



# CAMP

ARBITRATION AND MEDIATION  
PRACTICE PVT. LTD.



## COMMERCIAL DISPUTES



# **CASE STUDY 1**

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## **Vendor Dispute**

### **The Dispute**

- X supplied raw materials to retail company Y.
- X and Y had a 5-year contract.
- Y defaulted in payments upon delivery by X after 2 years of the contractual relationship.
- X filed Civil Suit in Court for specific performance of the contract, after making numerous requests for payment.
- Case was pending in court for over 2 years.

### **The Process**

- X and Y agreed to mediate at CAMP.
- Y shared confidentially with the mediator that he had a cash crunch because of expansion and diversification. He acknowledged that X is a reliable and quality supplier to Y.
- Y was keen to continue business with X.
- Y understood the need for some payment to be made to X to cover minimum costs.
- Through the process X and Y understood each other's financial needs as well as potential growth opportunities that could ensue from a continued relationship.

### **The Outcome**

- X and Y renegotiated the contract keeping in mind expansion and diversification plans of X.
- A new payment plan agreeable to both was drafted.
- The case settled in 2 months.

# **CASE STUDY 2**

## **Company and Shareholder Disputes**

### **The Dispute**

- A, B and C are the Directors of Company G.
- B and C had recently obtained majority in Company G by buying out the small shareholders.
- A being unhappy with the way the company was running and withdrew his support to Company G. As a result, the growth of Company G stagnates.
- A filed, an oppression and mismanagement petition which was countered by B and C.
- Company G was in losses and faced closure, when all the parties decided to try Mediation.

### **The Process**

- During mediation, the grievances of all parties came to light.
- A was dissatisfied by the manner in which B and C had gained their majority.
- Although he was the Technical Lead in the company, he felt his technical inputs and suggestions were being disregarded by B and C who were mainly focused on the day-to-day management of Company G.
- The mediator was able help A, B and C understand their shared interest in Company G.

### **The Outcome**

- The parties entered into a comprise agreement where A's role as technical lead was validated and preserved.
- A was also included in some aspects of the day-to-day management of Company.
- A was compensated with an additional dividend within a year.