saturday and Sunday the embassy was closed. On 21.08.2017 upon verification, they realised that a document was missing.
9. Travel Solutions Private Limited apologised profusely and requested Mr Heisenberg to send the additional document immediately. Mr Heisenberg took the rest of the day off and obtained the required document and sent it to Delhi by express courier on 22.08.2017 which was received by them on 23.08.2017.
10. Travel Solutions Private Limited filed the visa form along with the documents on 23.08.2017. Mr Heisenberg was very sceptic about the delay. However, he was assured that the visa would be issued within time as all papers are in order.
11. On 06.09.2017, the Visas were finally issued to Mr Heisenberg by the Australian embassy. Travel Solutions Private Limited received copies of the passports and sent an image of the visas on Whatsapp to Mr Heisenberg. Relieved Mr Heisenberg requested that the passports be dispatched immediately. Travel Solutions Private Limited advised Mr Heisenberg that owing to the paucity time, it would be too risky for the passports to be dispatched to Mumbai and instead passports would be sent to the Chennai airport directly.
12. Mr Heisenberg left Mumbai on 08.09.2017 with his wife and two kids to Chennai. He reached Chennai airport by 14:00 hours and was waiting for the passports so board his flight to Australia. Unfortunately, the passports reached the airport only by 21:00 by which time Mr Heisenberg had missed his flight.
13. Mr Heisenberg was furious for he was left stranded at the airport with his entire family along with their entire luggage. To add on to his misery, he was informed that while the flight from Mumbai to Sydney was refundable while the one from Chennai to Sydney was non-refundable.
14. It came as a shock to Mr Heisenberg for he had lost a lot of money towards the flight tickets in addition to the money spent on the hotel reservations. However, more than that he was aghast at the fact that his family had to undergo the entire ordeal. Out of frustration, he tweeted "Travel Solutions Private Limited- a bunch of liars, cheats and thieves with no ethics. The worst company ever".

15. Further, Mr Heisenberg uploaded a picture of his entire family stranded at the airport along with a detailed post placing the entire blame on the company. He ended the post with #TSPLsucks and a logo of the company.
16. The social media outrage of Mr Heisenberg stuck a cord with the general public. In no time the Facebook image was shared several hundred times and his tweet was retweeted several thousand times. The hashtag started by Mr Heisenberg was trending the very next day. The incident drew widespread condemnation on the internet.
17. Mr Heisenberg sued Travel Solutions Private Limited before the High Court of Mumbai for negligence. He claimed a sum of Rs. 50 lakhs towards cancelled air tickets, hotel reservations, mental trauma, agony etc. suffered by him and his family owing to the negligence on the part of Travel Solutions Private Limited.
18. Travel Solutions Private Limited defended the suit on the ground that the issuance of a visa is not within their control and is the sole discretion of the embassy. Any delay cannot be attributed to Travel Solutions Private Limited. They further claimed that Mr Heisenberg too was responsible for not having submitted the documents in order.
19. Further, Travel Solutions Private Limited filed a counterclaim against Mr Heisenberg. It was contended by them that owing to the malicious propaganda, Travel Solutions Private Limited has suffered a tremendous loss of image, reputation and good-will. The social media misinformation is false and defamatory in nature.
20. The trial has completed and the case is posted for Final hearing.

NB: Participating teams are to identify the cause title, court of institution of the suit and the relevant issues.