

CENTRE FOR ALTERNATIVE DISPUTE RESOLUTION

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW
PUNJAB

3RD RGNUL SPORTS & ENTERTAINMENT
LAW MEDIATION COMPETITION

PROBLEM
PRELIMINARY ROUND 2



BACKGROUND INFORMATION:

Mr. **Arjun Kaul**, is a well-known Indian playwright, director, and an actor. He was awarded the filmfare award for leading role male for his movie *Kaho na Yaar* in 2018. He has appeared in more than 80 Hindi films, and earned numerous accolades, including 14 Filmfare Awards. The Government of India has awarded him the Padma Shri, and the Government of France has awarded him the *Ordre des Arts et des Lettres* and the Legion of Honour. In terms of audience size and income, he has been described as one of the most successful film stars in the world.

SKF productions is one of the leading production houses in India, mostly producing Hindi films but on occasions it has also produced films in other regional languages like Tamil, Telugu, Malayalam and Bengali. In less than a decade SKF has churned out more than 25 films which crossed the Rs. 100 crore mark at the box office, far more than any other production house in the country.

DISPUTE FACTS

In December 2019, SKF signed Mr. Kaul for its upcoming project 'Firefighter' which was reported to be the biggest product of SKF productions. The said film was being directed by Mr. Taran Johar, being a celebrated director himself and who is known as the best business mind in the film industry as he puts his money behind commercial scripts and chooses experienced directors for all the films at SKF productions. For 'Firefighter', Ms. Deepika Kaif was casted opposite Mr. Kaul.

The shooting for 'Firefighter' was scheduled to begin in June 2020 in the United States of America (US), and the entire cast and crew was supposed to fly to the US in May 2020,

except for Mr. Kaul who was expected to meet the entire crew in the US, since he was already shooting for another film in the US.

However, due to the sudden outbreak of the pandemic Covid-19, the cast and the crew of the 'Firefighter' was unable to fly to the US and thus, the scheduled shooting in June 2020 in the US was cancelled and postponed to a later date based on the rules and regulations framed by the Indian as well as the US government for international flying and shooting movies.

In first week of September 2020, Mr. Kaul was able to return to Mumbai, India, based on the ease in the rules and regulations framed for international flying, however, he was required to isolate himself for a period of fourteen days in a hotel based in Mumbai.

Upon seeking repeated requests and permissions from the State Government, SKF productions was able to start shooting for the file 'Firefighter', however, this time only in Mumbai and thus, the location of the movie was shifted from the US to the film city in Mumbai. SKF began shooting for the film 'Firefighter' in October 2020.

Everything went smoothly until later in January 2021, Mr. Kaul started feeling unwell and started throwing up on the sets of 'Firefighter'. The team called for medical aid, wherein Mr. Kaul was diagnosed for the symptoms of Covid-19 and several tests for Covid-19 were conducted which resulted affirmative. He was suggested rest for a period of 15 days in self-isolation and could only commence shooting once detected negative from the virus. However, on the 16th day of the isolation period, Mr. Kaul was still diagnosed as positive and thus, was recommended being admitted to the nearest hospital for better treatment.

SKF production continued with the shoot for 'Firefighter' however, it understood the brevity of Mr. Kaul's condition and decided to postpone the shoot for Mr. Kaul's part to

a later date. 2 months were passed, and no sign of recovery was observed in Mr. Kaul's condition.

4 months' later, when Mr. Kaul had some improvement in his condition and could walk around and do his chores on his own, he realized that he was not a part of the film 'Firefighter', through a newspaper picture which a caption that read: 'Rahul and Deepika spotted training for Firefighter, to be launched in December 2021'. Upon enquiry, Mr. Kaul found out from SKF's office, that due to little and no improvement in his health condition, SKF terminated the contract executed between Mr. Kaul and SKF and that Mr. Kaul was replaced by Mr. Rahul as the lead actor in 'Firefighter'.

Infuriated with this, Mr. Kaul sent a legal notice for wrongful termination to SKF and requested for a hefty compensation. SKF responded to the notice stating that the termination was not a wrongful one since Mr. Kaul was unable to perform his duties, of shooting for the lead role in 'Firefighter', under the contract. However, considering the unfortunate situation of Mr. Kaul, SKF was ready to negotiate with Mr. Kaul and settle the matter at hand. The Parties agreed to mediate.