



Justice Kuldip Prakash Bhandari
Foundation, Chandigarh



CLARIFICATIONS

Preliminary Rounds

IVth RGNUL National Negotiation Competition 7th- 9th February, 2025



4TH RGNUL NATIONAL NEGOTIATION COMPETITION, 2025

PRELIMINARY ROUND 1: CLARIFICATIONS

THE LAST ONE STANDING: CORPORATE CROSSROADS

1. Which party is requested and which is responding in the proposition?

Mr Pestonjee is the requesting, and Ms Pithawal is the responding party in the proposition.

2. What was the rationale behind Pithawal's buying 32.5% stakes in the Pestonjee Groups? Is it because of any loss?

The investment was an ordinary business decision motivated by no hidden agenda that paved the foundation for the relationship between the two families.

3. Was the statement 'The appointment of Ms. Zubin Pithawal as Chairperson of Pestonjee Sons is good... and her revolutionary ideas' made in public?

Yes, it was given as a byte to the media.

4. Were there any other suitable persons from Pestonjee who could have taken charge of the company?

There were several other qualified candidates, and Ms. Zubin was chosen as a successor based on her long-standing relationship with the company and her qualifications and merit.

5. What is the impact of the leaked letter on the employees, directors, and other stakeholders of the company?

Following the leak, the company's stock prices dropped, leading to a decline in investor confidence and employee morale.

6. Enumerate the company profile of Pestonjee & Sons alongside the profile of all of its subsidiaries with special significance to the Automobile Company and the Financial profile of all such subsidiaries for the past five years.

Irrelevant to the dispute.

7. What is the attitude of the stakeholders of the company towards both the leaders, including the board of directors, and the employees at large?

The stakeholders were content under Mr. Rustom Pestonjee's tenure, and largely optimistic about Ms. Zubin Pethawal's leadership, but they were extremely displeased by the conflict of leadership, as they were concerned with the ripple effect it would have on stock prices, employee morale, and public perception of the company.

8. Which type of shares were held by Pithawal & Company?

Ordinary Shares.

4TH RGNUL NATIONAL NEGOTIATION COMPETITION, 2025

PRELIMINARY ROUND 2: CLARIFICATIONS

THE FALL OF A STAR EMPLOYEE

1. Which party is requested and which is responding in the proposition?

Ms Brienna Gardner is the requesting party, and BBB Pvt. Ltd. is the responding party.

2. Did Ms. Gardner sign an NDA as is standard practice when it comes to joining any company?

Yes.

3. Was Ms. Gardener explicitly aware that the information was confidential?

As an internal policy matter, all projects of BBB Pvt. Ltd. were deemed to be private and all information associated with any project was only meant for internal circulation within the company.

4. What was the intent of the SEMS search and store feature? Why had Sekretum created it?

The SEMS search and store feature was part of the beta version of the software and was only meant to be used for information-gathering purposes. Sekretum had created it to allow companies to ensure that their employees disclosed all relevant data.

5. Can BBB Pvt. Ltd. seek indemnity from the software vendor (Sekretum) for any liabilities arising from the data breach?

Not relevant to the dispute.

6. What kind of content was getting circulated on the MeTube? Give exact details.

The channel included videos discussing several themes of personal finance management as well as project management and development. Under the latter theme of videos, the content included discussions on existing projects, their stage of development, problems faced during the process and the negotiating tactics involved.

7. What was the rationale behind integrating SEMS into the HR Department? What are the real institutional benefits?

Refer to 11.

8. Did the husband and kids of Ms. Brienna Gardner face harassment in their personal life?

Yes, both her husband and kids faced harassment in their personal life.

9. When did the disclosure of data regarding the confidential information occur on MeTube, and when was this brought to the notice of BBB Ltd., and did they take adequate measures in order to curb the further dissemination of the video on MeTube? Further, were there any measures taken by BBB pre and post-data breach to mitigate damage?

The MeTube channel “PriceofProjects44” was created in January 2023. The disclosure of their data on this channel was only brought to the attention of BBB Pvt. Ltd. after and due to the massive data leak on 30 August 2024. The data leak included the data stored in the auto-generated folder in BBB Pvt. Ltd.’s cloud servers which stored the data collected by the search and store feature. BBB Pvt. Ltd. was not aware of the MeTube channel before the data leak.

Post the data leak, BBB Pvt. Ltd. requested MeTube to delete the videos containing information about their projects but their request is pending approval from the MeTube authorities and the videos are still accessible. Additionally, BBB Pvt. Ltd. is not in contact with any news outlets or social media platforms to request the deletion of the personal data of their employees that was leaked.

10. How has Ms. Gardener's personal life been over the years, given that she is a stellar performer at her workplace and when did her husband discover her sexual identity?

Refer to the problem, page 2 para 4, and page 4 para 2.

11. How critical is the information released by way of the MeTube video for BBB Ltd., with respect to the proportion of damage caused to the confidential and ongoing projects?

The data leak clubbed with the information on the MeTube channel has caused damage to the reputation of BBB Pvt. Ltd and has halted their plans of going public.