



1ST RGNUL SPORTS & ENTERTAINMENT LAW NATIONAL MEDIATION COMPETITION

April 12-14, 2019

COMPETITION PROBLEM - SEMI FINALS *

Sticky Wicket

The Stadium

The Barkatullah Khan Stadium was established in 1986 as a cricket stadium and hosted its first One-Day International (ODI) match in the year 2000 between India and Zimbabwe. The stadium was however used only one other time in the year 2002 for a second and final ODI that was played between India and West Indies. The stadium was inactive for international matches and largely ignored by the Board of Control for Cricket in India (BCCI), which is the governing body of the sport of cricket in India.

In the year 2016, the Jodhpur Development Authority (JDA) undertook a large-scale refurbishment of the classic stadium. Now this ground had flood lights fitted by GE electric and capacity was enhanced up to 40,000 with world class newly developed team dressing rooms along with new stands for camera to set best live coverage. Further, all ancillary facilities including approach roads and parking provisions were upgraded to provide a world-class wholesome experience for the sport. Upon completion of the project, the stadium was handed over to Paota Private Limited (Paota), on a 20 year lease, which handed over complete maintenance responsibility of the premises to Paota, in exchange for an annual payment to the JDA.

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Paota Private Limited (Party 1)

Paota is a private company that was established only in the year 2014 for the sole purpose of building a Sport-Development portfolio along the lines of Football Sports Development's work in the Indian Super League (ISL). Paota spent a couple of years in the Mumbai/Delhi circuit scouring for opportunities before landing the lease deal with the JDA in Jodhpur. Paota now hopes to develop the stadium to specifically suit the interests of any growing sporting opportunity so that they can enhance their profile as well as maximise commercial and financial standing.

FILOS Company (Party 2)

FILOS Company (FILOS) is a national level conglomerate that has been in the food retail business since the early 1980s. The company was established by the Shishodia brothers, who pride themselves on having a keen eye for business and a history of profitable ventures and investments. Since the year 2005, FILOS has been looking to branch out of the food retail business and into sporting endeavours.

In the year 2016, FILOS came across an opportunity to take over the rights of the struggling Rajasthan Royals franchise in the Indian Premier League (IPL) and buy out the original owners. The negotiations went on for close to three months, and the FILOS group finally acquired sole control of the franchise in December 2016. The Shishodia brothers needed to revitalize the franchise and immediately decided to shift the base of operations of the franchise to Jodhpur.

General Information

Paota and FILOS met in the year 2017 to discuss terms relating to the use of the Barkatullah Khan stadium for home matches of the Rajasthan Royals for the upcoming and future seasons

of the IPL. The two parties very amicably entered into an agreement for a period of five years covering upto the 2021 IPL season. As per the agreement, Paota would continue to take care of all maintenance of the stadium and upkeep for the purposes of cricket, while FILOS would arrange for all the IPL specific provisions. The parties agreed that there would be a season-based charge of INR 8,00,000,000 (Rupees Eight Crores) that would be payable from FILOS to Paota per season of the IPL.

The two parties were both delighted with the deal that they made and this partnership resulted in two IPL seasons, that were very smooth in terms of the functioning of the stadium arrangements. There were talks and murmurs of extensions of the arrangement between the two parties with possibilities of additional ventures between them.

Dispute

During the 2019 IPL season, two home matches of the Rajasthan Royals franchise had already been completed and there was an 8 day break before the next home game. Paota in this time period, entered into a contract with the National Institute of Fashion Design and allowed them to conduct a two day National Fashion Retail Fair on the grounds of the Barkatullah Khan Stadium, which ended two days prior to the third home game in the stadium.

The conduct of the fair, setting up of stalls and extensive footfall resulted in extensive damage to the outfield and the five pitches in the centre of the field. Paota made extensive efforts to patch up the field for two days before the next home game was due to be played. However, these efforts were proved insufficient as during the game, the condition of the field wreaked havoc on the players and the quality of the game.

There were numerous instances of the ball getting stuck in pockets of upturned grass on the field. Three separate players suffered varying degrees of ankle injuries while running on the field and accidentally stepping on mini-potholes on the field. The pitch proved to be one of the worst pitches in the history of the tournament with the ball stopping and turning at

incredible angles due to wide cracks. At one point, one of the home batsmen received a nasty blow on the helmet because of the awkward and unexpected bounce off the pitch.

Upon conclusion of the match, FILOS being the franchise owners, were penalised by the BCCI and IPL Governing Council. A fine of INR 2,00,00,000 (Rupees Two Crores) was imposed on the franchise. The BCCI issued a directive that the franchise was required to relocate the next 2 of the remaining 4 home matches to the Sawai Mansingh Stadium in Jaipur. The Cricket Players Association (CPA) has demanded that the franchise issue immediate apologies and offer compensation to the injured players or there would be repercussions.

FILOS immediately decided that the escalation called for the termination of the agreement with Paota, but have decided to call for a mediation session with Paota to assess the situation and explore the possibility of amicably resolving the situation.