

MAY 2018

Foundation (New Syllabus)
Paper - 2
Business Law & Business Correspondence and Reporting **MKHZ**

Roll No.

Total No. of Printed Pages : 12

Total No. of Questions : 11

Maximum Marks : 100

Time allowed : 3 Hours

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. Questions in Section A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi, will not be evaluated.
2. Questions in Section B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.
3. Answers to both the Sections are to be written in the same answer book.

SECTION A — (60 Marks)

Question No. 1 is compulsory.

Answer any **FOUR** questions from the remaining **FIVE** questions.

In case, any candidate answers extra question(s)/sub-question(s) over and above the required number, then only the requisite number of questions first answered in the answer book shall be valued and subsequent extra question(s) answered shall be ignored.

SECTION A

1. (a) X, Y and Z are partners in a firm. They jointly promised to pay Rs. 3,00,000 to D. Y become insolvent and his private assets are sufficient to pay $\frac{1}{5}$ of his share of debts. X is compelled to pay the whole amount to D. Examining the provisions of the Indian Contract Act, 1872, decide the extent to which X can recover the amount from Z. (4 Marks)

MKHZ

(2)

MKHZ

- (b) Ravi Private Limited has borrowed Rs. 5 crores from Mudra Finance Ltd. This debt is ultra vires to the company. Examine, whether the company is liable to pay this debt? State the remedy if any available to Mudra Finance Ltd.? (4 Marks)
- (c) What is meant by delivery of goods under the Sale of Goods Act, 1930? State various modes of delivery. (4 Marks)
2. (a) State the exceptions to the rule "An agreement without consideration is void". (5 Marks)
- (b) What are the essential elements to form a LLP in India as per the LLP Act, 2008? (5 Marks)
- (c) (i) Distinguish between wagering agreement and contract of insurance. (2 Marks)
- OR**
- (ii) Examine with reason that the given statement is correct or incorrect "Minor is liable to pay for the necessities supplied to him". (2 Marks)
3. (a) Distinguish between dissolution of firm and dissolution of partnership. (2 Marks)
- (b) What are the consequences of Non-Registration of a Partnership Firm? Discuss. (4 Marks)
- (c) M Ltd., contract with Shanti Traders to make and deliver certain machinery to them by 30.6.2017 for Rs. 11.50 lakhs. Due to labour strike, M Ltd. could not manufacture and deliver the machinery to Shanti Traders. Later, Shanti Traders procured the machinery from another manufacturer for Rs. 12.75 lakhs. Due to this Shanti Traders was also prevented from performing a contract which it had made with Zenith Traders at the time of their contract with M Ltd. and were compelled to pay compensation for breach of contract. Advise Shanti Traders the amount of compensation which it can claim from M Ltd., referring to the legal provisions of the Indian Contract Act, 1872. (6 Marks)

MKHZ

(3)

MKHZ

4. (a) What is appropriation of goods under the Sale of Goods Act, 1930? State the essentials regarding appropriation of unascertained goods. (6 Marks)
- (b) X, Y and Z are partners in a Partnership Firm. They were carrying their business successfully for the past several years. Spouses of X and Y fought in ladies club on their personal issue and X's wife was hurt badly. X got angry on the incident and he convinced Z to expel Y from their partnership firm. Y was expelled from partnership without any notice from X and Z. Considering the provisions of the Indian Partnership Act, 1932, state whether they can expel a partner from the firm. What are the criteria for test of good faith in such circumstances? (6 Marks)
5. (a) Mr. D sold some goods to Mr. E for Rs.5,00,000 on 15 days credit. Mr.D delivered the goods. On due date Mr. E refused to pay for it. State the position and rights of Mr.D as per The Sale of Goods Act, 1930. (6 Marks)
- (b) Define OPC (One Person Company) and state the rules regarding its membership. Can it be converted into a non-profit company under Section 8 or a private company? (6 Marks)
6. (a) Define Fraud. Whether "mere silence will amount to fraud" as per the Indian Contract Act, 1872? (5 Marks)
- (b) What is the conclusive evidence of partnership? State the circumstances when partnership is not considered between two or more parties. (4 Marks)
- (c) State the limitations of the doctrine of indoor management under the Companies Act, 2013. (3 Marks)

MKHZ

P.T.O.

(4)

MKHZ

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. भाग 'अ' के प्रश्नों का उत्तर परीक्षार्थी ने जो माध्यम चुना है, उस में ही देना है। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।
2. सभी परीक्षार्थियों (हिन्दी माध्यम के परीक्षार्थियों को सम्मिलित करके) को भाग 'ब', के प्रश्नों का उत्तर अंग्रेजी में ही लिखना है।
3. इसी उत्तर पुस्तिका में दोनों भागों का उत्तर देना है।

भाग अ – (60 Marks)

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

यदि कोई परीक्षार्थी निर्धारित संख्या से अधिक प्रश्न (प्रश्नों)/प्रश्न भाग (प्रश्न भागों) का उत्तर देता है, उस स्थिति में जिनके उत्तर उत्तर पुस्तिका में पहले लिखे गए हैं, उनका ही मूल्यांकन किया जाएगा एवं तदुपश्चात अधिक उत्तर दिए गए प्रश्नों को उपेक्षित कर दिया जाएगा।

1. (a) X, Y तथा Z एक फर्म में साझेदार हैं। उन्होंने संयुक्त रूप से D को रु. 3,00,000 चुकाने का वचन दिया। Y दिवालिया हो गया तथा उसकी व्यक्तिगत सम्पत्ति उसके हिस्से के ऋण का केवल $\frac{1}{5}$ भाग ही चुकाने हेतु पर्याप्त है। X को D के द्वारा सम्पूर्ण ऋण चुकाने हेतु बाध्य किया गया। भारतीय अनुबंध अधिनियम, 1872, के प्रावधानों के अन्तर्गत बताइये कि X, Z से किस सीमा तक राशि वसूल कर सकता है। (4)
- (b) रवि प्राइवेट लिमिटेड ने मुद्रा फाइनेन्स लिमिटेड से 5 करोड रुपये उधार लिये। यह ऋण कम्पनी के अधिकारों के बाहर है। जाँच कीजिये कि क्या कम्पनी यह ऋण-चुकाने हेतु दायी है? बताइये कि क्या मुद्रा फाइनेन्स लिमिटेड को कोई उपचार उपलब्ध है? (4)
- (c) वस्तु विक्रय अधिनियम, 1930, के अन्तर्गत माल की सुपुर्दगी से क्या आशय है? सुपुर्दगी की विधियाँ बताइये। (4)

MKHZ

(5)

MKHZ

2. (a) “बिना प्रतिफल का ठहराव व्यर्थ होता है” नियम के अपवाद बताइये। (5)
- (b) सीमित दायित्व साझेदारी अधिनियम, 2008, के अर्न्तगत भारत में सीमित दायित्व साझेदारी के निर्माण हेतु आवश्यक तत्व कौन से हैं? (5)
- (c) (i) बीमा के अनुबंध एवं बाजी के ठहराव में अन्तर कीजिये। (2)

अथवा

- (ii) कारण सहित जाँच कीजिये कि निम्नलिखित कथन सत्य है या असत्य:

“अवयस्क उसको प्रदान की गई जीवन निर्वाह अनिवार्यताओं के भुगतान के लिये उत्तरदायी होता है।”

3. (a) साझेदारी के विघटन एवं फर्म के विघटन में अन्तर कीजिये। (2)
- (b) साझेदारी फर्म का पंजीयन न करवाने के क्या प्रभाव होते हैं? विवेचना कीजिये। (4)
- (c) M लिमिटेड ने शान्ति लिमिटेड को निश्चित मशीन 11.50 लाख में 30.6.2017 तक निर्मित करके देने का अनुबंध किया। श्रमिक हड़ताल के कारण, M लिमिटेड मशीन का निर्माण नहीं कर पाई तथा शान्ति लिमिटेड को सुपुर्दगी नहीं दे पाई। शान्ति लिमिटेड ने किसी अन्य निर्माता से 12.75 लाख में मशीन क्रय की। इसी वजह से शान्ति लिमिटेड, जेनिथ लिमिटेड के साथ किया गया अपना अनुबंध भी पूरा नहीं कर पाई जो उसने M लिमिटेड के साथ अनुबंध करते समय ही किया था तथा इसके लिये उसको, अनुबंध भंग का हर्जाना भी देना पड़ा। शान्ति लिमिटेड को सुझाव दीजिये कि भारतीय अनुबंध अधिनियम 1872 के अर्न्तगत वह M लिमिटेड से हर्जाने की कितनी राशि माँग सकती है? (6)

MKHZ

P.T.O.

(6)

MKHZ

4. (a) वस्तु विक्रय अधिनियम, 1930, के अन्तर्गत वस्तु का विनियोजन क्या है? अनिश्चित माल के विनियोजन हेतु आवश्यक तत्व बताइये। (6)
- (b) X, Y तथा Z एक साझेदारी फर्म में साझेदार हैं। वे पिछले कई वर्षों से अपना व्यवसाय सफलतापूर्वक संचालित कर रहे हैं। X तथा Y की पत्नियों का महिला क्लब में व्यक्तिगत मुद्दे पर झगडा हो गया तथा X की पत्नी अत्यधिक घायल हो गई। X इस घटना से नाराज हो गया तथा उसने Z को Y को साझेदारी फर्म से निकालने हेतु राजी कर लिया। X तथा Z द्वारा बिना किसी सूचना के Y को निष्कासित कर दिया गया। भारतीय साझेदारी अधिनियम, 1932, के प्रावधानों के अन्तर्गत बताइये कि क्या वे एक साझेदार को फर्म से निष्कासित कर सकते हैं? ऐसी स्थितियों में सद्भावना की जाँच के क्या मापदण्ड हैं? (6)
5. (a) मिस्टर D ने मिस्टर E को कुछ माल 5,00,000 रुपये में 15 दिन की उधार पर बेचा। मिस्टर D ने माल की सुर्पुदगी दे दी। भुगतान देय होने पर मिस्टर E ने इसके भुगतान से मना कर दिया। वस्तु विक्रय अधिनियम, 1930, के अन्तर्गत मिस्टर D की स्थिति तथा उनके अधिकार बताइये। (6)
- (b) एकल व्यक्ति कम्पनी की परिभाषा दीजिये तथा इसकी सदस्यता सम्बन्धी प्रावधान बताइये। क्या यह धारा 8 के अन्तर्गत गैर लाभवाली कम्पनी अथवा निजी कम्पनी में परिवर्तित की जा सकती है? (6)
6. (a) कपट की परिभाषा दीजिये। क्या भारतीय अनुबंध अधिनियम, 1872, के अन्तर्गत “मौन रहना कपट माना जाता है”? (5)
- (b) साझेदारी का अकाट्य प्रमाण क्या है? वे स्थितियाँ बताइये जिनमें दो या अधिक पक्षकारों के मध्य साझेदारी नहीं मानी जायेगी। (4)
- (c) कम्पनी अधिनियम, 2013, के अन्तर्गत आन्तरिक प्रबंध के सिद्धांत की सिमितताएँ बताइये। (3)

MKHZ

(7)

MKHZ

SECTION B — (40 Marks)

Question No.7 is compulsory.

Answer any **THREE** questions from the remaining **FOUR** questions.

All candidates (including those who have opted for Hindi Medium) are required to answer the questions in Section B, in English only.

In case, any candidate answers extra question(s)/sub-question(s) over and above the required number, then only the requisite number of questions first answered in the answer book shall be valued and subsequent extra question(s) answered shall be ignored.

7. (a) Read the passage carefully and answer the questions given below :

A life of action and danger moderates the dread of death. It not only gives us fortitude to bear pain, but teaches us at every step the precarious tenure on which we hold our present being. Sedentary and studious men are the most apprehensive on this score. Dr. Johnson was an instance in point. A few years seemed to him soon over, compared with those sweeping contemplations on time and infinity with which he had been used to pose himself. In the still life of a man of letters there was no obvious reason for a change. He might sit in an arm chair and pour out cups of tea to all eternity would it had been possible for him to do so. The most rational cure after all for the inordinate fear of death is to set a just value on life. If we mere wish to continue on the scene to indulge our head-strong humour and tormenting passions, we had better be gone at once; and if we only cherish a fondness for existence according to the good we desire from it, the pang we feel at parting it will not be very server.

- | | |
|--|-----------|
| (i) What type of people are afraid of death and Why? | (1 Mark) |
| (ii) How can we get rid of fear of death? | (1 Mark) |
| (iii) What idea do you form about Dr. Johnson from this passage? | (1 Mark) |
| (iv) Write Summary of the Passage. | (2 Marks) |

MKHZ

P T O

(8)

MKHZ

(b) Read the passage :

- (i) Make Notes, using headings, sub headings, and abbreviations whenever necessary. (3 Marks)
- (ii) Write Summary. (2 Marks)

(I) Anything printed and bound in a book size can be called a book, but the quality or mind distinguishes the value of it.

What is a book? This is how Anatole France describes it: "A series of little printed signs essentially only that. It is for the reader to supply himself the forms and colors and sentiments to which these signs correspond. It will depend on him whether the book be dull or brilliant, hot with passion or cold as ice. Or if you prefer to put it otherwise each word in a book is a magic finger that sets a fibre of our brain vibrating like a hard string and so evokes a note from the sounding board of our soul. No matter how skilful, how inspired the artist's hand, the sound it makes depends on the quality of the strings within ourselves".

Until recently books were the preserve of a small section —the urban upper classes. Some, even today, make it a point to call themselves intellectuals. It would be a pity if books were meant only for intellectuals and not for housewives, farmers, factory workers, artisans and , so on.

In India there are first generation learners, whose parents might have been illiterate. This poses special challenges to our authors and to those who are entrusted with the task of disseminating knowledge. We need much more research in the use of language and the development of techniques by which knowledge can be transferred to these people without transmission loss. Publishers should initiate campaigns to persuade people that a good book makes a beautiful present and that reading a good book can be the most relaxing as well as absorbing of pastimes. We should aim at books of quality no less than at quantitative expansion in production and sale. Unless one is constantly exposed to the best, one cannot develop a taste for the good.

MKHZ

MKHZ

8. (a) Define visual communication. (2 Marks)

(b) (i) Choose the word which best expresses the meaning of the given word : (1 Mark)

Perpetual

- | | |
|--------------|----------------|
| (1) General | (2) Emotional |
| (3) Stubborn | (4) Continuous |

(ii) Select a suitable antonym for the word given in question : (1 Mark)

Disparage

- | | |
|--------------|--------------|
| (1) Eulogise | (2) Belittle |
| (3) Alert | (4) Defame |

(iii) Change the following sentence to indirect speech :

The policeman said to the stranger who are you. (1 Mark)

(c) Write a précis and give appropriate title to the passage given below :

Teaching is the noblest of professions. A teacher has a sacred duty to perform. It is he on whom rests the responsibility of moulding the character of young children. Apart from developing their intellect, he can inculcate in them qualities of good citizenship, remaining neat and clean, talking decently and sitting properly. These virtues are not easy to be imbibed. Only he who himself leads a life of simplicity, purity and rigid discipline can successfully cultivate these habits in his pupils.

Besides a teacher always remain young. He may grow old in age, but not in spite. Perpetual contact with budding youths keeps him happy and cheerful. These are moments when domestic worries weigh heavily on his mind, but the delightful company of innocent children makes him overcome his transient moods of despair.

(5 Marks)

MKHZ

P.T.O.

(10)

MKHZ

9. (a) Write any four barriers to effective communication? (2 Marks)

(b) Choose the word which best expresses the meaning of the given word :

(i) **Despot**

(1) Tyrant

(2) Storage

(3) Hot meal

(4) Against

(1 Mark)

(ii) **Illicit**

(1) Storage

(2) Emotional

(3) Unlawful

(4) Grand

(1 Mark)

(iii) Change the following sentence into indirect speech :

The Shopkeeper says, "prices are shooting up alarmingly.

(1 Mark)

(c) Write circular addressing to the employees regarding office timings. (5 Marks)

10. (a) (i) What are the characteristics of effective communication? (2 Marks)

OR

(ii) What is diagonal communication? (2 Marks)

MKHZ

MKHZ

- (b) (i) Complete the expression by supplying a suitable preposition or adverb particle. Choose your answer from the options given in brackets.

We will take _____ this issue when we meet next week. (1 Mark)
(up/on/over)

- (ii) Rewrite the following sentence in Passive Voice (1 Mark)

The customer should receive the delivery by Friday.

- (iii) Rewrite the following sentence in Active Voice. (1 Mark)

He will be given a ticket for over speeding by the police officer.

- (c) Write an article of about 250 words on the topic "Global warming". (5 Marks)

11. (a) What are the main steps in the process of communication? (2 Marks)

- (b) Select the correct meaning of idioms / phrases given below :

- (i) Storm in tea cup (1 Mark)

(1) Crave for something

(2) Drink tea often

(3) Get into quarrel

(4) Making a big issue out of a small thing.

- (ii) To grease the palm (1 Mark)

(1) Treat suffer

(2) To offer bribe

(3) To swim in deep sea

(4) To be in deep thought.

- (iii) Rewrite the following sentences in the active voice : (1 Mark)

The entire district was destroyed by cyclone.

- (c) Write a memo letter informing the employees of all branches about the suspension order of Mr.Z, cashier, on charge of misappropriation of fund of the same office. (5 Marks)

MKHZ

P.T.O.

Roll No.

Foundation (New Syllabus)

Paper - 2

NOV 2018

Total No. of Questions – 11

**Business Law & Business
Correspondence and Reporting**

Total No. of Printed Pages – 20

Time Allowed – 3 Hours

Maximum Marks – 100

MCQS-H

Questions in Section A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi, will not be evaluated.

Questions in Section B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.

Answers to both the Sections are to be written in the same answer book.

SECTION – A

(60 Marks)

Question No. 1 is compulsory.

Answer any **four** questions from the remaining **five** questions.

Marks

1. (a) Mr. X and Mr. Y entered into a contract on 1st August, 2018, by which Mr. X had to supply 50 tons of sugar to Mr. Y at a certain price strictly within a period of 10 days of the contract. Mr. Y also paid an amount of ₹ 50,000 towards advance as per the terms of the above contract. The mode of transportation available between their places is roadway only. Severe flood came on 2nd August, 2018 and the only road connecting their places was damaged and could not be repaired within fifteen days. Mr. X offered to supply sugar on 20th August, 2018 for which Mr. Y did not agree. On 1st September, 2018, Mr. X claimed compensation of ₹ 10,000 from Mr. Y for refusing to accept the supply of sugar, which was not there within the purview of the contract. On the other hand, Mr. Y claimed for refund of ₹ 50,000, which he had paid as advance in terms of the contract. Analyse the above situation in terms of the provisions of the Indian Contract Act, 1872 and decide on Y's contention.

4

MCQS-H

P.T.O.

- (b) A company registered under Section 8 of the Companies Act, 2013, earned huge profits during the financial year ended on 31st March, 2018 due to some favourable policies declared by the Government of India and implemented by the company. Considering the development, some members of the company wanted the company to distribute dividends to the members of the company. They approached you to advise them about the maximum amount of dividend that can be declared by the company as per the provisions of the Companies Act, 2013. Examine the relevant provisions of the Companies Act, 2013 and advise the members accordingly. 4
- (c) Differentiate between Ascertained and Unascertained Goods with example. 4
2. (a) What is Contingent Contract ? Discuss the essentials of Contingent Contract as per the Indian Contract Act, 1872. 7
- (b) Explain the essential elements to incorporate a Limited Liability Partnership and the steps involved therein under the LLP Act, 2008. 5
3. (a) "Though a minor cannot be a partner in a firm, he can nonetheless be admitted to the benefits of partnership."
- (I) Referring to the provisions of the Indian Partnership Act, 1932, state the rights which can be enjoyed by a minor partner. 4

MCQS-H

(3)

MCQS-H

Marks

(II) A. State the liabilities of a minor partner both : **2**

(i) Before attaining majority and

(ii) After attaining majority.

OR

B. State the legal position of a minor partner after attaining majority : **2**

(i) When he opts to become a partner of the same firm.

(ii) When he decide not to become a partner.

(b) (i) Mr. Ramesh promised to pay ₹ 50,000 to his wife Mrs. Lali so that she can spend the sum on her 30th birthday. Mrs. Lali insisted her husband to make a written agreement if he really loved her. Mr. Ramesh made a written agreement and the agreement was registered under the law. Mr. Ramesh failed to pay the specified amount to his wife Mrs. Lali. Mrs. Lali wants to file a suit against Mr. Ramesh and recover the promised amount. Referring to the applicable provisions of the Contract Act, 1872, advise whether Mrs. Lali will succeed. **3**

(ii) A shop-keeper displayed a pair of dress in the show-room and a price tag of ₹ 2,000 was attached to the dress. Ms. Lovely, looked at the tag and rushed to the cash counter. Then she asked the shop-keeper to receive the payment and pack up the dress. The shop-keeper refused to hand-over the dress to Ms. Lovely in consideration of the price stated in the price tag attached to the dress. Ms. Lovely seeks your advice whether she can sue the shop-keeper for the above cause under the Indian Contract Act, 1872. **3**

MCQS-H

P.T.O.

(4)

MCQS-H

Marks

4. (a) What is the Doctrine of "Caveat Emptor" ? What are the exceptions to the Doctrine of "Caveat Emptor" ?

6

- (b) (i) Mr. A, Mr. B and Mr. C were partners in a partnership firm M/s ABC & Co., which is engaged in the business of trading of branded furniture. The name of the partners was clearly written along with the firm name in front of the head office of the firm as well as on letter-head of the firm. On 1st October, 2018, Mr. C passed away. His name was neither removed from the list of partners as stated in front of the head office nor from the letter-heads of the firm. As per the terms of partnership, the firm continued its operations with Mr. A and Mr. B as partners. The accounts of the firm were settled and the amount due to the legal heirs of Mr. C was also determined on 10th October, 2018. But the same was not paid to the legal heirs of Mr. C. On 16th October, 2018, Mr. X, a supplier supplied furniture worth ₹ 20,00,000 to M/s ABC & Co. M/s ABC & Co. could not repay the amount due to heavy losses. Mr. X wants to recover the amount not only from M/s ABC & Co., but also from the legal heirs of Mr. C.

3

Analyse the above situation in terms of the provisions of the Indian Partnership Act, 1932 and decide whether the legal heirs of Mr. C can also be held liable for the dues towards Mr. X.

- (ii) Mr. M, Mr. N and Mr. P were partners in a firm, which was dealing in refrigerators. On 1st October, 2018, Mr. P retired from partnership, but failed to give public notice of his retirement.

3

MCQS-H

(5)

MCQS-H

Marks

After his retirement, Mr. M, Mr. N and Mr. P visited a trade fair and enquired about some refrigerators with latest techniques. Mr. X, who was exhibiting his refrigerators with the new techniques was impressed with the interactions of Mr. P and requested for the visiting card of the firm. The visiting card also included the name of Mr. P as a partner even though he had already retired. Mr. X supplied some refrigerators to the firm and could not recover his dues from the firm. Now, Mr. X wants to recover the dues not only from the firm, but also from Mr. P.

Analyse the above case in terms of the provisions of the Indian Partnership Act, 1932 and decide whether Mr. P is liable in this situation.

5. (a) Mr. G sold some goods to Mr. H for certain price by issue of an invoice, but payment in respect of the same was not received on that day. The goods were packed and lying in the godown of Mr. G. The goods were inspected by H's agent and were found to be in order. Later on, the dues of the goods were settled in cash. Just after receiving cash, Mr. G asked Mr. H that goods should be taken away from his godown to enable him to store other goods purchased by him. After one day, since Mr. H did not take delivery of the goods, Mr. G kept the goods out of the godown in an open space. Due to rain, some goods were damaged.

6

Referring to the provisions of the Sale of Goods Act, 1930, analyse the above situation and decide who will be held responsible for the above damage. Will your answer be different, if the dues were not settled in cash and are still pending ?

MCQS-H

P.T.O.

(6)

MCQS-H

Marks

- (b) There are cases where company law disregards the principle of corporate personality or the principle that the company is a legal entity distinct from its shareholders or members. Elucidate.

6

6. (a) Explain the modes of revocation of an offer as per the Indian Contract Act, 1872.

5

- (b) State any four grounds on which Court may dissolve a partnership firm in case any partner files a suit for the same.

4

- (c) Mr. X had purchased some goods from M/s ABC Limited on credit. A credit period of one month was allowed to Mr. X. Before the due date Mr. X went to the company and wanted to repay the amount due from him. He found only Mr. Z there, who was the factory supervisor of the company. Mr. Z told Mr. X that the accountant and the cashier were on leave, he is in-charge of receiving money and he may pay the amount to him. Mr. Z issued a money receipt under his signature. After two months M/s ABC Limited issued a notice to Mr. X for non-payment of the dues within the stipulated period. Mr. X informed the company that he had already cleared the dues and he is no more responsible for the same. He also contended that Mr. Z is an employee of the company to whom he had made the payment and being an outsider, he trusted the words of Mr. Z as duty distribution is a job of the internal management of the company.

3

Analyse the situation and decide whether Mr. X is free from his liability.

MCQS-H

(7)

MCQS-H

Marks

(Hindi Version)

भाग 'अ' के प्रश्नों का उत्तर परीक्षार्थी ने जो माध्यम चुना है, उसमें ही देना है। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।

सभी परीक्षार्थियों (हिन्दी माध्यम के परीक्षार्थियों को सम्मिलित करके) को भाग 'ब', के प्रश्नों का उत्तर अंग्रेजी में ही लिखना है।

इसी उत्तर पुस्तिका में दोनों भागों का उत्तर देना है।

भाग - अ

Marks : 60

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

1. (a) श्रीमान् X एवं श्रीमान् Y, 1 अगस्त 2018 को एक अनुबन्ध करते हैं, जिसके अनुसार श्रीमान् X को निश्चित तौर पर अनुबन्ध के दस दिन में श्रीमान् Y को निश्चित कीमत पर 50 टन चीनी की आपूर्ति करनी थी। श्रीमान् Y ने अनुबन्ध के अनुसार ₹ 50,000 अग्रिम धनराशि के रूप में अदा कर दी। उनके बीच केवल सड़क यातायात ही एकमात्र साधन था। 2 अगस्त, 2018 को भीषण बाढ़ की वजह से उनके बीच की एकमात्र सड़क भी नष्ट हो जाती है जो कि 15 दिन से पहले ठीक भी नहीं हो सकती थी। श्रीमान् X, 20 अगस्त, 2018 को चीनी की आपूर्ति का प्रस्ताव रखते हैं जिसके लिए श्रीमान् Y सहमत नहीं होते हैं। 1 सितम्बर, 2018 को श्रीमान् X, श्रीमान् Y द्वारा उनके प्रस्ताव को ठुकराने के एवज में ₹ 10,000 मुआवजे की माँग करते हैं जो कि इस अनुबन्ध के अनुसार नहीं थी। इसी समय श्रीमान् Y, ₹ 50,000 जो कि उन्होंने अग्रिम धनराशि के रूप में दिए थे उनकी पुनः माँग करते हैं। भारतीय संविदा अधिनियम, 1872 के प्रावधानों के अनुसार उपरोक्त स्थिति का विश्लेषण कीजिए तथा Y के मतानुसार निर्णय लीजिए।

MCQS-H

P.T.O.

(8)

MCQS-H

Marks

- (b) एक कम्पनी, कम्पनी अधिनियम, 2013 की धारा 8 के अन्तर्गत पंजीकृत होती है तथा सरकार द्वारा घोषित कुछ हितकारी नीतियों तथा कम्पनी द्वारा उनको लागू करने की वजह से 31 मार्च, 2018 को खत्म होने वाले वित्तीय साल में अच्छा मुनाफा कमाती है। इस विकास को देखते हुए कम्पनी के कुछ सदस्य चाहते हैं कि कम्पनी अपने सदस्यों को लाभांश वितरित करे। कम्पनी अधिनियम, 2013 के प्रावधानों के अनुसार कम्पनी अधिकाधिक कितने लाभांश की घोषणा कर सकती है इसके सुझाव के लिए वे आपसे सम्पर्क करते हैं। कम्पनी अधिनियम, 2013 के उपयुक्त प्रावधानों की जाँच कीजिए और उसके अनुसार सदस्यों को सुझाव दीजिए। 4
- (c) निर्धारित तथा अनिर्धारित माल में उदाहरण सहित अन्तर बताइये। 4
2. (a) 'सांयोगिक अनुबन्ध' क्या होते हैं ? भारतीय संविदा अधिनियम, 1872 के अनुसार सांयोगिक अनुबन्ध के आवश्यक लक्षणों का उल्लेख कीजिए। 7
- (b) सीमित दायित्व साझेदारी के समामेलन हेतु आवश्यक तत्त्व तथा सीमित दायित्व साझेदारी अधिनियम, 2008 के अनुसार इसके विभिन्न चरणों की व्याख्या कीजिए। 5
3. (a) "एक अवयस्क न तो फर्म का साझेदार बन सकता है, ना ही साझेदारी के लाभों के प्रति शामिल हो सकता है।" (I) भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के संदर्भ में एक अवयस्क साझेदार को प्राप्त होने वाले अधिकार बताइये। 4

MCQS-H

(9)

MCQS-H

Marks

(II) A. एक अवयस्क साझेदार के दायित्व बताइये :

2

- (i) वयस्क होने से पूर्व
- (ii) वयस्कता प्राप्त करने के बाद

अथवा

B. एक अवयस्क साझेदार की वयस्कता प्राप्त करने के बाद वैधानिक स्थिति बताइये :

2

- (i) जब वह उसी फर्म में साझेदार बनता है ।
- (ii) जब वह साझेदार न बनने का निर्णय लेता है ।

(b) (i) श्रीमान् रमेश अपनी पत्नी श्रीमती लाली को ₹ 50,000 देने का वादा करते हैं जिसे वह अपने 30वें जन्मदिन पर खर्च कर सके । श्रीमती लाली अपने पति को लिखित करार के लिए बाधित करती है अगर वो उससे सच्चा प्यार करते है । श्रीमान् रमेश लिखित करार बना देते हैं तथा वह करार विधिवत पंजीकृत हो जाता है । श्रीमान् रमेश अपनी पत्नी श्रीमती लाली को वह निश्चित राशि देने में असमर्थ हो जाते हैं । श्रीमती लाली, श्रीमान् रमेश के विरुद्ध वाद प्रस्तुत करना तथा उनसे वादे की रकम वसूल करना चाहती है । भारतीय संविदा अधिनियम, 1872 के अनुसार इस स्थिति पर लागू होने वाले प्रावधानों के संदर्भ में सुझाव दीजिए कि क्या श्रीमती लाली को सफलता मिलेगी ।

3

(ii) एक दुकानदार अपने शोरूम में एक जोड़ा ड्रेस प्रदर्शित करता है जिस पर ₹ 2,000 की कीमत लगी थी । मिस लवली उस कीमत को देखकर दुकानदार के पास आती है और उस दुकानदार को कीमत लेकर ड्रेस पैक करने के लिए कहती है । दुकानदार उस ड्रेस के ऊपर लगी कीमत के प्रतिफल में उसे ड्रेस देने से इंकार कर देता है । मिस लवली आपका सुझाव चाहती है कि क्या वह भारतीय संविदा अधिनियम, 1872 के अन्तर्गत उस दुकानदार के विरुद्ध उपरोक्त कारण से वाद प्रस्तुत कर सकती है ।

3

MCQS-H

P.T.O.

4. (a) “क्रेता सावधान रहें” नियम से आप क्या समझते हैं ? ‘क्रेता सावधान रहें’ नियम के क्या अपवाद हैं ?

6

(b) (i) श्रीमान् A, B एवं C, M/s ABC & Co. एक साझेदारी फर्म में साझेदार थे जो कि ब्रांडिड फर्नीचर का व्यापार करती थी। साझेदारों के नाम उनकी फर्म के नाम सहित फर्म के प्रमुख कार्यालय के बाहर तथा साथ ही फर्म के लेटरहेड्स पर लिखे हुए थे। 1 अक्टूबर, 2018 को श्रीमान् C गुजर जाते हैं। उनका नाम ना तो प्रमुख कार्यालय के बाहर लगी भागीदारों की सूची में से और ना ही लेटरहेड्स से हटाया जाता है। साझेदारी के नियमानुसार फर्म की कार्यविधियाँ A और B साझेदारों के साथ नियमित रहती हैं। फर्म का लेखा-जोखा तैयार कर लिया जाता है और 10 अक्टूबर, 2018 तक श्रीमान् C के कानूनी उत्तराधिकारी की देय राशि भी तय कर ली जाती है परन्तु वह राशि श्रीमान् C के कानूनी उत्तराधिकारी को अदा नहीं की जाती। 16 अक्टूबर, 2018 को श्रीमान् X ने M/s ABC & Co. में ₹ 20,00,000 के फर्नीचर की आपूर्ति की परन्तु कम्पनी में भारी नुकसान की वजह से उनको यह राशि अदा नहीं की गई। श्रीमान् X ये राशि ना केवल M/s ABC & Co. से वरन् श्रीमान् C के कानूनी उत्तराधिकारी से भी वसूल करना चाहते हैं।

3

भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के अनुसार उपरोक्त स्थिति की व्याख्या कीजिए तथा निर्णय कीजिये कि क्या श्रीमान् C का कानूनी उत्तराधिकारी भी श्रीमान् X को देय राशि के लिए दायी है।

- (ii) श्रीमान् M, N और P एक साझेदारी फर्म में साझेदार थे, जो कि रेफ्रिजरेटर का व्यापार करती थी। 1 अक्टूबर, 2018 को P बिना कोई सार्वजनिक सूचना दिये फर्म से सेवानिवृत्त हो जाते हैं। उनके सेवानिवृत्त होने के बाद श्रीमान् M, N एवं P एक व्यापार मेला देखने जाते हैं और कुछ नई तकनीकियों वाले रेफ्रिजरेटर के लिए पूछताछ करते हैं। श्रीमान् X, जो कि अपने नई तकनीकियों वाले रेफ्रिजरेटर को प्रदर्शित कर रहे थे वो श्रीमान् P के साथ संवाद से प्रभावित होते हैं और उनसे उनकी फर्म का विजिटिंग कार्ड माँगते हैं। उस विजिटिंग कार्ड में अभी भी उनका नाम एक साझेदार के रूप में सम्मिलित होता है यद्यपि वह सेवानिवृत्त हो चुके हैं। श्रीमान् X कुछ रेफ्रिजरेटर की आपूर्ति उस फर्म में करते हैं लेकिन फर्म से अपनी देय राशि वसूल नहीं कर पाते हैं। अब श्रीमान् X अपनी देय राशि ना केवल फर्म से वरन् श्रीमान् P से भी वसूल करना चाहते हैं।

भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के अनुसार उपरोक्त मामले की व्याख्या कीजिए तथा निर्णय कीजिए कि क्या श्रीमान् P इस स्थिति में दायी हैं।

5. (a) श्रीमान् G एक निश्चित कीमत पर बीजक पारित करके कुछ माल श्रीमान् H को बेचते हैं लेकिन उसकी कीमत उस दिन प्राप्त नहीं कर पाते हैं। सारा माल पैक होकर श्रीमान् G के गोदाम में पड़ा रहता है। वो माल श्रीमान् H के अभिकर्ता को निरीक्षण में सही दशा में प्राप्त होता है। बाद में उस माल का भुगतान नकद में कर दिया जाता है। नकद प्राप्त करने के बाद श्रीमान् G, श्रीमान् H को वह माल उसके गोदाम से ले जाने के लिए कहते हैं क्योंकि वह अपना और खरीदा हुआ माल रखने में सक्षम हो सकें। एक दिन के बाद भी श्रीमान् H अपने माल की सुपुर्दगी नहीं लेते। इस पर श्रीमान् G सारा माल गोदाम से बाहर निकाल कर खुले में रख देते हैं। बारिश की वजह से कुछ माल नष्ट हो जाता है।

वस्तु विक्रय अधिनियम, 1930 के प्रावधानों के संदर्भ में उपरोक्त स्थिति का विश्लेषण कीजिए तथा निर्णय लीजिए की उपरोक्त क्षति के लिए कौन उत्तरदायी होगा। अगर देय राशि नकद में अभी तक चुकायी नहीं जाती तो क्या इस स्थिति में आपका जवाब बदल जाता ?

- (b) यहाँ कुछ ऐसे मामले हैं जहाँ कम्पनी सन्नियम कॉरपोरेट व्यक्तित्व के सिद्धान्त या इस सिद्धान्त की अनदेखी करता है कि कम्पनी एक वैधानिक सत्ता है जो अपने सदस्यों या अंशधारकों से पृथक है। सविस्तार व्याख्या कीजिये।

6

6. (a) भारतीय अनुबंध अधिनियम, 1872 के अनुसार प्रस्ताव के विखण्डन के तरीकों की व्याख्या कीजिए।

5

- (b) कोई चार आधार बताइये जिन पर न्यायालय किसी पक्षकार के वाद प्रस्तुत करने पर एक साझेदारी फर्म का समापन कर सकती है।

4

- (c) श्रीमान् X, M/s ABC लिमिटेड से कुछ माल साख पर खरीदते हैं। श्रीमान् X को साख सीमा 1 महीने की दी जाती है किन्तु वह समय से पहले ही कम्पनी में जाकर देय राशि चुकाना चाहते हैं। उनको वहाँ केवल श्रीमान् Z मिलते हैं, जो कि उस कम्पनी के कारखाना निरीक्षक हैं। श्रीमान् Z, श्रीमान् X को बताते हैं कि लेखाकार एवं खजानची छुट्टी पर हैं, वो धन प्राप्त करने का प्रभारी है और श्रीमान् X उन्हें राशि अदा कर सकते हैं। श्रीमान् Z अपने हस्ताक्षर सहित धन की रसीद पारित कर देते हैं। दो महीने बाद M/s ABC लिमिटेड श्रीमान् X के लिए शर्तानुसार देय राशि ना चुकाने के लिए एक नोटिस जारी कर देती है। श्रीमान् X कम्पनी को सूचित करते हैं कि वह बकाया राशि पहले ही अदा कर चुके हैं और वो अब इसके लिए उत्तरदायी नहीं हैं। वह कम्पनी को संतुष्ट करते हैं कि कम्पनी के एक कार्यकर्ता श्रीमान् Z को उन्होंने भुगतान किया था। बाहरी व्यक्ति होने के कारण उन्होंने श्रीमान् Z के शब्दों पर भरोसा किया क्योंकि कम्पनी में कर्तव्यों का वितरण उनके आन्तरिक प्रबन्धन का मामला होता है।

3

इस स्थिति की व्याख्या कीजिये और निर्णय लीजिए कि क्या श्रीमान् X अपने दायित्व से मुक्त हो गये।

(13)

MCQS-H

Marks

SECTION – B

(40 Marks)

Question No. 7 is compulsory.

Answer any three questions from the remaining four questions.

All candidates (including those who have opted for Hindi Medium) are required to answer the questions in Section B, in English only.

7. (a) Read the passage carefully and answer the questions given below :

“Your room is so ugly that no one can enter your room except yourself, son. Please take care of yourself at least.” Harish’s mother was simply shouting at Harish. It was a beautiful Sunday morning and Harish was in no mood to get up from bed even it was already 9.00 A.M. His mother had completed cleaning the whole house except Harish’s Room. Harish got up and finished his daily routine. Still, he was only at the receiving end. “All your friends have finished morning walk, breakfast and completed their weekly homework given in the college. Just clean your room and take the whole garbage and throw outside.” Harish was surprised. What is mom speaking about ? Yesterday only his mom was teaching him about “Swachh Bharat Abhiyan” and today asking him to throw the garbage outside ! “What’s this Mom ? You advised me so much and today asking to throw garbage outside ?” Harish had two options, either to follow his

MCQS-H

P.T.O.

(14)

MCQS-H

Marks

mother's last night advice or to follow her present order. He decided to follow the first and raised objection. His Mom said, "It was just a book son, I was teaching from that only." Harish still objected and threw the garbage inside a dustbin, located around 200 metres away from his house.

Is it only a matter of reading only ? Is really cleanliness not necessary ? Is it a duty of the politicians and Government servants ? Harish asked himself all the questions to himself and decided to do what he thought to be proper. If all of us with a little effort try it in our daily life, slowly, but surely we can clean our environment. Only we are responsible for all this non-sense. Therefore we have to act. We have to avoid the use of polythene bags to save our environment; we have to give up our habit of throwing garbage and used plastic bags and bottles here and there. Otherwise day will come, when we and our future generation will be struggling to find a clean road to walk. Think seriously and act accordingly.

- | | |
|--|---|
| (i) What was the subject matter of the book, which Harish's mother was teaching him last night ? | 1 |
| (ii) Who has to act properly to ensure a clean environment ? | 1 |
| (iii) Who will suffer if we do not ensure clean environment ? | 1 |
| (iv) Write a summary of the above paragraph. | 2 |

MCQS-H

(15)

MCQS-H

Marks

(b) Read the passage :

(i) Make notes, using headings, sub-headings and abbreviations wherever necessary. **3**

(ii) Write Summary. **2**

A good business letter is one that gets results. The best way to get results is to develop a letter that in its appearance, style and content, conveys information efficiently. To perform this function, a business letter should be concise, clear and courteous. The business letter must be concise, don't waste words. Little introduction or preliminary chat is necessary. Get to the point, make the point, and leave it. It is safe to assume that your letter is being read by a very busy person with all kinds of papers to deal with. Re-read and revise your message until the words and sentences you have used are precise. This takes time, but is a necessary part of a good business letter. A short business letter that makes its point quickly has much more impact on a reader than a long-winded, rambling exercise in creative writing. This does not mean that there is no place for style and even, on occasion, humour in the business letter. While it conveys a message in its contents, the letter also provides the reader with an impression of you, its author, the medium is part of the message. The business letter must be clear. You should have a very firm idea of what you want to say, and you should let the reader know it. Use the structure of the letter – the paragraphs, topic sentences, introduction and conclusion- to guide the reader point by point from your thesis, through your reasoning, to your conclusion. Paragraph often, to break up the page and to lend an air of organization

MCQS-H

P.T.O.

to the letter. Use an accepted business letter format. Re-read what you have written from the point of view of someone who is seeing it for the first time, and be sure that all explanations are adequate, all information provided (including reference numbers, dates and other identification). A clear message, clearly delivered, is the essence of business communication. The business letter must be courteous. Sarcasm and insults are ineffective and can often work against you. If you are sure you are right, point that out as politely as possible, explain why you are right, and outline what the reader is expected to do about it. Another form of courtesy is taking care in your writing and typing of business letter. Grammatical and spelling errors (even if you call them typing errors) tell a reader that you don't think enough of him or can lower the reader's opinion of your personality faster than anything you say, no matter how idiotic. There are excuses for ignorance; there are no excuses for sloppiness. The business letter is your custom-made representative. It speaks for you and is a permanent record of your message. It can pay big dividends on the time you invest in giving it a concise message, a clear structure, and a courteous tone.

8. (a) Describe the term "paralanguage", a mode of communication. 2
- (b) (i) Choose the word which best expresses the meaning of the given word : 1
- Proficient
- (1) Regular (2) Expert
- (3) Weak (4) Reserve

(17)

MCQS-H

Marks

- (ii) Select a suitable antonym for the following word :

1

Support

(1) Disturb

(2) Attend

(3) Oppose

(4) Attack

- (iii) Change the following sentence into indirect speech :

1

Suchi asked Sunil, "Are you interested to visit the temple ?"

- (c) Write a précis and give appropriate title to the passage given below :

5

Trees give shade for the benefit of others, and while they themselves stand in the sun and endure the scorching heat, they produce the fruit of which others profit. The character of good men is like that of trees. What is the use of this perishable body if no use is made of it for the benefit of mankind ? Sandalwood, the more it is rubbed, the more scent does it yield. Sugarcane, the more it is peeled and cut up into pieces, the more juice does it produce. The men who are noble at heart do not lose their qualities even in losing their lives. What matters whether men praise them or not ? What difference does it make whether they die at this moment or whether lives are prolonged ? Happen what may, those who tread in the right path will not set foot in any other. Life itself is unprofitable to a man who does not live for others. To live for the mere sake of living one's life is to live the life of dogs and crows. Those who lay down their lives for the sake of others will assuredly dwell forever in a world of bliss.

MCQS-H

P.T.O.

(18)

MCQS-H

Marks

9. (a) (i) Discuss "Cultural barrier" in communication.

2

OR

- (ii) What do you mean by (A) Vertical and (B) Horizontal Formal communication ?

2

- (b) Choose the word which best expresses the meaning of the given word :

- (i) Fiction

1

(1) Fantasy

(2) Story

(3) Fact

(4) Reality

- (ii) Demote

1

(1) Rise

(2) Upgrade

(3) Decline

(4) Downgrade

- (iii) Change the following sentence into indirect speech :

1

Shalini gave order to her younger sister, "Go home immediately."

- (c) Write a circular addressing to the employees regarding re-organization of manpower and their responsibility in finance department of the company.

5

10. (a) How do Technology barriers effects communication ? Explain.

2

- (b) (i) Fill up the blank with the most suitable preposition or adverb given in the brackets.

1

He apologized _____ his teacher for his misbehaviour.

(to / from / with / against)

MCQS-H

(19)

MCQS-H

Marks

- (ii) Rewrite the following sentence in Passive Voice. **1**

Sunita said, "Please give me a glass of water."

- (iii) Rewrite the following sentence in Active Voice. **1**

The case should be handled by you carefully since it is critical in nature.

- (c) Write a Newspaper Report in 250 words on the topic : **5**

"Daughter of Gardener Tops Board Exams."

11. (a) Non-verbal is also one of the Broad Categories of Communication ? **2**

Explain.

- (b) (i) Select the correct meaning of the following idioms/phrases among the alternatives given below : **1**

Out of the blue

- (1) Something happens that was unexpected.
(2) Something happens that was very much expected.
(3) From the sky
(4) From the Ocean

- (ii) Day in and day out **1**

- (1) Coming and returning in day time
(2) The day of importance
(3) Continuously
(4) Within a day

- (iii) Rewrite the following sentence in the Active Voice : **1**

The deer was trapped by the cunning fox.

MCQS-H

P.T.O.

(20)

MCQS-H

Marks

- (c) Mr. Mohit Agarwal, a resident of Meerut, have recently come across an advertisement, for a job vacancy in a leading TV Channel for the post of journalist, in The Times of India dated August 1, 2018.

5

Draft a Resume alongwith a cover letter in response to the advertisement.

MCQS-H

Roll No.

Total No. of Printed Pages : 16

Total No. of Questions : 11

Maximum Marks : 100

Time allowed : 3 Hours

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. Questions in Section A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi will not be evaluated.
2. Questions in Section B, are to be answered in English only by all the candidates, including those who have opted for Hindi medium.
3. Answers to both the Sections are to be written in the same answer book.

SECTION A — (60 Marks)

Question No. 1 is compulsory.

Answer any **FOUR** questions from the remaining **FIVE** questions.

1. (a) Mr. Sohanlal sold 10 acres of his agricultural land to Mr. Mohanlal on 25th September 2018 for ₹ 25 Lakhs. The Property papers mentioned a condition, amongst other details, that whosoever purchases the land is free to use 9 acres as per his choice but the remaining 1 acre has to be allowed to be used by Mr. Chotelal, son of the seller for carrying out farming or other activity of his choice. On 12th Oct 2018, Mr. Sohanlal died leaving behind his son and wife. On 15th Oct 2018 purchaser started construction of an auditorium on the whole 10 acres of land and denied any land to the son.

Now Mr. Chotelal wants to file a case against the purchaser and get a suitable redressed. Discuss the above in light of provisions of Indian Contract Act, 1872 and decide upon Mr. Chotelal's plan of action? (4 Marks)

MAP2

(2)

MAP2

- (b) Sound Syndicate Ltd. a public company, its articles of association empowers the managing agents to borrow both short and long term loans on behalf of the company. Mr. Liddle, the director of the company, approached Easy finance Ltd. a nonbanking finance company for a loan of Rs. 25,00,000 in name of the company.

The Lender agreed and provided the above said loan. Later on Sound Syndicate Ltd. refused to repay the money borrowed on the pretext that no resolution authorizing such loan have been actually passed by the company and the lender should have enquired about the same prior providing such loan hence company not liable to pay such loan.

Analyse the above situation in terms of the provisions of Doctrine of Indoor Management under the Companies Act, 2013 and examine whether the contention of Sound Syndicate Ltd. is correct or not? (4 Marks)

- (c) Discuss the various types of implied warranties as per the Sales of Goods Act 1930? (4 Marks)

MAP2

(3)

MAP2

2. (a) "Mere silence is not fraud" but there are some circumstances where the "silence is fraud". Explain the circumstances as per the provision of Indian Contract Act 1872? (7 Marks)
- (b) "LLP is an alternative corporate business form that gives the benefits of limited liability of a company and the flexibility of a partnership". Explain. (5 Marks)
3. (a) (i) What is the provision related to the effect of notice to an acting partner of the firm as per Indian Partnership Act 1932? (2 Marks)

OR

- (ii) Discuss the provisions regarding personal profits earned by a partner under the Indian Partnership Act 1932? (2 Marks)
- (b) "Whether a group of persons is or is not a firm, or whether a person is or not a partner in a firm." Explain the mode of determining existence of partnership as per The Indian Partnership Act 1932? (4 Marks)
- (c) Mr. Rich aspired to get a self- portrait made by an artist. He went to the workshop of Mr. C an artist and asked whether he could sketch the former's portrait on oil painting canvass. Mr. C agreed to the offer and asked for ₹ 50,000 as full advance payment for the above creative work. Mr. C clarified that the painting shall be completed in 10 sittings and shall take 3 months.

MAP2

P.T.O.

(4)

MAP2

On reaching to the workshop for the 6th sitting, Mr. Rich was informed that Mr. C became paralyzed and would not be able to paint for near future. Mr. C had a son Mr. K who was still pursuing his studies and had not taken up his father's profession yet?

Discuss in light of Indian Contract Act 1872?

- (i) Can Mr. Rich ask Mr. K to complete the artistic work in lieu of his father?
- (ii) Could Mr. Rich ask Mr. K for refund of money paid in advance to his father? (6 Marks)

4. (a) "A non-owner can convey better title to the bonafide purchaser of goods for value." Discuss the cases when a person other than the owner can transfer title in goods as per the provisions of Sales of Goods Act 1930? (6 Marks)

(b) M/S XYZ & Associates, a partnership firm with X, Y, Z as senior partners were engaged in the business of carpet manufacturing and exporting to foreign countries. On 25th Aug 2016 they inducted Mr. G an expert in the field of carpet manufacturing as their partner. On 10th Jan 2018, Mr. G was blamed for unauthorized activities and thus expelled from the partnership by united approval of rest of the partners.

- (i) Examine whether action by the partners was justified or not?
- (ii) What should have the factors to be kept in mind prior expelling a partner from the firm by other partners according to the provisions of the Indian Partnership Act, 1932? (6 Marks)

MAP2

MAP2

5. (a) M/S Woodworth & Associates, a firm dealing with the wholesale and retail buying and selling of various kinds of wooden logs, customized as per the requirement of the customers. They dealt with Rose wood; Mango wood; Teak wood; Burma wood etc.

Mr. Das a customer came to the shop and asked for wooden logs measuring 4 inches broad and 8 feet long as required by the carpenter. Mr. Das specifically mentioned that he required the wood which would be best suited for the purpose of making wooden doors and window frames. The Shop owner agreed and arranged the wooden pieces cut into as per the buyers requirements.

The carpenter visited Mr. Das's house next day, and he found that the seller has supplied Mango Tree wood which would most unsuitable for the purpose. The carpenter asked Mr. Das to return the wooden logs as it would not meet his requirements.

The Shop owner refused to return the wooden logs on the plea that logs were cut to specific requirements of Mr. Das and hence could not be resold.

- (i) Explain the duty of the buyer as well as the seller according to the doctrine of "Caveat Emptor".
 - (ii) Whether Mr. Das would be able to get the money back or the right kind of wood as required serving his purpose? (6 Marks)
- (b) What do you mean by "Companies with charitable purpose" (section 8) under the Companies Act 2013? Mention the conditions of the issue and revocation of the licence of such company by the government. (6 Marks)

(6)

MAP2

6. (a) Discuss the essentials of Undue Influence as per the Indian Contract Act, 1872. (5 Marks)
- (b) "Indian Partnership Act does not make the registration of firms compulsory nor does it impose any penalty for non-registration." Explain. Discuss the various disabilities or disadvantages that a non-registered partnership firm can face in brief? (4 Marks)
- (c) Popular Products Ltd. is company incorporated in India, having a total Share Capital of ₹ 20 Crores. The Share capital comprises of 12 Lakh equity shares of ₹ 100 each and 8 Lakhs Preference Shares of ₹ 100 each. Delight Products Ltd. And Happy products Ltd. hold 2,50,000 and 3,50,000 shares respectively in Popular Products Ltd. Another company Cheerful products ltd. holds 2,50,000 shares in Popular Products Ltd. Jovial Ltd. is the holding company for all above three companies namely Delight Products Ltd; Happy products ltd; Cheerful products ltd. Can Jovial Ltd., be termed as subsidiary company of Popular Products Ltd., if it Controls composition of directors of Popular Products Ltd. State the related provision in the favour of your answer. (3 Marks)

MAP2

(7)

MAP2

SECTION B — (40 Marks)

Question No.7 is compulsory.

Answer any **THREE** questions from the remaining **FOUR** questions.

7. (a) Read the passage carefully and answer the questions given below :

Coral reefs are one of the most fragile, biologically complex, and diverse marine ecosystems on Earth. This ecosystem is one of the fascinating paradoxes of the biosphere. Found along the sea coasts they are formed in various shapes and sizes. They constitute as one of the beautiful creations of nature. Symbiotic cells of algae known as zooxanthellae carry out photosynthesis using the metabolic wastes of the coral thereby producing food for themselves, for their corals, hosts, and even for other members of the reef community. This symbiotic process allows organisms in the reef community to use sparse nutrient resources efficiently.

Unfortunately for coral reefs, however, a variety of human activities are causing worldwide degradation of shallow marine habitats by adding nutrients to the water. Agriculture, slash-and-burn land clearing, sewage disposal and manufacturing that create waste by-products all increase nutrient loads in these waters. Typical symptoms of reef decline are destabilized herbivore populations and an increasing abundance of algae and filter-feeding animals. Declines in reef communities are consistent with observations that nutrient input is increasing in direct proportion to growing human populations, thereby threatening reef communities sensitive to subtle changes in nutrient input to their waters.

MAP2

P.T.O.

(8)

MAP2

- (i) What are the indicators of reef decay? (1 Mark)
 - (ii) How does Algae carry out the process of photosynthesis? (1 Mark)
 - (iii) How is man responsible for destruction of Natural Reef? (1 Mark)
 - (iv) Write a Summary of the above Passage. (2 Marks)
- (b) Read the passage :
- (i) Make Notes, using Headings, Sub headings and abbreviations whenever necessary. (3 Marks)
 - (ii) Write Summary. (2 Marks)

In most sectors of the economy, it is the seller who attempts to attract a potential buyer with various inducements of price, quality and utility and it is the buyer who makes the decision. Where circumstances permit the buyer no choice because there is effectively only one seller and the product is relatively essential, government usually asserts monopoly and places the industry under price and other regulations. Neither of these conditions prevails in most of the health-care industry.

MAP2

MAP2

In the health-care industry, the doctor-patient relationship is the mirror image of the ordinary relationship between producer and consumer. Once an individual has chosen to see a physician—and even then there may be no real choice—it is the physician who usually makes all significant purchasing decisions: whether the patient should return “next Wednesday,” whether X-rays are needed, whether drugs should be prescribed, etc. It is a rare and sophisticated patient who will challenge such professional decisions or raise in advance questions about price, especially when the ailment is regarded as serious.

This is particularly significant in relation to hospital care. The physician must certify the need for hospitalization, determine what procedures will be performed and announce when the patient may be discharged. The patient may be consulted about some of these decisions, but in the main it is the doctor's judgments that are final. Little wonder then that in the eyes of the hospital it is the physician who is the real “consumer.” As a consequence, the medical staff represents the “power centre” in hospital policy and decision-making, not the administration.

MAP2

P.T.O.

(10)

MAP2

Although usually there are in this situation four identifiable participants—the physician, the hospital, the patient, and the payer — the physician makes the essential decisions for all of them. The hospital becomes an extension of the physician; the payer generally meets most of the bonafide, a bill generated by the physician/hospital; and for the most part the patient plays a passive role. In routine or minor illnesses, or just plain worries, the patient's options are, of course, much greater with respect to use and price. In illnesses that are of some significance, however, such choices tend to evaporate or away: DISAPPEAR “my despair evaporated J. F. Wharton”, and it is for these illnesses that the bulk of the health-care dollar is spent. We estimate that about 75-80 percent of health-care expenditures are determined by physicians, not patients. For this reason, economy measures directed at patients or the general public are relatively ineffective.

8. (a) Define Vertical & Chain Network under network in communication?

(2 Marks)

- (b) (i) Choose the word which best expresses the meaning of the given word :

(1 Mark)

Crooked

(1) Straight

(2) Tapering

(3) Twisted

(4) Circle

MAP2

(11)

MAP2

- (ii) Select a suitable antonym for the word given under : (1 Mark)

Predicament

- | | |
|--------------|----------------|
| (1) Injury | (2) Ease |
| (3) Accident | (4) Horrifying |

- (iii) Change the following sentence to indirect speech : (1 Mark)

Pari said to me "I have been living in London since last December"

- (c) Write a précis and give appropriate title to the passage given below :

India has witnessed great expansion of educational opportunities since the attainment of independence. However, the disabled children have not yet benefited in any substantial manner from the growth in educational facilities. Education of handicapped children, ultimately become more dependent and non productive. It is therefore believed that scarce national resources should not be wasted on them. Further, it has been our misconceived notion that the education of handicapped children requires highly specialized people and as such, it must essentially be very costly. Maybe, precisely for these wrong notions we have not been able to involve clinical and educational specialization programmers of training and education exclusively meant for handicapped children. It is encouraging to note that the new National Policy

MAP2

P.T.O.

(12)

MAP2

on Education has recommended the placement of such children in regular schools so as to provide them integrated education along with normal students. The integrated education will take care of the different needs of various categories and types of disabled children. The objective is to place the disabled children in ordinary schools for imparting education with the help of special teachers, aids and other resources. For fulfilling this objective an array of the necessary infrastructure by way of training of teachers, provision of equipment and book etc. are some of the basic pre-requisition. Hopefully, the parents and their handicapped children will be greatly relieved when the latter are transferred to regular schools.

(5 Marks)

9. (a) (i) Discuss the "Gender Barrier" in communication.

(2 Marks)

Or

- (ii) What do you mean by Informal Communication?

(2 Marks)

- (b) Choose the word which best expresses the meaning of the given word :

- (i) **Reckless**

(1 Mark)

(1) Cautious

(2) Clear

(3) Careless

(4) Fearless

MAP2

(13)

MAP2

(ii) **Humongous**

(1 Mark)

(1) Minute

(2) Huge

(3) Hungry

(4) Hassel

(iii) Change the following sentence into indirect speech :

(1 Mark)

She said "I am watching a television show"

(c) Draft Newspaper Report on "Six Lane highway connecting two states inaugurated" to be published in a national newspaper. (5 Marks)

10. (a) "The listener has to be objective, practical and control his emotions" Explain with reference to importance of listening in communication? (2 Marks)

(b) (i) Change the sentence from Active to Passive Voice. (1 Mark)

The teacher always answers the students' questions.

(ii) Change the sentence from Passive to Active Voice. (1 Mark)

Every night, the office is vacuumed and dusted by the cleaning crew.

MAP2

P.T.O.

(14)

MAP2

- (iii) Change the following sentence to indirect speech. (1 Mark)

She said "My Father came yesterday".

- (c) Write an article of about 250 words on the topic "The Fearless Indian Army". (5 Marks)

11. (a) Define the importance of Para language in Non Verbal Communication. (2 Marks)

- (b) Select the correct meaning of idioms / phrases given below :

- (i) Cry over spilled milk (1 Mark)

- (1) Drain milk
- (2) Complain about something that cannot be rectified
- (3) Get into altercation with someone
- (4) Misbehave with someone

- (ii) Judge a book by its cover. (1 Mark)

- (1) Reading a book
- (2) To detect a fraud
- (3) Rely on outward appearances
- (4) To be intimated by appearances

MAP2

(15)

MAP2

(iii) Change the sentence into Active Voice : (1 Mark)

The Grand Canyon is visited by thousands of tourists every year.

(iv) Choose the word which best expresses the meaning of the given word : (1 Mark)

Mesmerized

(1) Enthrall

(2) Gruesome

(3) Scary

(4) Harmony

(c) Write a Formal E Mail: Mail is written by the Manager to the employees about the changed dress code for Republic day function including time and venue of function. (4 Marks)

MAP2

P.T.O.

NOV 2019

Seal

Roll No.

Total No. of Printed Pages : 12

Total No. of Questions : 11

Maximum Marks : 100

Time allowed : 3 Hours

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. Questions in Section A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi, will not be evaluated.
2. Questions in Section B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.
3. Answers to both the Sections are to be written in the same answer book.

SECTION A — (60 Marks)

Question No. 1 is compulsory.

Answer any **FOUR** questions from the remaining **FIVE** questions.

1. (a) X found a wallet in a restaurant. He enquired of all the customers present there but the true owner could not be found. He handed over the same to the manager of the restaurant to keep till the true owner is found. After a week he went back to the restaurant to enquire about the wallet. The manager refused to return it back to X, saying that it did not belong to him.

In the light of the Indian Contract Act, 1872, can X recover it from the Manager?

(4 Marks)

LTC

SEAL

(2)

LTC

- (b) Mr. Anil formed a One Person Company (OPC) on 16th April, 2018 for manufacturing electric cars. The turnover of the OPC for the financial year ended 31st March, 2019 was about Rs. 2.25 Crores. His friend Sunil wanted to invest in his OPC, so they decided to convert it voluntarily into a private limited company. Can Anil do so?

(4 Marks)

- (c) State the various essential elements involved in the sale of unascertained goods and its appropriation as per the Sale of Goods Act 1930.

(4 Marks)

2. (a) Define consideration. What are the legal rules regarding consideration under the Indian Contract Act, 1872?

(7 Marks)

- (b) Discuss the conditions under which LLP will be liable and not liable for the acts of the partner.

(5 Marks)

3. (a) (i) When the continuing guarantee can be revoked under the Indian Partnership Act, 1932?

(2 Marks)

OR

- (ii) What do you mean by Goodwill as per the provisions of Indian Partnership Act, 1932?

(2 Marks)

- (b) With reference to the provisions of Indian partnership Act, 1932 explain the various effects of insolvency of a partner.

(4 Marks)

- (c) Mr. Sonumal a wealthy individual provided a loan of Rs. 80,000 to Mr. Datumal on 26.02.2019. The borrower Mr. Datumal asked for a further loan of Rs. 1,50,000. Mr. Sonumal agreed but provided the loan in parts at different dates. He provided Rs. 1,00,000 on 28.02.2019 and remaining Rs. 50,000 on 03.03.2019.

On 10.03.2019 Mr. Datumal while paying off part Rs. 75,000 to Mr. Sonumal insisted that the lender should adjusted Rs. 50,000 towards the loan taken on 03.03.2019 and balance as against the loan on 26.02.2019.

LTC

(3)

LTC

Mr. Sonumal objected to this arrangement and asked the borrower to adjust in the order of data of borrowal of funds.

Now you decide:

- (i) Whether the contention of Mr. Datumal correct or otherwise as per the provisions of the Indian Contract Act 1872?
- (ii) What would be the answer in case the borrower does not insist on such order of adjustment of repayment?
- (iii) What would the mode of adjustment/appropriation of such part payment in case neither Mr. Sonumal nor Mr. Datumal insist any order of adjustment on their part?
(6 Marks)

4. (a) What are the rights of an unpaid seller against goods under the Sale of Goods Act, 1930?
(6 Marks)
- (b) Master X was introduced to the benefits of partnership of M/s ABC & Co. with the consent of all partners. After attaining majority, more than six months elapsed and he failed to give a public notice as to whether he elected to become or not to become a partner in the firm. Later on, Mr. L, a supplier of material to M/s ABC & Co., filed a suit against M/s ABC & Co. for recovery of the debt due.

In the light of the Indian Partnership Act, 1932, explain:

- (i) To what extent X will be liable if he failed to give public notice after attaining majority?
 - (ii) Can Mr. L recover his debt from X?
(6 Marks)
5. (a) Mrs. Geeta went to the local rice and wheat wholesale shop and asked for 100 kgs of Basmati rice. The Shopkeeper quoted the price of the same as Rs. 125 per kg to which she agreed. Mrs. Geeta insisted that she would like to see the sample of what will be provided to her by the shopkeeper before she agreed upon such purchase.

The shopkeeper showed her a bowl of rice as sample. The sample exactly corresponded to the entire lot.

LTC

P.T.O.

(4)

LTC

The buyer examined the sample casually without noticing the fact that even though the sample was that of Basmati Rice but it contained a mix of long and short grains.

The cook on opening the bags complained that the dish if prepared with the rice would not taste the same as the quality of rice was not as per requirement of the dish.

Now Mrs. Geeta wants to file a suit of fraud against the seller alleging him of selling mix of good and cheap quality rice. Will she be successful?

Explain the basic law on sale by sample under Sale of Goods Act 1930?

Decide the fate of the case and options open to the buyer for grievance redressal as per the provisions of Sale of Goods Act 1930?

What would be your answer in case Mrs. Geeta specified her exact requirement as to length of rice? (6 Marks)

(b) "The Memorandum of Association is a charter of a company". Discuss. Also explain in brief the contents of Memorandum of Association. (6 Marks)

6. (a) Explain the term 'Coercion' and what are the effects of coercion under Indian Contract Act, 1872. (5 Marks)

(b) "Dissolution of a firm is different from dissolution of Partnership". Discuss. (4 Marks)

(c) A, an assessee, had large income in the form of dividend and interest. In order to reduce his tax liability, he formed four private limited company and transferred his investments to them in exchange of their shares. The income earned by the companies was taken back by him as pretended loan. Can A be regarded as separate from the private limited company he formed? (3 Marks)

LTC

(5)

LTC

SECTION B — (40 Marks)

Question No.7 is compulsory.

Answer any **THREE** questions from the remaining **FOUR** questions.

7. (a) Read the passage carefully and answer the questions given below :

Being the daughter of a physics professor, Marie who was born in 1867 in Warsaw, Poland, was greatly influenced by the wonders of Science and technology. Since an early age, she displayed a blithe personality. Her fascination for learning prompted her to continue with her studies even after school. She become disgruntled, however, when she learned that the university in Warsaw was closed for women. Determined to complete higher education, she defiantly left Poland and in 1891 entered the Sorbonne, a French university, where she completed her doctorate in physics.

Marie met Pierre Curie at the Sorbonne along with some of the other greatest scientists of her day. Marie and Pierre were married in 1895 and spent many productive years working together in the physics laboratory. A short time after they discovered radium, Pierre was killed by a horse-drawn wagon in 1906. For Marie it was an horrible misfortune and heartbreaking event. Despondently she recalled their close relationship and the joy that they had shared in scientific research. The fact that she had two young daughters to raise by herself greatly increased her distress.

Curie's feeling of desolation finally began to fade when she was asked to succeed her husband as a physics professor at the Sorbonne. She was the first woman to be given a professorship at the world-famous university. In 1911 she received the Nobel Prize in physics for isolating radium. Although Marie Curie eventually suffered a fatal illness from her long exposure to radium, she never became disillusioned about her work. Regardless of the consequences, she had dedicated herself to science and to revealing the mysteries of the physical world.

- (i) What did Marie did not like about the Warsaw University? (1 Mark)
- (ii) What was first step that Marie took towards her becoming a scientist? (1 Mark)
- (iii) How did Marie deal with the desolation caused by her husband's death? (1 Mark)
- (iv) Write a Summary of the above Passage. (2 Marks)

LTC

P.T.O.

(6)

LTC

(b) Read the Passage :

(i) Make Notes, using Headings, Subheadings and abbreviations whenever necessary. (3 Marks)

(ii) Write summary (2 Marks)

People do not always do the things we want them to do. No matter how reasonable or minimal our expectations may be, there are times when we are let down. Naturally, we feel upset and hurt when our expectations are not met. We dread confrontations because they are unpleasant and can damage relationships.

Yet not confronting a person does not solve the problem because unresolved issues also affect relationships in an adverse way. Actually, the real problem lies in our style of confrontation, not in the issue.

Typically, we use character-based confrontations. They help in venting our anger and hurt, but that is the only thing they do. They lead to angry show-downs and bring all discussions to a grinding halt. It is important to remember that self-image is the most important possession of all human beings.

It is the way we view and regard ourselves in our own eyes and in the eyes of others. As self-conscious beings, we are actually aware of our image and constantly work towards protecting it from any damage.

We also seek approval from others about our own self-image. We feel distraught if we sense that there is even a slight threat to our self image, because our character is the essence of our lives. To ensure a rational dialogue over dashed expectations, we need to deploy issued based confrontations. They involve an explanation of which actions have bothered us, in what manner and what changes we would like from the other person.

LTC

(7)

LTC

8. (a) Discuss the process of communication.

(2 Marks)

(b) (i) Choose the word which best expresses the meaning of the given word :

(1 Mark)

Abundant

(1) Plentiful

(2) Sufficient

(3) Enough

(4) Many

(ii) Select a suitable antonym for the word given under:

(1 Mark)

Adumbrate

(1) Elaborate

(2) Summarize

(3) Angry

(4) Happy

(iii) Change the following sentence to indirect speech:

Reena said, "Nobody can solve the problem on the earth".

(1 Mark)

LTC

P.T.O.

(8)

LTC

- (c) Write a Précis and give appropriate title to the passage given below:

DNA degrades quickly after an animal dies, so researchers once believed it impossible to find ancient genetic material. The search for primeval vestiges of DNA took off in the late 1980s after the development of a technique called polymerase chain reaction (PCR), which copies minute quantities of DNA. Armed with PCR, scientists could look for tiny fragments of DNA that might have weathered the millennia unharmed.

In recent years, researchers have isolated DNA from 20-million-year-old magnolia leaves and extracted DNA from a 135-million-year-old weevil found in amber. Recently, a team extracts DNA from bone dating back millions of years for the first time. In the frenzied hunt for ancient DNA, microbiologist Scott R. Woodward may have bagged the biggest quarry. Drawing on lessons learned while growing up among the fossil-rich rocks of eastern Utah, Woodward and his team became the first people to find genetic material belonging to a dinosaur.

Woodward, whose grandfather was a coal miner, knew that mines in the area often contained dinosaur traces. After six months of looking Woodward pulled two bone fragments from a Cretaceous siltstone layer directly atop a coal seam. Impeded by an unstable mine roof, Woodward's team could not recover any more bone samples. The siltstone apparently inhibited fossilization and preserved much of the original cell structure in the bone. Researchers isolated strands of DNA from both fragments and used PCR to copy a segment that codes for a protein called cytochrome b. Once they had made many copies, they could determine the DNA sequence.

Throughout their work, the biologists took precautions to avoid contaminating the samples with modern DNA or ancient material found within the coal. According to Woodward, circumstantial evidence indicates that the bone fragments belong to one or two species of dinosaurs. Dinosaur tracks are abundant in this coal formation, and the bones visible in the mine were larger than those of a crocodile – the biggest non-dinosaur known in these rocks.

(5 Marks)

LTC

(9)

LTC

9. (a) (i) Discuss the term "Visual Communication" in communication. (2 Marks)

OR

- (ii) What do you mean by an "Attitude Barrier"? (2 Marks)

- (b) (i) Choose the word which best expresses the meaning of the given word: (1 Mark)

Relevant

- (1) Related
- (2) Important
- (3) Pertinent
- (4) Common

- (ii) Choose the word which best expresses the meaning of the given word: (1 Mark)

Unabashed

- (1) Not fast
- (2) Not Finding
- (3) Not Embarrassed
- (4) Not Angry

- (iii) Change the following sentence to indirect speech: (1 Mark)

He said, "Will you all come for the meeting?"

- (c) Draft Newspaper Report on "Flood situation grim in southern, western states" to be published in a National newspaper. (5 Marks)

LTC

P.T.O.

(10)

LTC

10. (a) Explain how emotional awareness and control helps in communication? (2 Marks)
- (b) (i) Change the sentence from Active to Passive Voice. (1 Mark)
The audience loudly cheered the Prime Minister's speech.
- (ii) Change the sentence from Passive to Active Voice (1 Mark)
The Bird was killed by a cruel boy.
- (iii) Change the following sentence to indirect speech. (1 Mark)
He said, "My Mother is writing letters".
- (c) Write an article of about 250 words on the topic, "The importance of water conservation" (5 Marks)
11. (a) Define the areas where chain network of communication is found in an organization. (2 Marks)
- (b) Select the correct meaning of Idioms/Phrases given below:
- (i) Takes Two to Tango (1 Mark)
(1) Two people are required for dancing
(2) Two people are required for creating mischief.
(3) Two people required to clean floor.
(4) Two people required to help others.
- (ii) Storm in a teacup (1 Mark)
(1) Crave for something
(2) Least importance
(3) Emergency situation
(4) Make a big issue out of a small thing.

LTC

(11)

LTC

(iii) Change the sentence into Active Voice: (1 Mark)
They will be given a ticket for over speeding by the police inspector.

(iv) Choose the word which best expresses the meaning of the given word. (1 Mark)

Myriad

(1) Dramatic

(2) To Fetch

(3) Many

(4) Confusion

(c) Write a letter to a bank requesting them to stop payment of a cheque which has been reported lost. (4 Marks)

LTC

P.T.O.

Roll No.

Total No. of Questions – 11

Total No. of Printed Pages – 16

Time Allowed – 3 Hours

Maximum Marks – 100

HYB-H

Questions in Section–A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answer in Hindi, will not be evaluated.

Questions in Section – B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.

Answer to both the Sections are to be written in the same answer book.

SECTION-A

Marks : 60

Question No. 1 is compulsory.

Answer any **four** questions from the remaining **five** questions.

Marks

1. (a) Mr. X a businessman has been fighting a long drawn litigation with Mr. Y an industrialist. To support his legal campaign he enlists the services of Mr. C a Judicial officer stating that the amount of ₹ 10 lakhs would be paid to him if he does not take up the brief of Mr. Y. Mr. C agrees but, at the end of the litigation Mr. X refuses to pay to Mr. C. Decide whether Mr. C can recover the amount promised by Mr. X under the provisions of the Indian Contract Act, 1872 ?

HYB-H

P.T.O.

HYB-H**Marks**

- (b) ABC Limited has allotted equity shares with voting rights to XYZ Limited worth ₹ 15 Crores and issued Non-Convertible Debentures worth ₹ 40 Crores during the Financial Year 2019-20. After that total Paid-up Equity Share Capital of the company is ₹ 100 Crores and Non-Convertible Debentures Stands at ₹ 120 Crores.

Define the Meaning of Associate Company and comment on whether ABC Limited and XYZ Limited would be called Associate Company as per the provisions of the Companies Act, 2013 ?

- (c) Write any four exceptions to the doctrine of Caveat Emptor as per The Sale of Goods Act, 1930.

2. (a) Define Misrepresentation and Fraud. Explain the difference between Fraud and Misrepresentation as per the Indian Contract Act, 1872.

- (b) State the circumstances under which LLP may be wound up by the Tribunal under the Limited Liability Partnership Act, 2008.

3. (a) (i) What do you mean by 'Partnership at will' as per the Indian Partnership Act, 1932 ?

OR

- (ii) Comment on 'the right to expel partner must be exercised in good faith' under the Indian Partnership Act, 1932.

HYB-H

(3)

HYB-H

Marks

(b) Referring to the Provisions of the Indian Partnership Act, 1932, **4**
answer the following :

- (i) What are the consequences of Non-Registration of Partnership firm ?
- (ii) What are the rights which won't be affected by Non-Registration of Partnership firm ?

(c) In light of provisions of the Indian Contract Act, 1872 answer the **6**
following :

- (i) Mr. S and Mr. R made contract wherein Mr. S agreed to deliver paper cup manufacture machine to Mr. R and to receive payment on delivery. On the delivery date, Mr. R didn't pay the agreed price. Decide whether Mr. S is bound to fulfil his promise at the time of delivery ?
- (ii) Mr. Y given loan to Mr. G of INR 30,00,000. Mr. G defaulted the loan on due date and debt became time barred. After the time barred debt, Mr. G agreed to settle the full amount to Mr. Y. Whether acceptance of time barred debt Contract is enforceable in law ?
- (iii) A & B entered into a contract to supply unique item, alternate of which is not available in the market. A refused to supply the agreed unique item to B. What directions could be given by the court for breach of such contract ?

HYB-H

P.T.O.

(4)

HYB-H

Marks

4. (a) Explain any six circumstances in detail in which non-owner can convey better title to Bona fide purchaser of goods for value as per The Sale of Goods Act, 1930. **6**
- (b) P, Q, R and S are the partners in M/S PQRS & Co., a partnership firm which deals in trading of Washing Machines of various brands. **6**

Due to the conflict of views between partners, P & Q decided to leave the partnership firm and started competitive business on 31st July, 2019, in the name of M/S PQ & Co. Meanwhile, R & S have continued using the property in the name of M/S PQRS & Co. in which P & Q also has a share.

Based on the above facts, explain in detail the rights of outgoing partners as per the Indian Partnership Act, 1932 and comment on the following :

- (i) Rights of P & Q to start a competitive business.
- (ii) Rights of P & Q regarding their share in property of M/S PQRS & Co.

5. (a) Ms. R owns a Two Wheeler which she handed over to her friend Ms. K on sale or return basis. Even after a week Ms. K neither returned the vehicle nor made payment for it. She instead pledged the vehicle to Mr. A to obtain a loan. Ms. R now wants to claim the Two Wheeler from Mr. A. Will she succeed ? **6**

HYB-H

(5)

HYB-H

Marks

(i) Examine with reference to the provisions of the Sale of Goods Act, 1930, what recourse is available to Ms. R ?

(ii) Would your answer be different if it had been expressly provided that the vehicle would remain the property of Ms. R until the price has been paid ?

(b) What are the significant points of Section 8 Company which are not applicable for other companies ? Briefly explain with reference to provisions of the Companies Act, 2013. **6**

6. (a) Enumerate the differences between 'Wagering Agreements' and 'Contract of Insurance' with reference to provision of the Indian Contract Act, 1872. **5**

(b) Explain in detail the circumstances which lead to liability of firm for misapplication by partners as per provisions of the Indian Partnership Act, 1932. **4**

(c) Mike Limited company incorporated in India having Liaison office at Singapore. Explain in detail meaning of Foreign Company and analysis, on whether Mike Limited would be called as Foreign Company as it established a Liaison office at Singapore as per the provisions of the Companies Act, 2013 ? **3**

HYB-H

P.T.O.

(6)

HYB-H

(Hindi Version)

उन परीक्षार्थियों को छोड़कर जिन्होंने हिन्दी माध्यम चुना है, भाग-अ में प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं।

वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।

सभी परीक्षार्थियों द्वारा भाग-ब के प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं, उन परीक्षार्थियों द्वारा भी जिन्होंने हिन्दी माध्यम का चयन किया है।

दोनों भागों के उत्तर एक ही उत्तर-पुस्तिका में लिखने हैं।

भाग-अ

Marks : 60

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

Marks

1. (a) X एक व्यवसायी है जो एक उद्योगपति Y के साथ लम्बी खींची मुकदमेबाजी में मुकदमा लड़ रहा है। अपने कानूनी अभियान का समर्थन पाने के लिए उसने C, एक न्यायिक अधिकारी की सेवाओं को सूचीबद्ध किया कि वह C को ₹ 10 लाख देगा यदि C, Y का पक्ष नहीं लेता है। 4

C इसके लिए सहमत हो गया परन्तु मुकदमेबाजी के अंत में X ने C को धन देने से मना कर दिया। निर्णय लें कि भारतीय अनुबन्ध अधिनियम, 1872 के प्रावधानों के अंतर्गत क्या C, X से यह राशि वसूल कर सकता है ?

- (b) ABC लि. ने ₹ 15 करोड़ मूल्य के मताधिकार वाले समता अंश तथा ₹ 40 करोड़ मूल्य के अपरिवर्तनशील ऋणपत्र वित्तीय वर्ष 2019-20 के दौरान XYZ लि. को निर्गमित किए। इसके पश्चात् कम्पनी की प्रदत्त पूँजी ₹ 100 करोड़ तथा अपरिवर्तनशील ऋणपत्रों का मूल्य ₹ 120 करोड़ हो गया। 4

HYB-H

(7)

HYB-H

Marks

सहायक कम्पनी का अर्थ परिभाषित करें और टिप्पणी करें कि क्या ABC लि. और XYZ लि. को भारतीय कम्पनी अधिनियम, 2013 के अनुसार सहायक कम्पनी कहा जाएगा ?

- (c) वस्तु विक्रय अधिनियम, 1930 के अनुसार “क्रेता सावधान रहे” के सिद्धांत के कोई चार अपवाद लिखें । 4
2. (a) मिथ्यावर्णन तथा कपट को परिभाषित करें । भारतीय अनुबन्ध अधिनियम, 1872 के अनुसार कपट तथा मिथ्यावर्णन के अंतरों की विवेचना करें । 7
- (b) सीमित दायित्व साझेदारी अधिनियम, 2008 के अन्तर्गत ट्रिब्यूनल के द्वारा किन परिस्थितियों में सीमित दायित्व साझेदारी का समापन किया जा सकता है । 5
3. (a) (i) भारतीय साझेदारी अधिनियम, 1932 के अनुसार स्वैच्छिक साझेदारी से आप क्या समझते हैं ? 2

अथवा

- (ii) “साझेदार को निष्काषित करने के अधिकार का प्रयोग सद्भाव में होना चाहिए” भारतीय साझेदारी अधिनियम, 1932 के अन्तर्गत उपरोक्त कथन पर टिप्पणी करें ।
- (b) भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के संदर्भ में निम्नलिखित का उत्तर दे : 4
- (i) साझेदारी फर्म के द्वारा पंजीकरण न कराने के क्या परिणाम होंगे ?
- (ii) पंजीकरण न कराने की दशा में साझेदारी फर्म के कौन से अधिकार प्रभावित नहीं होंगे ?
- (c) भारतीय अनुबन्ध अधिनियम, 1872 के प्रावधानों के संदर्भ में निम्न का उत्तर दे : 6
- (i) S और R के मध्य अनुबन्ध हुआ कि S पेपर कप बनाने वाली मशीन की संपूर्ण R को देगा और संपूर्ण के समय ही भुगतान लेगा । संपूर्ण की तिथि पर R ने देय राशि का भुगतान नहीं किया । निर्णय कीजिए कि क्या S संपूर्ण के समय अपने वचन को निभाने के लिए बाध्य है ?

HYB-H

P.T.O.

(ii) Y ने G को ₹ 30,00,000 का ऋण दिया। G देय तिथि पर ऋण का भुगतान नहीं कर पाया और ऋण समय बाधित हो गया। ऋण समय बाधित होने के बाद G, Y के साथ पूरी राशि निपटाने के लिए सहमत हो गया। क्या समय बाधित ऋण अनुबन्ध की स्वीकृति कानून के अन्तर्गत प्रवर्तनीय है ?

(iii) A तथा B ने अद्वितीय वस्तुओं की आपूर्ति का अनुबन्ध किया, ऐसी वस्तुएँ जिनका बाजार में कोई विकल्प न हो। A ने B को निश्चित अद्वितीय वस्तुओं की आपूर्ति करने से मना कर दिया। ऐसे अनुबन्ध के खण्डित होने की दशा में न्यायालय द्वारा क्या निर्देश दिए जा सकते हैं ?

4. (a) वस्तु बिक्री अधिनियम, 1930 के अनुसार किन्हीं छः परिस्थितियों का विस्तारपूर्वक वर्णन करें जिनमें गैर-स्वामी वास्तविक क्रेता को मूल्य के बदले वस्तुओं का अच्छा स्वामित्व प्रदान कर सकता है। 6
- (b) M/S PQRS & Co, एक साझेदारी फर्म में P, Q, R, S साझेदार हैं जो कि कपड़े धोने वाली मशीन के विभिन्न ब्राण्डों में व्यापार करती है। 6

साझेदारों के मध्य विवाद उत्पन्न होने के कारण, P और Q ने साझेदारी फर्म को छोड़ने का निर्णय लिया और 31 जुलाई, 2019 को प्रतियोगी व्यापार प्रारम्भ किया जिसका नाम M/S PQ & Co. रखा। इसी दौरान R और S ने सम्पत्ति का प्रयोग करते हुए M/S PQRS & Co. के नाम से व्यवसाय जारी रखा जिसमें P और Q का भी हिस्सा था।

उपरोक्त कथनों के आधार पर, भारतीय साझेदारी अधिनियम, 1932 के अनुसार छोड़कर जाने वाले साझेदारों के पास क्या अधिकार हैं और निम्नलिखित पर टिप्पणी करें :

- (i) P और Q के प्रतियोगी व्यापार करने के अधिकार
- (ii) P और Q के M/S PQRS & Co. की सम्पत्तियों में हिस्से का अधिकार

(9)

HYB-H

Marks

5. (a) R जो कि दो पहिया वाहन की मालकिन है, उसने अपनी मित्र K को विक्रय या वापसी के आधार पर वाहन सौंपा। एक सप्ताह बीतने के बाद भी K ने न तो वाहन वापिस किया और न ही उसका भुगतान किया। इसके बजाए उसने ऋण प्राप्त करने के लिए वाहन को A के पास गिरवी रख दिया। अब R, A से दो पहिया वाहन वसूल करना चाहती है। क्या वह सफल होगी ?
- (i) वस्तु बिक्री अधिनियम, 1930 के प्रावधानों के संदर्भ में R के पास उपलब्ध विकल्पों का निरीक्षण करें।
- (ii) क्या आपका उत्तर भिन्न होगा यदि यह स्पष्ट किया गया होता कि वाहन R की ही सम्पत्ति रहेगी जब तक कीमत का भुगतान नहीं किया जाता ?
- (b) धारा 8 के अन्तर्गत स्थापित कम्पनियों के क्या महत्वपूर्ण बिन्दु हैं जो कि दूसरी कम्पनियों पर लागू नहीं होते ? कम्पनी अधिनियम, 2013 के प्रावधानों के अनुसार संक्षेप में बताएँ।
6. (a) भारतीय अनुबन्ध अधिनियम, 1872 के प्रावधानों के अनुसार बाजी के ठहराव और बीमा अनुबन्ध के अंतर स्पष्ट करें।
- (b) भारतीय साझेदारी अधिनियम, 1932 के अनुसार साझेदार द्वारा किए गए गबन के लिए फर्म के दायित्वों का विस्तारपूर्वक वर्णन करें।
- (c) Mike लि. कम्पनी जो कि भारत में सम्मिलित हुई है, उसका सम्पर्क कार्यालय सिंगापुर में है। कम्पनी अधिनियम, 2013 के प्रावधानों के अनुसार एक विदेशी कम्पनी का अर्थ बताएँ और विश्लेषण करें कि क्या Mike लि. को एक विदेशी कम्पनी कहा जा सकता है क्योंकि उसका सम्पर्क कार्यालय सिंगापुर में स्थापित है ?

HYB-H

P.T.O.

(10)

HYB-H

Marks

SECTION-B

Marks : 40

Question No. 7 is compulsory.

Answer any **three** questions from the remaining **four** questions.

7. (a) Mr. Ramesh, the HR Head of ABC Insurance Co. Ltd., who is having charge of training and development also, during his twelve years with the Company. He had the experience of training and developing numerous employees, only to see many of them leave the firm after getting their advanced degrees. The Company has a Policy of reimbursement of 90% of the cost incurred on tuition fee, books etc. for acquiring such qualifications. Only those employees who have taken prior permission of HR before enrolment in such program/degree and completed three years of service are eligible for seeking the reimbursement. A proof of its popularity was that most of the junior and middle level managers had availed this facility to advance their qualifications.

Mr. Kumar, a Sales Executive, who had joined the Company just three years ago had also availed the aforesaid facility for pursuing a course in Business Management and had recently completed his master's degree in business management and submitted the same to the Company for seeking reimbursement and recording additional qualifications acquired in official records.

Mr. Ramesh congratulated him and added the additional qualifications acquired by him in the Company records and assured him to consider him for higher position keeping in view his qualifications in near future and of course subject to availability of vacancy as per the approved Organisation Chart. Further Mr. Ramesh allowed reimbursement of 90% of the cost incurred as per the Policy. Mr. Kumar on his achievement when he came to see and thank HR

HYB-H

(11)

HYB-H

Marks

Head, but was strongly taken aback when he expressed his intention to leave the Company in favour of a competitor because he did not see any future for himself in ABC Insurance Co. Ltd. Head HR was annoyed as this had happened so many times in the past. He immediately rushed to see the Marketing Director to seek support for reviewing and discontinuing the Policy of educational reimbursement with immediate effect or to put a condition that all those employees who acquired such qualifications and reimbursed 90% of the expenses shall at least serve the Company for a minimum of 3 years after seeking such reimbursement.

- | | |
|--|---|
| (i) What could be the possible reasons behind employees quitting the Company after acquiring higher qualifications ? | 2 |
| (ii) Is there any need to amend or abandon the Policy of educational reimbursement ? | 1 |
| (iii) What measures do you suggest for overcoming high employee attrition problem ? | 2 |

(b) Read the Passage :

- | | |
|---|---|
| (i) Make Notes, using Headings, Subheadings and abbreviations whenever necessary. | 3 |
| (ii) Write Summary | 2 |

Recycling is simply the process of reusing the items from which utility can still be derived. It is important to recycle waste so that we can at least conserve some of our natural resources for the generations to come. Many products such as paper, cardboards, and cups come from trees. In fact trees are our natural assets; you can conserve trees by recycling the paper products as by doing so we can minimize the number of trees cut down a year. This is one form of waste recycling.

HYB-H

P.T.O.

Recycling waste will not only save our natural resources but will also help save energy. By simply recycling an item or making a basic fix to it, we can save all the energy that would have been consumed in the process of making it. The same example can be taken with plastic items. A large amount of energy can be saved by simply reusing the plastic items. To recycle waste is to simply reduce pollution. By recycling plastic material, we can reduce air pollution as well as water pollution. Plastic factories produce a large amount of smoke while producing plastic material at the same time; if we don't have a proper waste disposal system then those waste emissions will cause water pollution. Recycling helps reduce pollution too.

In simple words, recycling waste is essential for both the natural environment and humans. To sum up, recycling minimizes the need for raw materials so that the rainforests can be preserved. Great amounts of energy are used when making products from raw materials. Recycling requires much less energy and therefore helps to preserve natural resources. One needs to know the importance of recycling; at the same time being earth friendly can help make our planet a better place to live in.

8. (a) Body language speaks the truth while speaker may play with words to hide the truth, comment ? 2
- (b) (i) Choose the word which best expresses the meaning of the given word : 1
- SCINTILLATING
- (1) Smouldering
 - (2) Glittering
 - (3) Touching
 - (4) Warming

(13)

HYB-H

Marks

(ii) Select a suitable antonym for the word given under :

1

Fidelity

(1) Commitment

(2) Inconstancy

(3) Ambitious

(4) Devotion

(iii) Change the following sentence to indirect speech :

1

Varun Said, "Every Kid should learn coding".

(c) Write a précis and give an appropriate title to the passage given below :

5

These days, it is not unusual to see people listening to music or using their electronic gadgets while crossing busy roads or travelling on public transport, regardless of the risks involved. I have often wondered why they take such risks, is it because they want a sense of independence, or is it that they want to tell everybody to stop bothering them ? Or is it that they just want to show how cool they are? Whether it is a workman or an executive, earphones have become an inseparable part of our lives, sometimes even leading to tragicomic situations.

The other day, an electrician had come to our home to repair iron. We told him in detail what the fault was and needed to be done. But after he left, I found that the man had done almost nothing and iron was not working even after repair. It later turned out that he could not hear our directions clearly because he had an earphone on. Many of such earphones addicts commute by the Metro every day. While one should not be grudge anyone their moments of privacy or their love for music, the fact is 'iPod oblivion' can sometimes be very dangerous.

HYB-H

P.T.O.

Recently, I was travelling with my wife on the Metro. Since the train was approaching the last station, there weren't too many passengers. In our compartment, other than us, there were only two women sitting on the other side of the aisle. And then suddenly, I spotted a duffel bag. The bomb scare lasted for several minutes. Then suddenly, a youth emerged from nowhere and picked up the bag. When we tried to stop him, he looked at us, surprised. Then he took off his earpieces, lifted the bag, and told us that the bag belonged to him and that he was going to get off at the next station.

We were stunned but recovered in time to ask him where he was all this while. His answer was that in the compartment, leaning against the door totally involved in the music. He had no clue about what was going on around him. When he got off, earplugs in his hand, we could hear strains of the song.

9. (a) What is formal communication, explain. 2

OR

Encoding the matter is an important element of communication, comments ? 2

- (b) (i) Choose the word which best expresses the meaning of the given word : 1

Concise

- (1) Brief
- (2) Better
- (3) Important
- (4) Interesting

(15)

HYB-H

Marks

- (ii) Choose the word which best expresses the meaning of the given word : **1**
Cryptic
(1) Pertinent
(2) Common
(3) Mysterious
(4) Loyalty
- (iii) Change the following sentence to indirect speech : **1**
“Do you suppose you know better than your own father ?” jeered his angry mother.
- (c) Draft Newspaper Report on “Project to interconnect rivers in India” to be published in a national newspaper. **5**
10. (a) Explain how listening for Understanding helps in communication. **2**
- (b) (i) Change the sentence from Active to Passive Voice. **1**
Question – The crew cleaned the entire stretch of highway.
- (ii) Change the sentence from Passive to Active Voice. **1**
Question – The house was remodelled by the homeowners to help it sell.
- (iii) Change the following sentence to indirect speech. **1**
Question – Socrates said, “Virtue is its own reward.”
- (c) Write an article of about 250 words on the topic, “The Pros and cons of online education in India”. **5**

HYB-H

P.T.O.

(16)

HYB-H

Marks

11. (a) Explain Wheel & Spoke network in communication. **2**

(b) Select the correct meaning of Idioms/Phrases given below :

(i) To be a mastermind **1**

- (1) To be a pioneer
- (2) To be an entrepreneur
- (3) To be an amateur
- (4) To be a villain

(ii) At wit's end **1**

- (1) Impoverished
- (2) Drained
- (3) Completed
- (4) Perplexed

(iii) Change the sentence into Passive voice : **1**

Question – Will you tell me a story ?

(iv) Choose the word which best expresses the meaning of the given word : **1**

COMBAT

- (1) Conflict
- (2) Quarrel
- (3) Feud
- (4) Fight

(c) Write a letter to an applicant informing him about the postponement of his interview date. **4**

HYB-H

Roll No.

Total No. of Questions – 11

Total No. of Printed Pages – 16

Time Allowed – 3 Hours

Maximum Marks – 100

ZPF-H

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. Questions in Section A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi, will not be evaluated.
2. Questions in Section B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.
3. Answers to both the Sections are to be written in the same answer book.

SECTION –A (60 Marks)

Question No. 1 is compulsory.

Answer any **four** questions from the remaining **five** questions.

Marks

1. (a) Mr. S aged 58 years was employed in a Govt. Department. He was going to retire after two years. Mr. D made a proposal to Mr. S to apply for voluntary retirement from his post so that Mr. D can be appointed in his place. Mr. D offered a sum of ₹ 10 Lakhs as consideration to Mr. S in order to induce him to retire.

4

Mr. S refused at first instance but when he evaluated the amount offered as consideration is just double of his cumulative remuneration to be received during the tenure of two years of employment, he agreed to receive the consideration and accepted the above agreement to receive money to retire from his office.

Whether the above agreement is valid ? Explain with reference to provision of Indian Contract Act, 1872.

ZPF-H

P.T.O.

(2)
ZPF-H

Marks

- (b) ABC Limited was registered as a public company. There were 245 members in the company. Their details are as follows : **4**

Directors and their relatives 190

Employees 15

Ex - employees
(shares were allotted when they were employees) 20

Others 20

(Including 10 joint holders holding shares jointly in the name of father and son)

The Board of directors of the company propose to convert it into a private company. Advice whether reduction in the number of members is necessary for conversion.

- (c) What are the rules which regulate the Sale by Auction under the Sale of Goods Act, 1930 ? **4**

2. (a) Define the term acceptance under the Indian Contract Act, 1872. Explain the legal rules regarding a valid acceptance. **7**

- (b) State the circumstances under which a LLP and its partners may face unlimited liability under the Limited Liability Partnership Act, 2008. **5**

3. (a) (i) What do you mean by "Particular Partnership" under the Indian Partnership Act, 1932 ? **2**

OR

- (ii) Who is a nominal partner under the Indian Partnership Act, 1932 ? What are his liabilities ? **2**

- (b) "Business carried on by all or any of them acting for all." Discuss the statement under the Indian Partnership Act, 1932. **4**

ZPF-H

(3)

ZPF-H

Marks

- (c) Mr. B makes a proposal to Mr. S by post to sell his house for ₹ 10 lakhs and posted the letter on 10th April 2020 and the letter reaches to Mr. S on 12th April 2020. He reads the letter on 13th April 2020. Mr. S sends his letter of acceptance on 16th April 2020 and the letter reaches Mr. B on 20th April 2020. On 17th April Mr. S changed his mind and sends a telegram withdrawing his acceptance. Telegram reaches to Mr. B on 19th April 2020.

Examine with reference to the Indian Contract Act, 1872 :

- (i) On which date, the offer made by Mr. B will complete ?
- (ii) Discuss the validity of acceptance.
- (iii) What would be validity of acceptance if letter of revocation and letter of acceptance reached together ?

4. (a) What are the differences between a 'Condition' and 'Warranty' in a contract of sale ? Also explain, when shall a 'breach of condition' be treated as 'breach of warranty' under provisions of the Sale of Goods Act, 1930 ?

- (b) M, N and P were partners in a firm. The firm ordered JR Limited to supply the furniture. P dies, and M and N continues the business in the firm's name. The firm did not give any notice about P's death to the public or the persons dealing with the firm. The furniture was delivered to the firm after P's death, fact about his death was known to them at the time of delivery. Afterwards the firm became insolvent and failed to pay the price of furniture to JR Limited.

Explain with reasons :

- (i) Whether P's private estate is liable for the price of furniture purchased by the firm ?
- (ii) Whether does it make any difference if JR Limited supplied the furniture to the firm believing that all the three partners are alive ?

ZPF-H

P.T.O.

(4)

ZPF-H

Marks

5. (a) Mr. T was a retail trader of fans of various kinds. Mr. M came to his shop and asked for an exhaust fan for kitchen. Mr. T showed him different brands and Mr. M approved of a particular brand and paid for it. Fan was delivered at Mr. M's house; at the time of opening the packet he found that it was a table fan. He informed Mr. T about the delivery of the wrong fan. Mr. T refused to exchange the same, saying that the contract was complete after the delivery of the fan and payment of price. **6**
- (i) Discuss whether Mr. T is right in refusing to exchange as per provisions of Sale of Goods Act, 1930 ?
- (ii) What is the remedy available to Mr. M ?
- (b) Explain Doctrine of 'Indoor Management' under the Companies Act, 2013. Also state the circumstances where the outsider cannot claim relief on the ground of 'Indoor Management'. **6**
6. (a) The general rule is that an agreement without consideration is void. Discuss the cases where the agreement though made without consideration will be valid and enforceable as per Indian Contract Act, 1872. **5**
- (b) Discuss the liability of a partner for the act of the firm and liability of firm for act of a partner to third parties as per Indian Partnership Act, 1932. **4**
- (c) SK Infrastructure Limited has a paid-up share capital divided into **3**
6,00,000 equity shares of INR 100 each. 2,00,000 equity shares of the company are held by Central Government and 1,20,000 equity shares are held by Government of Maharashtra. Explain with reference to relevant provisions of the Companies Act, 2013, whether SK Infrastructure Limited can be treated as Government Company.

ZPF-H

(5)

ZPF-H

Marks

SECTION B – (40 Marks)

Question No.7 is compulsory.

Answer any **THREE** questions from the remaining **FOUR** questions.

All candidates (including those who have opted for Hindi Medium) are required to answer the questions in Section – **B**, in English only.

7. (a) Read the passage carefully and answer the questions given below :

Success of any organization depends on offering quality products at competitive prices. All over the world, it is being realized that quality control be ensured through inspection and test alone. Every department and individual has a contribution to make in the achievement of quality. Quality product at competitive prices is the most significant factor in determining the long - run success of any organization. High quality of products can give a competitive edge to an organization. On the other hand, good quality generates satisfied customers who reward the organization with continued patronage and favourable word of mouth advertising.

Growth in consumer quality awareness has put a greater strain on businesses. Consumer demand and dynamic technological changes have opened up new and highly competitive markets. The quality of goods and services can no longer be taken for granted.

The rapid growth of the service sector has also introduced new perceptions of quality management. Institutions, such as the Government, banks and hospitals do not produce tangible goods. The interaction between employees and customers is much more critical in such organizations. As a result, the skills, attitudes and training of service personnel affect the quality of the services delivered. Information processing represents a large component of the work done by service organizations and poses special quality considerations. Errors in computer billing, or airline and hotel reservations are the results of poor quality control of computer software and data input systems.

ZPF-H

P.T.O.

(6)

ZPF-H

Marks

In view of globalization of markets, Governments have begun to realize that quality is essential to international trade and the national economy. Therefore, public purchasing authorities have been instructed to buy goods that conform to the quality standards.

- | | |
|---|---|
| (i) In what manner good quality products give rewards to organizations ? | 1 |
| (ii) Most significant factor which determines the long run success of an organization ? | 1 |
| (iii) Quality of goods and services cannot be compromised by organizations, give reasons. | 1 |
| (iv) Write the summary of the above passage. | 2 |

(b) Read the Passage :

Whether one runs a large business, or is starting out with a new venture, or works as a corporate professional, chances are that at some point, one would be required to make a business presentation. Whether you are selling a product to a client, sharing your vision with your employees, or looking for new investors for your business, your presentation will always matter.

Making a good business presentation can be intimidating - you want to capture as much information as possible to answer any prospective questions from your audience, yet you want to keep your audience constantly engaged and interested. So, what makes a good presentation ?

It is important to connect with your audience with a story. And no, it doesn't mean your presentation needs to be the most exciting work of fiction. Take your audience on a journey. When trying to convince

ZPF-H

(7)

ZPF-H

Marks

potential investors, make them see the success you are striving for and what it will do for you and for them. To win over your employees with your new staff policy, take them through the journey of why you are introducing a new policy and how does it benefit them. Tell personal stories, give analogies and cite examples. Get your audience emotionally involved and you will be more likely to get them to side with you.

You want to keep your audience engaged at all times. Do not overwhelm them with a lot of information. Settle on three to five key messages that you want them to absorb and stick with them. You do not want to include everything. Instead, choose out powerful points that you want to make. It is important to keep your presentation as straightforward and concise as possible.

At the same time, you need to know your content extremely well. While you keep your presentation short and to the point, it is no excuse for you to not have more detailed information regarding the subject of your presentation. It is likely you would need to answer questions from your audience at the end of the presentation. You must review all pertinent information and key facts and figures before your presentation. Not only will it help you answer questions later, but it will also give you more confidence during your presentation, so you refer to your notes less and connect with your audience more.

In the end, a business presentation is about selling ideas. Do your researches well, describe your ideas crisply, weave them into an interesting story and you are more likely to succeed.

(i) Make notes, using headings, sub — headings and abbreviations whenever necessary. **3**

(ii) Write Summary. **2**

ZPF-H

P.T.O.

8. (a) Emotional barriers affect communication, discuss. 2

(b) (i) Choose the word which best expresses the meaning of the given word : 1

Repulsive

(1) Attractive

(2) Normal

(3) Disgusting

(4) Confused

(ii) Select a suitable antonym for the word given under : 1

Gratify

(1) Frustrate

(2) Depress

(3) Discourage

(4) Distress

(iii) Change the following sentence to indirect speech : 1

He said, "The horse died in the night".

(c) Write a precis and give appropriate title to the passage given below : 5

Gratitude implies thankfulness or an appreciation of benefits conferred together with a desire, when practicable, to return those benefits. It should be distinguished from thanks, which is too often a matter of words and not accompanied by a feeling of thankfulness or by those actions which indicate a grateful mind. The grateful man feels joy at the kindness of his benefactor and cultivates a respect that is akin to love.

(9)

ZPF-H

Marks

In almost all the relations of ordinary life the feelings of gratitude should be aroused. The child owes thanks to his parents for food, clothes, education and tender care; the scholar to his teachers for the training of his intelligence; personal friends to one another for mutual services.

The frequent use of the phrase, "Thank you," though often not more than a polite convention, nevertheless shows the universal belief in the necessity for cultivating a grateful attitude towards those who do something for us, however small that service be. As Citizens, there are few who have no cause to be grateful. Great generals who have given devoted service gratuitously, statesmen, poets and philosophers, all those who have stood for right, justice and freedom of thought, have conferred inestimable benefits upon their countrymen.

When deeds are impossible, the expression of thanks is the best that can be done. The inscriptions on the tombs and monuments erected by a nation to its great men are an expression of thanks in words. As for deeds, an old story will serve as an excellent illustration. An old man was found planting fruit trees by a friend who came to him and said, "Why do you plant trees, the fruit of which I enjoy. I now plant trees that those who come after may enjoy fruit."

In conclusion, no good man wishes to give pain, especially to those who have done him good. The ungrateful man hurts the feelings of his benefactor and cannot, therefore, be a good man.

9. (a) (i) Define circuit and star network under network in communication. 2

OR

- (ii) Discuss the term "physical non – verbal communication" in communication. 2

ZPF-H

P.T.O.

- (b) (i) Choose the word which best expresses the meaning of the given word : 1
Nostalgic
 (1) Sharp
 (2) Painful
 (3) Delighted
 (4) Homesick
- (ii) Choose the word which best expresses the meaning of the given word : 1
Economise
 (1) Reduce
 (2) Save
 (3) Minimise
 (4) Accumulate
- (iii) Change the following sentence into indirect speech : 1
He said to him, "Please wait here till I return."
- (c) Draft a circular to warn the employees of Packing Department not to participate in strike. 5
10. (a) How do organizational structure barriers affect communication ? 2
- (b) (i) Change the sentence from Active to Passive Voice. 1
Rama was making a kite.
- (ii) Change the sentence from Passive to Active Voice. 1
The lion was shot by the hunter.
- (iii) Change the following sentence to indirect speech. 1
Father said to his son, "Work hard for success in life".
- (c) Write an article of about 250 words on the topic "The Pleasures of reading". 5

(11)

ZPF-H

Marks

11. (a) What do you mean by diagonal communication ? **2**
- (b) Select the correct meaning of Idioms/Phrases given below:
- (i) Pen and Ink **1**
- (1) Modern day technology
 - (2) Extensively
 - (3) Wastage
 - (4) In writing
- (ii) A snake in the grass **1**
- (1) Unforeseen happening
 - (2) Secret or hidden enemy
 - (3) Unreliable person
 - (4) Unrecognizable danger
- (iii) Change the sentence into Active Voice **1**
- Twenty runs were scored by him.
- (iv) Choose the word which best expresses the meaning of the given word. **1**
- Applaud**
- (1) Flatter
 - (2) Praise
 - (3) Pray
 - (4) Request
- (c) Mr. ABC is an IT manager in Quick Software Solutions Private Limited. Write a mail on behalf of Mr. ABC to Mr. MNJ, dealer of HP Laptops seeking quotation for 100 new laptops of model HP - 610. The laptops are required for new branch of Quick Software Solutions Private Limited. **4**

ZPF-H

P.T.O.

परीक्षार्थियों के लिए महत्वपूर्ण निर्देश

1. भाग 'अ' के प्रश्नों का उत्तर परीक्षार्थी ने जो माध्यम चुना है, उसमें ही देना है। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।
2. सभी परीक्षार्थियों (हिन्दी माध्यम के परीक्षार्थियों को सम्मिलित करके) को भाग 'ब', के प्रश्नों का उत्तर अंग्रेजी में ही लिखना है।
3. इसी उत्तर पुस्तिका में दोनों भागों का उत्तर देना है।

भाग-अ (60 Marks)

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

1. (a) 58 वर्ष की आयु के श्रीमान एस (S) एक सरकारी विभाग में कार्यरत थे। वह दो साल बाद सेवानिवृत्त होने वाले थे। श्रीमान डी (D) ने श्रीमान एस (S) को अपने पद से स्वैच्छिक सेवानिवृत्ति लेने हेतु आवेदन का प्रस्ताव रखा ताकि श्रीमान डी (D) को उनके स्थान पर नियुक्त किया जा सके। श्रीमान डी (D) ने श्रीमान एस (S) को रिटायर लेने के बदले में प्रतिफल के रूप में ₹ 10 लाख का प्रस्ताव रखा।
श्रीमान एस (S) ने पहले तो इन्कार कर दिया, लेकिन जब उन्होंने प्रतिफल के रूप में प्रस्ताव की गई राशि का मूल्यांकन किया तो दो साल के रोजगार के कार्यकाल के दौरान प्राप्त होने वाले उनके संचित पारिश्रमिक का दो गुना था। वह प्रतिफल स्वीकार करने के लिए तैयार हो गए और उन्होंने सेवानिवृत्ति के लिए धन लेने का प्रस्ताव स्वीकार कर लिया।
क्या उपरोक्त करार मान्य है ? भारतीय अनुबन्ध अधिनियम, 1872 के प्रावधान के सन्दर्भ में समझाइये।

(13)

ZPF-H

Marks

(b) ए बी सी (ABC) लिमिटेड को सार्वजनिक कम्पनी के रूप में पंजीकृत किया गया 4

था। कंपनी में 245 सदस्य थे, उनका विवरण इस प्रकार है :

निदेशक और उनके सम्बन्धी 190

कर्मचारी 15

पूर्व कर्मचारी

(जब वे कर्मचारी थे तब शेयर आवंटित किये गये थे) 20

अन्य 20

(10 संयुक्त धारक जिनके पास संयुक्त रूप से पिता और पुत्र के नाम से अंश धारित किये हुए हैं उन्हें सम्मिलित करते हुए)

कम्पनी के निदेशक मण्डल ने इसे एक निजी कम्पनी में बदलने का प्रस्ताव दिया। सलाह दे कि रूपान्तरण के लिए सदस्यों की संख्या में कमी आवश्यक है या नहीं ?

(c) वे कौन से नियम हैं जो नीलामी विक्रय को माल एवं विक्रय अधिनियम, 1930 के 4 अधीन विनियमित करते हैं ?

2. (a) भारतीय अनुबंध अधिनियम, 1872 के अंतर्गत स्वीकृति की परिभाषा बताइए। वैध स्वीकृति के सम्बन्ध में वैधानिक नियम की विवेचना कीजिए। 7

(b) सीमित दायित्व साझेदारी अधिनियम, 2008 के अधीन उन परिस्थितियों को बताइये 5 जिनके तहत सीमित साझेदारी और उसके साझेदारों को असीमित दायित्व का सामना करना पड़ सकता है।

3. (a) (i) भारतीय साझेदारी अधिनियम, 1932 के अंतर्गत विशेष साझेदारी से आप क्या समझते हैं ? 2

अथवा

ZPF-H

P.T.O.

(14)

ZPF-H

Marks

- (ii) भारतीय साझेदारी अधिनियम, 1932 के अंतर्गत नाममात्र के साझेदार कौन है और उनके क्या दायित्व है ? 2
- (b) “व्यापार सभी के द्वारा अथवा उनमें से किसी के द्वारा सभी के लिए कार्य करते हुए किया जाना चाहिए।” भारतीय साझेदारी अधिनियम, 1932 के अंतर्गत इस कथन की विवेचना कीजिए। 4
- (c) श्री बी (B) ने श्री एस (S) को डाक द्वारा अपना घर ₹ 10 लाख में बेचने के लिए एक प्रस्ताव 10 अप्रैल 2020 को भेजा। वह पत्र 12 अप्रैल 2020 को श्री एस (S) तक पहुँचता है। वह पत्र को 13 अप्रैल 2020 को पढ़ते हैं। 6

श्री एस (S) 16 अप्रैल 2020 को अपना स्वीकृति पत्र भेजते हैं और वह पत्र श्री बी (B) तक 20 अप्रैल 2020 को पहुँच जाता है। 17 अप्रैल 2020 को श्री एस (S) ने अपना विचार बदल दिया और एक तार (टेलिग्राम) भेजकर अपनी स्वीकृति को वापस ले लिया। 19 अप्रैल 2020 को तार श्री बी (B) तक पहुँचता है।

भारतीय अनुबंध अधिनियम, 1872 के सन्दर्भ में परीक्षण करें :

- (i) किस तारीख को श्री बी (B) के द्वारा स्थापित प्रस्ताव पूरा होगा ?
- (ii) स्वीकृति की वैधता पर चर्चा करें।
- (iii) यदि प्रतिसंहरण का पत्र और स्वीकृति का पत्र एक साथ पहुँच गए तो स्वीकृति की वैधता क्या होगी ?

4. (a) विक्रय अनुबंध के अंतर्गत शर्तें एवं आश्वासन के बीच क्या अन्तर हैं ? वस्तु विक्रय अधिनियम, 1930 के अंतर्गत यह भी विवेचना कीजिए कि कब शर्त भंग को आश्वासन भंग माना जाए ? 6

ZPF-H

- (b) एम (M), एन (N) और पी (P) एक फर्म में भागीदार थे। फर्म ने फर्नीचर की आपूर्ति करने के लिए जे आर (JR) लिमिटेड को आदेश दिया। पी (P) मर जाता है और एम (M) तथा एन (N) फर्म के नाम पर कारोबार जारी रखते हैं। फर्म ने पी (P) की मौत के बारे में जनता या फर्म के साथ काम करने वाले व्यक्तियों को कोई सूचना नहीं दी। पी (P) की मृत्यु के बाद फर्म को फर्नीचर सुपुर्द किया गया। सुपुर्दगी के समय उन्हें यह तथ्य पता था कि पी (P) की मृत्यु हो चुकी है। बाद में फर्म दिवालिया हो जाती है और जे आर (JR) लिमिटेड को फर्नीचर की कीमत चुकाने में विफल रहती है।

कारणों सहित बताइये : -

- फर्म द्वारा खरीदे गए फर्नीचर की कीमत के लिए पी (P) की निजी सम्पत्ति उत्तरदायी है या नहीं ?
- क्या इसमें कोई अन्तर आ सकता है यदि जे आर (JR) लिमिटेड उस फर्म को फर्नीचर की आपूर्ति यह विश्वास करते हुए करता कि फर्म के तीनों साझेदार जीवित हैं ?

5. (a) श्री टी (T) विभिन्न प्रकार के पंखों के खुदरा व्यापारी थे। श्री एम (M) उसकी दुकान पर आये और रसोई के लिए निकास पंखा मांगा। श्री टी (T) ने उन्हें अलग-अलग ब्राण्ड दिखाई और श्री एम (M) ने एक विशेष ब्राण्ड को मंजूरी दी और इसके लिए भुगतान किया। जब उनके घर पर पंखा दिया गया तो बॉक्स खोलने के बाद उन्होंने पाया कि वह एक टेबल फैन था। उन्होंने टी (T) को गलत पंखा सुपुर्द करने की जानकारी दी। श्री टी (T) ने यह कहते हुए उसको बदलने से इन्कार कर दिया कि पंखे की सुपुर्दगी और कीमत भुगतान के बाद संविदा की पूर्ति हो चुकी है। चर्चा करें कि -
- वस्तु विक्रय अधिनियम, 1930 के अन्तर्गत क्या श्री टी (T) बदलने से इन्कार करने में सही है ?
 - श्री एम (M) के पास क्या उपचार उपलब्ध है ?

- (b) कम्पनी अधिनियम, 2013 के तहत आन्तरिक प्रबन्ध के सिद्धान्त को समझाइये ।
उन परिस्थितियों का भी उल्लेख करें जहाँ बाहरी व्यक्ति आन्तरिक प्रबन्ध के आधार पर राहत (relief) का दावा नहीं कर सकते ।

6

6. (a) सामान्य नियम यह है कि बिना प्रतिफल के अनुबन्ध शून्य होता है । उन मामलों पर चर्चा करें जहाँ बिना प्रतिफल के अनुबन्ध भारतीय अनुबन्ध अधिनियम, 1872 के अनुसार मान्य और प्रत्यावर्तित होगा ।

5

- (b) भारतीय साझेदारी अधिनियम, 1932 के अनुसार तीसरे पक्षकार के लिए एक भागीदार के कृत्य के लिए फर्म और फर्म के कृत्य के लिए एक भागीदार के दायित्व की चर्चा करें ।

4

- (c) एस के (SK) इन्फ्रास्ट्रक्चर लिमिटेड की चुकता अंश पूंजी 6,00,000 प्रत्येक ₹ 100 के समता अंशों में विभाजित है । कम्पनी के 2,00,000 समता अंश केन्द्र सरकार के पास और 1,20,000 समता अंश महाराष्ट्र सरकार के पास है । कम्पनी अधिनियम, 2013 के सम्बन्धित प्रावधानों के सन्दर्भ में बताएँ कि क्या एस के (SK) इन्फ्रास्ट्रक्चर लिमिटेड को सरकारी कम्पनी के रूप में माना जा सकता है ?

3

Roll No.
Business Law & Business
Correspondence and Reporting

Total No. of Questions – 11

Total No. of Printed Pages – 16

Time Allowed – 3 Hours

Maximum Marks – 100

PYC-H

Questions in Section-A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi Medium, his/her answers in Hindi will not be evaluated.

Questions in Section-B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.

Answer to both the Sections are to be written in the same answer book.

SECTION-A

Question No. 1 is compulsory.

Answer any four questions out of the remaining five questions.

PYC-H

P.T.O.

Section A

1. (a) State with reason(s) whether the following agreements are valid or void : 4
- (i) A clause in a contract provided that no action should be brought upon in case of breach.
 - (ii) Where two courts have jurisdiction to try a suit, an agreement between the parties that the suit should be filed in one of those courts alone and not in the other.
 - (iii) X offers to sell his Maruti car to Y. Y believes that X has only Wagon R Car but agrees to buy it.
 - (iv) X, a physician and surgeon, employs Y as an assistant on a salary of ₹ 75,000 per month for a term of two years and Y agrees not to practice as a surgeon and physician during these two years.
- (b) Y incorporated a "One Person Company (OPC)" making his sister Z as nominee. Z is leaving India permanently due to her marriage abroad. Due to this fact, she is withdrawing her consent of nomination in the said OPC. Taking into considerations the provisions of The Companies Act, 2013 answer the questions given below : 4
- (i) Is it mandatory for Z to withdraw her nomination in the said OPC, if she is leaving India permanently ?
 - (ii) Can Z continue her nomination in the said OPC, if she maintained the status of Resident of India after her marriage ?
- (c) "Risk Prima Facie passes with property." Elaborate in the context of The Sales of Goods Act, 1930. 4

(3)

PYC-H

Marks

2. (a) Explain the term Contingent Contract with reference to The Indian Contract Act, 1872 with the help of an example. Also discuss the rules relating to enforcement of a contingent contract. **7**
- (b) Limited Liability Partnership (LLP) gives the benefits of limited liability of a company on one hand and the flexibility of a partnership on the other. Discuss. **5**
3. (a) Define Implied Authority. In the absence of any usage or custom of trade to the contrary, the implied authority of a partner does not empower him to do certain acts. State the acts which are beyond the implied authority of a partner under the provisions of The Indian Partnership Act, 1932 ? **6**
- (b) X, Y and Z jointly borrowed ₹ 90,000 from L. Decide each of the following in the light of The Indian Contract Act, 1872 : **6**
- (i) Whether L can compel only Y to pay the entire loan of ₹ 90,000 ?
- (ii) Whether L can compel only the legal representatives of Y to pay the loan of ₹ 90,000, if X, Y and Z died ?
- (iii) Whether Y and Z are released from their liability to L and X is released from his liability to Y and Z for contribution, if L releases X from his liability and sues Y and Z for payment ?
4. (a) Discuss the rights of an unpaid seller against the buyer under The Sales of Goods Act, 1930. **6**
- (b) Mr. M is one of the four partners in M/s XY Enterprises. He owes a sum of ₹ 6 crore to his friend Mr. Z which he is unable to pay on due time. So he wants to sell his share in the firm to Mr. Z for settling the amount. **6**
- In the light of the provisions of The Indian Partnership Act, 1932, discuss each of the following :

PYC-H

P.T.O.

(4)

PYC-H

Marks

- (i) Can Mr. M validly transfer his interest in the firm by way of sale ?
- (ii) What would be the rights of the transferee (Mr. Z) in case Mr. M wants to retire from the firm after a period of 6 months from the date of transfer ?
5. (a) Mr. Das, a general store owner went to purchase 200 kg. of Basmati Rice of specific length from a whole seller. He saw the samples of rice and agreed to buy the one for which the price was quoted as ₹ 150 per kg. While examining the sample Mr. Das failed to notice that the rice contained a mix of long and short grain of rice. The whole seller supplied the required quantity exactly the same as shown in the sample. However, when Mr. Das sold the rice to one of his regular customers she complained that the rice contained two different qualities of rice and returned the rice. With reference to the provisions of The Sales of Goods Act, 1930, discuss the options open to Mr. Das for grievance redressal. What would be your answer in case Mr. Das specified his exact requirement as to length of rice ? **6**
- (b) Explain the classification of the companies on the basis of control as per The Companies Act, 2013. **6**
6. (a) Explain what is meant by 'Supervening Impossibility' as per The Indian Contract Act, 1872 with the help of an example. What is the effect of such impossibility ? **5**
- (b) Subject to agreement by partners, state the rules that should be observed by the partners in settling the accounts of the firm after dissolution under the provisions of The Indian Partnership Act, 1932. **4**
- (c) What is the main difference between a Guarantee Company and a Company having Share Capital ? **3**

PYC-H

(5)

PYC-H

Marks

SECTION-B

Question No. 7 is compulsory.

Answer any **three** questions out of the remaining **four** questions.

Section B

7. (a) The employee turnover rate in an Organisation refers to the proportion of employees who leave the Organization during a certain time period. Almost every Organisation is facing the acute problem of high employee attrition. To every Organization, high employee turnover is undesirable and can have a significant adverse impact. A high employee turnover rate results in an unfavourable effect on the morale of the remaining employees. Existing employees may face additional stress, resulting in lower productivity. In addition lower productivity of the existing employees due to a decline in morale, additional productivity is lost as existing employees must guide new incumbent how to adapt to the organizational culture and the new position. To address the problem, it should be compared to the average within the industry. It should not be compared across industries, as the turnover rate differs significantly in various industries. It is in the best interest of the Organization to reduce it as it is detrimental to the Organization. When an employee leaves the Organization, the

PYC-H

P.T.O.

(6)

PYC-H

Marks

Organization incurs costs to find a replacement, recruitment costs, advertising costs, administration costs, background check costs, and interviewing costs. In addition, there are costs of lost productivity when the employee is attending a training program. Second important aspect is Organizations with a high employee turnover rate may suffer from an unfavourable public image. For example, working in the call centre is seen as undesirable due to its turnover rates.

To overcome such problem, Organizations have to hire right manpower for the right position. Second important aspect is to have competitive pay structure matching with the industry. However, providing employees with a higher salary is not enough. It is important to understand the benefits that employees wants and to take that into consideration when determining an employee's pay structure. Employees need to be acknowledged and given praise when due. Another important aspect is career path. Employees want to progress in their careers. A career path should be provided to employees to give them a sense of direction and what they can attain if they stay with the Organization. Last but not the least way to offer flexibility, a flexible work schedule is highly desirable. In fact, studies have shown that a flexible work arrangement has a positive impact on employee retention. Allowing employees to choose their work time and providing a flexible work schedule gives them the ability to balance their work and personal life and, hence, improves employee satisfaction.

(i) What do you understand by employee attrition rate ?

1

(ii) Explain the ways to reduce high employee attrition ?

2

PYC-H

PYC-H**Marks**

- (iii) What is the importance of employee turnover in an Organisation ? 1
- (iv) How does employee turnover rate affect brand image of an Organisation ? 1
- (b) Read the passage :
- (i) Make Notes, using Headings, subheadings and abbreviations wherever necessary. 3
- (ii) Write Summary by giving a suitable title. 2

Artificial intelligence (AI) is making a difference as to how legal work is done, but it isn't the threat it is made out to be. AI is making impressive progress and shaking up things all over the world today. The assumption that advancements in technology and artificial intelligence will render any profession defunct is just that, an assumption and a false one. The only purpose this assumption serves is creating mass panic and hostility towards embracing technology that is meant to make our lives easier.

Introducing AI to this profession will primarily be for the purpose of automating mundane, tedious tasks that require negligible human intelligence. The kind of artificial intelligence that is employed by industries in the current scene, when extended to the law will enable quicker services at a lower price. AI is meant to automate a number of tasks that take up precious working hours lawyers could be devoted to tasks that require discerning, empathy, and trust- qualities that cannot be replicated by even the most sophisticated form of AI. The legal profession is one of the oldest professions in the world. Thriving over 1000 years; trust, judgment, and diligence are the pillars of this profession. The most important pillar is the relationship of trust between a lawyer and clients, which can only be achieved through human connection and interaction.

While artificial intelligence can be useful in a number of ways in legal field like translation of documents in other languages, mining of data

PYC-H**P.T.O.**

pertaining to cases for analyses helping decision making, scanning and organizing documents pertaining to a case, it cannot perform higher-level tasks such as sharp decision making, relationship-building with valuable clients and writing legal briefs, advising clients, and appearing in court. These are over and above the realm of computerization.

8. (a) Physical barriers are a result of our surroundings. Discuss. 2
- (b) (i) Choose the word which best expresses the meaning of the given word : 1
- ADHERE
- (a) separate
- (b) split
- (c) humility
- (d) fasten
- (ii) Select a suitable antonym for the word given under : 1
- CANDID
- (a) deceptive
- (b) frank
- (c) sincere
- (d) subordinate
- (iii) Change the following sentence to indirect speech : 1
- He said to me, "It would be nice if I could see you again."
- (c) Write a précis and give an appropriate title to the passage given below : 5

(9)

PYC-H

Marks

Naval architects never claim that a ship is unsinkable, but the sinking of the passenger-and-car ferry Estonia in the Baltic surely should have never happened. It was well designed and carefully maintained. It carried the proper number of lifeboats. It had been thoroughly inspected on the day of the voyage. Yet, hours later, the Estonia rolled over and sank in the cold, stormy night. It went down so quickly that most of those on board, caught in the dark, flooding cabins had no chance to save themselves : Of those who managed to scramble overboard, only 139 survived. The rest died of hypothermia before the rescuers could pluck them from the cold sea. The final death toll amounted to 912 souls. However there were an unpleasant number of questions about why Estonia sank and why so many survivors were men in the prime of life, while most of the dead were woman, children and the elderly.

9. (a) Distinguish between General English and Business English.

2

OR

- (a) Focus and Attention is an important characteristic of effective communication. Explain.

2

- (b) (i) Change the sentence from Active to Passive Voice.

1

Bring the culprit.

- (ii) Change the sentence from Passive to Active Voice.

1

Three cleanliness campaigns will be launched by the authorities in the park.

- (iii) Change the following sentence to indirect speech.

1

The group shouted, "Honesty is the best policy".

PYC-H

P.T.O.

(10)

PYC-H

Marks

- (c) Draft a Newspaper Report on the "Government's decision to open multiplexes after almost a year" to be published in a national newspaper. **5**
10. (a) Write essentials of oral communication. **2**
- (b) (i) Change the sentence from Active to Passive Voice. **1**
Did they like paintings in the exhibition ?
- (ii) Change the sentence from Passive to Active Voice. **1**
Food from roadside vendor should not be eaten during Covid pandemic as a safety precaution.
- (iii) Change the following sentence to indirect speech. **1**
Mr. X to the Cashier : "Do you have change for five hundred rupees?"
- (c) Write an article of about 250 words on the topic 'Covid' Certificate must for attending Parliamentary session. **5**
11. (a) Define the term communication. When the communication is supposed to be effective ? **2**
- (b) Select the correct meaning of Idioms/Phrases/words given below :
- (i) Storm in a tea cup **1**
- (a) Crave for something
- (b) Something fishy
- (c) Make a big issue out of a small thing
- (d) Get into quarrels

PYC-H

(11)

PYC-H

Marks

(ii) Core Competency

1

(a) Decision taken by a competent authority

(b) Head of a department or a company authorised to take decision

(c) Basic strength of a group or company

(d) Minimum skill/professional qualification

(iii) Change the sentence into Active Voice.

1

Who were not liked by you at the party ?

(iv) Choose the word which best expresses the meaning of the given word.

1

FIASCO

(a) Shock

(b) Win

(c) Learning

(d) Failure

(c) Write a letter to your landlord requesting him to reduce rent in the light of 'Covid 19' pandemic.

4

PYC-H

P.T.O.

(12)

PYC-H

(Hindi Version)

उन परीक्षार्थियों को छोड़कर जिन्होंने हिन्दी माध्यम चुना है, भाग-अ में प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।

सभी परीक्षार्थियों द्वारा भाग-ब के प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं, उन परीक्षार्थियों द्वारा भी जिन्होंने हिन्दी माध्यम का चयन किया है।

दोनों भागों के उत्तर एक ही उत्तर-पुस्तिका में लिखने हैं।

भाग-अ

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

Marks

भाग-अ

1. (a) निम्नलिखित प्रत्येक ठहरावों के बारे में कारण सहित बताइये कि क्या वे वैध ठहराव (valid agreement) या व्यर्थ ठहराव (void agreement) हैं : 4
- (i) एक अनुबन्ध में एक उपवाक्य का होना कि भंग होने पर कोई कार्यवाही नहीं की जाएगी।

PYC-H

- (ii) दो पक्षों के बीच एक ठहराव का होना कि एक मुकदमें को दो में से केवल एक विशिष्ट न्यायालय में ही पेश किया जाएगा जबकि वह दोनों ही न्यायालयों के अधिकार क्षेत्र में आता है।
- (iii) एक्स (X) अपनी मारुति कार बेचने का वाई (Y) को प्रस्ताव करता है। वाई (Y) को विश्वास है कि एक्स (X) के पास तो केवल वैगन आर कार है परन्तु कार खरीदने की सहमति देता है।
- (iv) एक्स (X) नामक एक फिजीशियन तथा सर्जन दो वर्षों के लिए वाई (Y) नामक एक सहायक को ₹ 75,000 प्रति माह वेतन पर रखता है और वाई (Y) इन दो वर्षों तक सर्जन तथा फिजीशियन के रूप में कार्य न करने का वचन देता है।
- (b) वाई (Y) ने एक One Person Company (OPC) का समामेलन किया जिसमें अपनी बहिन जैड (Z) को नामजद किया। जैड (Z) विदेश में अपनी शादी के कारण भारत को स्थायी रूप से छोड़ रही है। इस कारण से वह OPC से अपने नामांकन की सहमति वापिस ले रही है। कम्पनी अधिनियम, 2013 के सन्दर्भ में निम्नलिखित प्रश्नों के उत्तर दें :
- (i) यदि जैड (Z) स्थायी रूप से भारत छोड़ रही है तो क्या उसके लिए OPC से अपने नामांकन को वापिस लेना आवश्यक है ?
- (ii) यदि जैड अपनी शादी के पश्चात भारत के निवासी का दर्जा रखती है तो क्या वह OPC में अपना नामांकन जारी रख सकती है ?
- (c) 'जोखिम सम्पत्ति के स्वामित्व की सहगामी होती है।' वस्तु विक्रय अधिनियम, 1930 के संदर्भ में व्याख्या करें।

4

4

2. (a) भारतीय अनुबन्ध अधिनियम, 1872 के संदर्भ में उदाहरण सहित संयोगिक अनुबन्ध पद की व्याख्या कीजिए। प्रवर्तन से सम्बन्धित नियमों की चर्चा भी करें। 7
- (b) सीमित दायित्व साझेदारी (LLP) एक ओर जहाँ एक कम्पनी के सीमित दायित्व का लाभ देती है तो वहीं दूसरी ओर इससे साझेदारी के लचीलेपन का भी लाभ देती है। चर्चा करें। 5
3. (a) गर्भित अधिकार की परिभाषा दीजिए। किसी विपरीत व्यापार रीति या किसी परम्परा के अभाव में, किसी साझेदार के गर्भित अधिकार उसको कुछ गतिविधियाँ करने की आज्ञा नहीं देते। 6
- भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के अनुसार ऐसी गतिविधियों का, जो किसी साझेदार के गर्भित अधिकारों की सीमा से बाहर हों, का वर्णन कीजिए।
- (b) एक्स (X), वाई (Y) और जैड (Z) संयुक्त रूप से एल (L) से ₹ 90,000 का ऋण लेते हैं। भारतीय अनुबन्ध अधिनियम, 1872 के संदर्भ में निम्नलिखित में से प्रत्येक पर निर्णय लीजिए : 6
- (i) क्या एल (L) केवल वाई (Y) को सम्पूर्ण ₹ 90,000 का ऋण चुकाने के लिए विवश कर सकता है ?
- (ii) क्या एल (L) केवल वाई (Y) के वैधानिक प्रतिनिधि को ₹ 90,000 का ऋण चुकाने के लिए विवश कर सकता है, यदि एक्स (X), वाई (Y) और जैड (Z) की मृत्यु हो जाए ?
- (iii) क्या वाई (Y) और जैड (Z) एल (L) को दायित्व से मुक्त तथा एक्स (X), वाई (Y) को अपने दायित्व तथा जैड (Z) को अंशदान से मुक्त कर सकते हैं, यदि एल (L), एक्स (X) को दायित्व से मुक्त कर दे और वाई (Y) तथा जैड (Z) पर भुगतान का मुकदमा चला दे ?

4. (a) वस्तु विक्रय अधिनियम, 1930 के प्रावधानों के अन्तर्गत क्रेता के विरुद्ध अदत्त 6

विक्रेता के अधिकारों का वर्णन कीजिए।

(b) श्रीमान एम (M) मै. एक्स वाई एन्ट्रप्राइस (M/s XY Enterprises) के चार में से 6

एक भागीदार हैं। वे अपने मित्र श्रीमान जैड (Z) के 6 करोड़ रुपये के ऋणी हैं जो कि वे नियत समय पर नहीं चुका सके। अतः उपरोक्त ऋण के भुगतान के लिए, वे फर्म में अपने हिस्से को श्रीमान जैड (Z) को बेचना चाहते हैं।

भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के संदर्भ में निम्नलिखित प्रत्येक पर चर्चा करें :

(i) क्या श्रीमान एम (M) फर्म में अपने भाग को विक्रय के द्वारा वैध रूप से हस्तान्तरित कर सकते हैं ?

(ii) यदि श्रीमान एम (M) हस्तान्तरण की तिथि के 6 महीने पश्चात निवृत्त हो जाएँ, तो व्यक्ति हस्तांतरिती (श्रीमान जैड (Z)) के क्या अधिकार होंगे ?

5. (a) एक जनरल स्टोर के मालिक श्रीमान दास एक थोक व्यापारी से 200 कि.ग्रा. 6

बासमती के विशिष्ट लम्बाई के चावल क्रेय करने के लिए गए। श्रीमान दास ने ₹ 150 प्रति कि.ग्रा. के चावल के एक नमूने को देखा और उसे खरीदने का निर्णय किया। श्रीमान दास ने नमूने का परीक्षण करते समय यह नोट नहीं किया कि चावल के नमूने में छोटे एवं लम्बे दोनों ही दाने सम्मिलित हैं।

थोक व्यापारी ने नमूने के अनुसार चावल की मात्रा श्रीमान दास को दी। श्रीमान दास ने जब वह चावल अपने एक नियमित ग्राहक को बेचा तो उसने चावल में विभिन्न गुणवत्ता के दाने होने की शिकायत की तथा चावल के श्रीमान दास को वापिस कर दिया।

वस्तु विक्रय अधिनियम, 1930 के प्रावधानों के संदर्भ में श्रीमान दास की क्षति के निवारणों का वर्णन कीजिए। यदि श्रीमान दास ने विशिष्ट चावल के दानों की लम्बाई की माँग की होती तो आपका क्या उत्तर होता ?

- (b) कम्पनी अधिनियम, 2013 के अन्तर्गत नियन्त्रण के आधार पर कम्पनियों के प्रकार का वर्णन कीजिए।

6

6. (a) भारतीय अनुबन्ध अधिनियम, 1872 के संदर्भ में अनुबन्ध करने के बाद वाद की असम्भाविता का उदाहरण सहित वर्णन कीजिए। ऐसी असम्भाविता का क्या प्रभाव होता है ?

5

- (b) साझेदारों के समझौते को ध्यान में रखते हुए, भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के अनुसार फर्म के समापन के पश्चात उसके हिसाब-किताब का निपटारा करने के नियमों का विवरण कीजिए।

4

- (c) गारन्टी द्वारा सीमित कम्पनी और अंशों द्वारा सीमित कम्पनी के बीच मुख्य अन्तर बताइये।

3

7/15/21
(6:15am) DEC 2021

Roll No.

Total No. of Printed Pages : 16

Total No. of Questions : 11

Maximum Marks : 100

Time allowed : 3 Hours

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. Questions in Section – A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi, will not be evaluated.
2. Questions in Section – B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.
3. Answers to both the Sections are to be written in the same answer book.

SECTION A — (60 Marks)

Question No. 1 is compulsory.

Answer any **FOUR** questions from the remaining **FIVE** questions.

1. (a) A, B, C and D are the four partners in a firm. They jointly promised to pay ₹ 6,00,000 to F. B and C have become insolvent. B was unable to pay any amount and C could pay only ₹ 50,000. A is compelled to pay the whole amount to F. Decide the extent to which A can recover the amount from D with reference to the provisions of the Indian Contract Act, 1872. (4 Marks)

PDZ-H

P.T.O.

(2)

PDZ-H

- (b) AK Private Limited has borrowed ₹ 36 crores from BK Finance Limited. However, as per memorandum of AK Private Limited the maximum borrowing power of the company is ₹30 crores. Examine, whether AK Private Limited is liable to pay this debt? State the remedy, if any available to BK Finance Limited. (4 Marks)
- (c) "A breach of condition can be treated as a breach of warranty". Explain this statement as per relevant provisions of the Sale of Goods Act, 1930. (4 Marks)
2. (a) Explain any five circumstances under which contracts need not be performed with the consent of both the parties. (7 Marks)
- (b) State the rules regarding registered office of a Limited Liability Partnership (LLP) and change therein as per provisions of the Limited Liability Partnership Act, 2008. (5 Marks)
3. (a) Define partnership and name the essential elements for the existence of a partnership as per the Indian partnership Act, 1932. Explain any two such elements in detail. (3 + 3 = 6 Marks)
- (b) Examine the validity of the following contracts as per the Indian Contract Act, 1872 giving reasons. (6 Marks)
- (i) X aged 16 years borrowed a loan of ₹ 50,000 for his personal purposes. Few months later he had become major and could not pay back the amount borrowed on due date. The lender wants to file a suit against X.
- (ii) J contracts to take in cargo for K at a foreign port. J's government afterwards declares war against the country in which the port is situated and therefore the contract could not be fulfilled. K wants to file a suit against J.

PDZ-H

(3)

PDZ-H

4. (a) Distinguish between 'Sale' and 'Hire Purchase' under the Sale of Goods Act, 1930. (6 Marks)
- (b) State whether the following are partnerships: (6 Marks)
- (i) A and B jointly own a car which they used personally on sundays and holidays and let it on hire as taxi on other days and equally divide the earnings.
 - (ii) Two firms each having 12 partners combine by an agreement into one firm.
 - (iii) A and B, co-owners, agree to conduct the business in common for profit.
 - (iv) Some individuals form an association to which each individual contributes ₹ 500 annually. The objective of the association is to produce clothes and distribute the clothes free to the war widows.
 - (v) A and B, co-owners share between themselves the rent derived from a piece of land.
 - (vi) A and B buy commodity X and agree to sell the commodity with sharing the profits equally.
5. (a) (i) TK ordered timber of 1 inch thickness for being made into drums. The seller agreed to supply the required timber of 1 inch. However, the timber supplied by the seller varies in thickness from 1 inch to 1.4 inches. The timber is commercially fit for the purpose for which it was ordered. TK rejects the timber. Explain with relevant provisions of the Sales of Goods Act, 1930 whether TK can reject the timber. (3 Marks)

PDZ-H

P.T.O.

(4)

PDZ-H

(ii) AB sold 500 bags of wheat to CD. Each bag contains 50 Kilograms of wheat. AB sent 450 bags by road transport and CD himself took remaining 50 bags. Before CD receives delivery of 450 bags sent by road transport, he becomes bankrupt. AB being still unpaid, stops the bags in transit. The official receiver, on CD's insolvency claims the bags. Decide the case with reference to the provisions of the Sale of Goods Act, 1930. (3 Marks)

(b) What do you mean by the term Capital? Describe its classification in the domain of Company Law. (1 + 5 = 6 Marks)

6. (a) What is meant by 'Quasi-Contract'? State any three salient features of a quasi-contract as per the Indian Contract Act, 1872. (5 Marks)

(b) "Sharing in the profits is not conclusive evidence in the creation of partnership". Comment. (4 Marks)

(c) BC Private Limited and its subsidiary KL Private Limited are holding 90,000 and 70,000 shares respectively in PQ Private Limited. The paid-up share capital of PQ Private Limited is ₹ 30 Lakhs (3 Lakhs equity shares of ₹ 10 each fully paid). Analyse with reference to provisions of the Companies Act, 2013 whether PQ Private Limited is a subsidiary of BC Private Limited. What would be your answer if KL Private Limited is holding 1,60,000 shares in PQ Private Limited and no shares are held by BC Private Limited in PQ Private Limited? (3 Marks)

PDZ-H

(5)

PDZ-H

(HINDI VERSION)

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. उन परीक्षार्थियों को छोड़कर जिन्होंने हिन्दी माध्यम चुना है, भाग – अ में प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।
2. सभी परीक्षार्थियों द्वारा भाग – ब के प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं, उन परीक्षार्थियों द्वारा भी जिन्होंने हिन्दी माध्यम का चयन किया है।
3. दोनों भागों के उत्तर एक ही उत्तर-पुस्तिका में लिखने हैं।

भाग अ – (60 Marks)

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

1. (a) A, B, C, D एक फर्म में चार साँझेदार हैं। उन्होंने F को ₹6,00,000 संयुक्त रूप से देने का वचन दिया। B और C दिवालिया हो गए। B कुछ भी राशि देने में असमर्थ था और C केवल ₹50,000 ही दे सका। F को सम्पूर्ण राशि देने के लिए A को बाध्य किया गया। निर्णय कीजिए कि भारतीय अनुबन्ध अधिनियम 1872 के प्रावधानों के सदर्थ में A किस सीमा तक D से राशि वसूल कर सकता है? (4 अँक)

PDZ-H

P.T.O.

(6)

PDZ-H

- (b) AK Private Limited ने BK Finance Limited से ₹36 करोड़ का ऋण लिया। जबकि AK private Limited के सीमानियम के अनुसार कम्पनी की ऋण लेने की अधिकतम सीमा ₹30 करोड़ है। जाँच कीजिए, क्या AK private Limited इस ऋण को देने के लिए उत्तरदायी है? BK Finance Limited के पास क्या कोई उपाय है, बताएँ? (4 अंक)
- (c) 'शर्त भंग को आश्वासन भंग के रूप में माना जा सकता है' वस्तु विक्रय अधिनियम, 1930 के प्रासंगिक प्रावधानों के संदर्भ में इस कथन का वर्णन करें। (4 अंक)
2. (a) किन्हीं पाँच परिस्थितियों का वर्णन करें, जिनके अन्तर्गत दोनों पक्षों की सहमति से अनुबन्धों को पूरा करने की आवश्यकता नहीं रहती। (7 अंक)
- (b) सीमित दायित्व साँझेदारी के पंजीकृत कार्यालय के नियम तथा उसमें परिवर्तन से सबन्धित प्रावधानों का सीमित दायित्व साँझेदारी अधिनियम 2008 के अनुसार वर्णन करें। (5 अंक)
3. (a) साँझेदारी को परिभाषित करें और साँझेदारी अधिनियम 1932 के अनुसार साँझेदारी अस्तित्व के लिए आवश्यक तत्वों के नाम बताएँ। किन्हीं दो तत्वों का विस्तारपूर्वक का वर्णन करें। (3 + 3 = 6 अंक)
- (b) भारतीय अनुबन्ध अधिनियम 1872 के अनुसार निम्न अनुबन्धों की वैधता की कारणों सहित जाँच कीजिए (6 अंक)
- (i) 16 वर्षीय X ने अपने निजी उद्देश्यों के लिए ₹ 50,000 का ऋण लिया। कुछ मास पश्चात् वह व्यस्क हो गया और देय तिथि पर ऋण की राशि का भुगतान नहीं कर पाया। ऋणदाता X के विरुद्ध मुकदमा दर्ज करना चाहता है।

PDZ-H

(7)

PDZ-H

- (ii) J विदेशी बन्दरगाह पर K का सामान ले जाने के लिए उससे अनुबन्ध करता है। J के देश की सरकार कुछ समय पश्चात् उस देश के साथ युद्ध घोषित करती है। जहाँ बन्दरगाह स्थित है और इसलिए J इस अनुबन्ध को पूरा नहीं कर सका। K, J के विरुद्ध मुकदमा दर्ज करना चाहता है।

4. (a) वस्तु विक्रय अधिनियम 1930 के अन्तर्गत बिक्री एवं किराया-क्रय में अन्तर स्पष्ट करो। (6 अंक)

(b) बताएँ क्या निम्नलिखित साँझेदारी है? (6 अंक)

- (i) A और B एक कार के संयुक्त स्वामी हैं जो कि रविवार और छुट्टी के दिनों में उसका निजी प्रयोग करते हैं जबकि अन्य दिनों में वो कार का टैक्सी के रूप में प्रयोग करते हैं और आय को बराबर बाँट लेते हैं।

- (ii) दो फर्म जिनमें प्रत्येक फर्म में 12 साँझेदार हैं ठहराव के द्वार एक फर्म बन जाते हैं।

- (iii) A और B सह-स्वामी हैं, लाभ के लिए व्यवसाय चलाने के लिए सहमत होते हैं।

- (iv) कुछ व्यक्तियों ने एक संस्था की स्थापना की जिसमें प्रत्येक व्यक्ति ₹ 500 वार्षिक अंशदान देता है। इस संस्था का उद्देश्य कपड़े निर्मित करना तथा उन कपड़ों को शहीदों की विधवाओं को निःशुल्क वितरित करना।

- (v) A और B सह-स्वामी होने के नाते जमीन से प्राप्त होने वाली किराए की राशि को आपस बाँटते हैं।

- (vi) A और B, X वस्तु खरीदते हैं और वस्तु को बेचने से प्राप्त होने वाले लाभ को बराबर बाँटने के लिए सहमत होते हैं।

PDZ-H

P.T.O.

PDZ-H

5. (a) (i) TK ने ड्रम बनाने में प्रयोग होने वाली 1 इंच मोटी लकड़ी का आदेश दिया। विक्रेता 1 इंच मोटाई वाली लकड़ी की पूर्ति के लिए सहमत हो गया। जब कि विक्रेता द्वारा पूर्ति की गई लकड़ी की मोटाई 1 इंच से 1.4 इंच तक की थी। व्यापारिक रूप से लकड़ी ड्रम बनाने के लिए सही थी। TK लकड़ी अस्वीकार कर देता है। वस्तु विक्रय अधिनियम, 1930 के प्रावधानों के अनुसार बताएँ क्या TK लकड़ी अस्वीकार कर सकता है?

(3 अंक)

- (ii) AB ने CD को 500 बोरी गेहूँ की बेची। प्रत्येक बोरी में 50 किलोग्राम गेहूँ है। AB ने 450 बोरी गेहूँ की सड़क यातायात से भेजी तथा बची 50 बोरी CD ने स्वयं ले ली। सड़क यातायात से 450 बोरी की सपुर्दगी से पूर्व ही CD दिवालिया हो गया। AB को भुगतान न होने के कारण मार्ग में ही बोरीयाँ रोक ली गई। राजकीय प्रापक ने, CD के दिवालिया होने पर बोरीयाँ वापिस माँगी। वस्तु विक्रय अधिनियम 1930 के प्रावधानों के संदर्भ में इस मामले को निर्धारित करें।

(3 अंक)

- (b) पूँजी से आप क्या समझते हैं? कम्पनी अधिनियम के अनुसार इसके वर्गीकरण का वर्णन करें। (1 + 5 = 6 अंक)

6. (a) गर्भित अनुबन्ध से क्या अभिप्राय है? भारतीय कम्पनी अधिनियम 1872 के अनुसार गर्भित अनुबन्ध की कोई तीन विशेषताएँ बताएँ। (5 अंक)

- (b) 'लाभों का बँटवारा होना साँझेदारी के निर्माण का निर्णायक प्रमाण नहीं है'। टिप्पणी कीजिए। (4 अंक)

- (c) BC Private Limited और उसकी सहायक कम्पनी KL Private Limited के पास PQ Private Limited के क्रमशः 90,000 और 70,000 अंश हैं। PQ Private Limited की प्रदत्त पूँजी ₹ 30 लाख है (3 लाख समता अंश प्रति ₹10 पूर्ण भुगतान वाले)। कम्पनी अधिनियम 2013 के प्रावधानों के संदर्भ में विश्लेषण करें कि क्या PQ Private Limited, BC Private Limited की सहायक कम्पनी है? आपका उत्तर क्या होगा यदि KL Private Limited के पास PQ Private Limited के 1,60,000 अंश हो तथा BC Private Limited के पास PQ Private Limited का कोई अंश न हो? (3 अंक)

PDZ-H

PDZ-H

SECTION B — (40 Marks)

Question No.7 is compulsory.

Answer any **THREE** questions from the remaining **FOUR** questions.

7. (a) Read the passage given below and answer the questions that follows :

Academics has always been an essential part of human development. It prepares us to survive in the outside world and establish an identity of our own. In India, from an early age, we have been taught that education is limited to the boundaries of academics only; the idea of getting out into the field, for gaining practical experience, is always considered a hoax. This has hindered students' development. But, the truth is that education represents a considerably broader field than we know of it. Our teaching, from the basics, has been focused on getting good grades and job offers, rather than being creative and unique.

In the 21st century, the pure academic type of education is slowly paving way for a whole new type. The paradigm shift in the whole education system is evident. People have now come to understand that education is a 360 degree activity that should focus on students' overall development, rather than restricting him/her to the classroom. Co-curricular activities that take place outside the classroom but reinforce or supplement classroom curriculum, in some way, have become a point of focus today. Participating in such activities helps youngsters grow mentally, socially and individually. Intellectual development of a student is developed in the classroom, but for the aesthetic development such as team-building, character building, and physical growth, students must step out into the outside world.

Similarly, in colleges and institutions, there is a need for practical exposure so that the students can experience the actual working of an industry. Catering to this change, most professional colleges including B schools have started providing practical exposure to students through regular guest lectures, industrial visits, conferences, seminars, cultural festivals, and so on. With industry visits, students are able to better identify their prospective areas of work in the overall organizational function.

PDZ-H

P.T.O.

PDZ-H

Through such events, students are made to participate and coordinate different events wherein, they get to know how exactly things are managed. Co-curricular or extra-curricular activities provide practical exposure and opportunities to implement what students learn in the classroom. This helps in developing the overall personality of the students, inculcating various soft-skills in them, which otherwise are difficult to teach. Clearly, life beyond academics creates creative and empowered professionals.

- (i) What has not been the focus of education from earlier times? (1 Mark)
- (ii) Where should students go for aesthetic development? (1 Mark)
- (iii) What kind of co-curricular activities have become points of focus today? (1 Mark)
- (iv) What will give children a better insight into industry? (1 Mark)
- (v) Why are soft skills difficult to teach in the classroom? (1 Mark)

(b) Read the Passage :

- (i) Make notes, using headings, sub-headings and abbreviation whenever necessary giving a suitable title. (3 Marks)
- (ii) Write a summary. (2 Marks)

Keeping cities clean, free of any kind of pollution, is essential for keeping their residents healthy. Our health depends not just on personal hygiene and nutrition, but critically also on how clean we keep our cities and their surroundings. The spread of dengue, chikungunya and corona virus are intimately linked to the deteriorating state of public health conditions in our cities as well.

PDZ-H

PDZ-H

The waste management to keep cities clean is now getting attention through the Swachh Bharat Mission. People are now more aware of the importance of cleanliness and necessary safety precautions to be observed on day to day basis.

However, much of the attention begins and stops with the brooms and the dustbins, extending at most to the collection and transportation of the mixed waste to some distant or not so distant place, preferably out of sight. The challenge of processing and treating the different streams of solid waste, and safe disposal of the residuals in scientific landfills, has received much less attention in municipal solid waste management than is expected from a health point of view. One of the problems is that instead of focusing on waste management for health, we have got sidetracked into "waste for energy". If only we were to begin by not mixing the biodegradable component of solid waste (close to 60 percent of the total) in our cities with the dry waste, and instead use this stream of waste for composting and producing a gas called methane.

8. (a) Completeness is an important characteristic of effective communication. Comment.

(2 Marks)

- (b) (i) Choose the word that best expresses the meaning of the given word: (1 Mark)

Sloppy

- (1) Drunk
- (2) Careless
- (3) Tired
- (4) Untrustworthy

PDZ-H

P.T.O.

(12)

PDZ-H

(ii) Select a suitable antonym for the given word:

(1 Mark)

Fallacy

(1) Truth

(2) Liberal

(3) Tolerant

(4) Persist

(iii) Change the following sentence to indirect speech:

(1 Mark)

Alex said, "I am working day and night".

(c) Write précis and give appropriate title to the passage given below :

(5 Marks)

The most alarming of man's assaults upon the environment is the contamination of air, earth, rivers and sea with lethal materials. This pollution is for the most part irrevocable; the chain of evil it initiates is for the most part irreversible. In this contamination of the environment, chemicals are the sinister partners of radiation in changing the very nature of the world; radiation released through nuclear explosions into the air, comes to the earth in rain, lodges into the soil, enters the grass or wheat grown there and reaches the bones of a human being, there to remain until his death. Similarly, chemicals sprayed on crops lie long in soil, entering living organisms, passing from one to another in a chain of poisoning and death. Or they pass by underground streams until they emerge and combine into new forms that kill vegetation, sicken cattle, and harm those who drink from once pure wells.

It took hundreds of millions of years to produce the life that now inhabits the earth and reached a state of adjustment and balance with its surroundings. The environment contained elements that were hostile as well as supporting. Even within the light of the sun, there were short-wave radiations with power to injure. Given time, life has adjusted and a balance reached. For time is the essential ingredient, but in the modern world there is no time.

PDZ-H

PDZ-H

The rapidity of change and the speed with which new situations are created follow the heedless pace of man rather than the deliberate pace of nature. Radiation is no longer the bombardment of cosmic rays: it is now the unnatural creation of man's tampering with the atom. The chemicals to which life is asked to make adjustments are no longer merely calcium and silica and copper and all the rest of the minerals washed out of the rocks and carried in the rivers to the sea; they are the synthetic creations of man's inventive mind, brewed in his laboratories, and having no counterparts in nature.

9. (a) What is the informal communication? (2 Marks)

OR

State the common networks used in organisations. (2 Marks)

- (b) (i) Choose the word which best expresses the meaning of the given word: (1 Mark)

Defray

- (1) Sudden
- (2) Rash
- (3) Disclaim
- (4) Spend

- (ii) Choose the word which best expresses the meaning of the given word: (1 Mark)

Immaculate

- (1) Spotless
- (2) Tarnished
- (3) Defiled
- (4) Pleasing

- (iii) Change the following sentence to indirect speech : (1 Mark)

He said to her, "Are you coming to the party?"

PDZ-H

P.T.O.

PDZ-H

- (c) You are a student of Mother's Global Institute. Your institute celebrated the annual day on 30th November 2021. Draft a report on annual day celebration to be included in your institute's annual magazine. (5 Marks)
10. (a) Write about the cultural barriers in communication. (2 Marks)
- (b) (i) Change the sentence from active to passive voice. (1 Mark)
- By this time tomorrow we will have signed the deal.**
- (ii) Change the sentence from passive to active voice. (1 Mark)
- The minister was welcomed by the people.**
- (iii) Change the following sentence to indirect speech : (1 Mark)
- She said to me, "Do you know this man?"**
- (c) (i) As a Finance head of Zeeta Private Limited, draft a circular to be distributed to all employees of finance department informing them to attend a meeting to finalise financial statements for the quarter ending 30th September 2021. (3 Marks)
- (ii) Write a formal email to the Reporting Manager (E-mail : RM@kkpyt.com) as the Assistant Manager (E-mail : AM@kkpvt.com) of KK Private Limited to request for leave of one week for personal work. (2 Marks)
11. (a) Explain horizontal communication. (2 Marks)
- (b) Select the correct meaning of Idioms/Phrases given below :
- (i) **Notch up** (1 Mark)
- (1) To win or create a record.
- (2) To look disappointed.
- (3) To get annoyed.
- (4) To be agitated.

PDZ-H

(15)

PDZ-H

(ii) **To play second fiddle** (1 Mark)

- (1) To be happy, cheerful and healthy
- (2) To reduce importance of one's senior
- (3) To support the role and view of another person
- (4) To do back seat driving

(iii) **Change the sentence into passive voice:** (1 Mark)

Mohan will tell you later.

(iv) **Choose the word which best expresses the meaning of the given word :** (1 Mark)

Novice

- (1) Beginner
- (2) Concrete
- (3) Reality
- (4) Veteran

(c) You are Vishnu Shreshth, 16 KY Nagar, Delhi. You wish to apply for the post of the Marketing Manager in a reputable firm in Mumbai. Write a letter on 1st December 2021 to the Public Relations Officer, ZZ Enterprises, Mumbai, applying for the job. Write the letter including your bio-data. (4 Marks)

PDZ-H

P.T.O.

Roll No.

Total No. of Printed Pages : 16

Total No. of Questions : 11

Maximum Marks : 100

Time allowed : 3 Hours

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. Questions in Section A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi, will not be evaluated.
2. Questions in Section B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.
3. Answers to both the Sections are to be written in the same answer book.

SECTION A — (60 Marks)

Question No. 1 is compulsory.

Answer any **FOUR** questions from the remaining **FIVE** questions. **Marks**

1. (a) Sheena was a classical dancer. She entered into an agreement with Shital Vidya Mandir for 60 dance performances. As per the contract, she was supposed to perform every weekend and she will be paid ₹10,000/- per performance. However, after a month, she was absent without informing, due to her personal reasons. Answer the following questions as per the Indian Contract Act, 1872. 4
 - (i) Whether the management of Shital Vidya Mandir has right to terminate the contract?
 - (ii) If the management of Shital Vidya Mandir informed Sheena about its continuance, can the management still rescind the contract after a month on this ground subsequently?
 - (iii) Can the Shital Vidya Mandir claim damages that it has suffered because of this breach in any of the above cases?

CGS-H

SEAL

(2)

CGS-H

Marks

- (b) The Articles of Association of Aarna Limited empowers its managing agents to borrow loans on behalf of the company. Ms. Anika, the director of the company, borrowed ₹18 Lakhs in name of the company from Quick Finance Limited, a non-banking finance company. Later on, Aarna Limited refused to repay the money borrowed on the pretext that no resolution authorizing such loan have been actually passed by the company and therefore the company is not liable to pay such loan.
Decide whether the contention of Aarna Limited is correct in accordance with the provisions of the Companies Act, 2013? 4
- (c) What are the consequences of destruction of specified goods, before making of contract and after the agreement to sell under the Sale of Goods Act, 1930. 4
2. (a) "The general rule is that an agreement made without consideration is void." State the exceptions of this general rule as per the Indian Contract Act, 1872. 7
- (b) Explain the incorporation by registration of a Limited Liability Partnership and its essential elements under the LLP Act, 2008. 5
3. (a) (i) What do you mean by 'Partnership for a fixed period' as per the Indian Partnership Act, 1932? 2
- (ii) Can a minor become a partner in a partnership firm? Justify your answer and also explain the rights of a minor in a partnership firm. 4

CGS-H

- (b) Srishti, a minor, falsely representing her age, enters into an agreement with an authorised Laptop dealer Mr. Gupta, owner of SP Laptops, for purchase of Laptop on credit amounting ₹ 60,000/- for purchasing a laptop on 1st August 2021. She promised to pay back the outstanding amount with interest @ 16% p.a by 31st July 2022. She told him that in case she won't be able to pay the outstanding amount, her father Mr. Ram will pay back on her behalf. After One year, when Srishti was asked to pay the outstanding amount with interest she refused to pay the amount and told the owner that she is minor and now he can't recover a single penny from her. She will be adult on 1st January 2024, only after that agreement can be ratified. Explain by which of the following way Mr. Gupta will succeed in recovering the outstanding amount with reference to the Indian Contract Act, 1872.
- (i) By filing a case against Srishti, a minor for recovery of outstanding amount with interest?
- (ii) By filing a case against Mr. Ram, father of Srishti for recovery of outstanding amount?
- (iii) By filing a case against Srishti, a minor for recovery of outstanding amount after she attains maturity?
4. (a) What are the implied conditions in a contract of 'Sale by sample' under the Sale of Goods Act, 1930? Also state the implied warranties operative under the Act?
- (b) M/S ABC Associates is a partnership firm since 1990. Mr. A, Mr. B and Mr. C were partners in the firm since beginning. Mr. A, Being a very senior partner of aged 78 years transfers his share in the firm to his son Mr. Prateek, a Chartered Accountant. Mr. B and Mr. C were not interested that Mr. Prateek join them as partner in M/S ABC Associates. After some time, Mr. Prateek felt that the books of accounts were displaying only a small amount as profit despite a huge turnover. He wanted to inspect the book of accounts of the firm arguing that it is his entitlement as a transferee. However, the other partners believed that he cannot challenge the books of accounts. Can Mr Prateek, be introduced as a partner if his father wants to get a retirement? As an advisor, help them resolve the issues applying the necessary provisions from the Indian Partnership Act, 1932.

5. (a) Sonal went to a Jewellery shop and asked the sales girl to show her diamond bangles with Ruby stones. The Jeweller told her that we have a lot of designs of diamond bangles but with red stones if she chooses for herself any special design of diamond bangle with red stones, they will replace red stones with Ruby stones. But for the Ruby stones they will charge some extra cost. Sonal selected a beautiful set of designer bangles and paid for them. She also paid the extra cost of Ruby stones. The Jeweller requested her to come back a week later for delivery of those bangles. When she came after a week to take delivery of bangles, she noticed that due to Ruby stones, the design of bangles has been completely disturbed. Now, she wants to terminate the contract and thus, asked the manager to give her money back, but he denied for the same. Answer the following questions as per the sale of Goods Act, 1930.
- (i) State with reasons whether Sonal can recover the amount from the Jeweller.
- (ii) What would be your answer if Jeweller says that he can change the design, but he will charge extra cost for the same?
- (b) Explain the 'doctrine of ultra vires' under the Companies Act, 2013. What are the consequences of 'ultra vires' acts of the company?
6. (a) "Liquidated damage is a genuine pre-estimate of compensation of damages for certain anticipated breach of contract whereas Penalty on the other hand is an extravagant amount stipulated and is clearly unconscionable and has no comparison to the loss suffered by the parties". Explain the statement by differentiating between liquidated damages and penalty with reference to provisions of the Indian Contract Act, 1872.
- (b) Explain the grounds on which court may dissolve a partnership firm in case of any partner files a suit for the same.
- (c) Mr. R is an Indian citizen, and his stay in India during the immediately preceding financial year is for 130 days. He appoints Mr. S, a foreign citizen, as his nominee, who has stayed in India for 125 days during the immediately preceding financial year. Is Mr. R eligible to be incorporated as a One-Person Company (OPC)? If yes, can he give the name of Mr. S in the memorandum of Association as his nominee? Justify your answers with relevant provisions of the Companies Act, 2013.

(5)

CGS-H

(HINDI VERSION)

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. उन परीक्षार्थियों को छोड़कर जिन्होंने हिन्दी माध्यम चुना है, भाग -अ में प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।
2. सभी परीक्षार्थियों द्वारा भाग - ब के प्रश्नों के उत्तर अंग्रेजी में ही देने हैं, उन परीक्षार्थियों द्वारा भी जिन्होंने हिंदी माध्यम का चयन किया है।
3. दोनों भागों के उत्तर एक ही उत्तर-पुस्तिका में लिखने हैं।

भाग अ – (60 Marks)

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

Marks

1. (a) शीना एक शास्त्रीय नृत्यांगना थी। वह शीतल विद्या मंदिर के साथ 60 नृत्य प्रस्तुतियों का ठहराव करती है। अनुबंध के अनुसार उसे हर सप्ताह के अंत में एक प्रस्तुति देनी थी जिसके लिए उसे ₹10,000 का प्रत्येक प्रस्तुति की दर से भुगतान किया जायेगा। किन्तु एक महीने के बाद वह अपने व्यक्तिगत कारणों की वजह से बिना सूचना दिये अनुपस्थित हो जाती है। भारतीय अनुबन्ध अधिनियम 1872, के अनुसार निम्न प्रश्नों का उत्तर दीजिए।
(i) क्या शीतल विद्या मंदिर के प्रबंध के पास अनुबंध की समाप्ति का अधिकार है?
(ii) यदि शीतल विद्या मंदिर का प्रबंध इस अनुबन्ध के जारी रहने के बारे में शीना को सूचित कर चुका है, तो क्या प्रबंध अब एक महीने बाद भी इस आधार पर अनुबंध को रद्द कर सकता है?
(iii) क्या शीतल विद्या मंदिर उपरोक्त किसी भी मामले में इस उल्लंघन के कारण हुए नुकसान का दावा कर सकता है?

CGS-H

P.T.O.

- (b) अर्ना लिमिटेड का पार्षद अन्तर्नियम अपने प्रबंध एजेंटों को कम्पनी निमित्त ऋण उधार लेने का अधिकार देता है। श्रीमती अनिका, कम्पनी की निदेशक, क्रिक फाइनेंस लिमिटेड, एक गैर बैंककारी वित्तीय कम्पनी से, कम्पनी के नाम पर ₹18 लाख उधार ले लेती है। बाद में अर्ना लिमिटेड ने यह कारण बताते हुए उधार लिए गए राशि को चुकाने से इन्कार कर दिया कि इस तरह के ऋण को अधिकृत करने वाला कोई प्रस्ताव वास्तव में कम्पनी द्वारा पारित नहीं किया गया है और इसलिए कम्पनी ऐसे ऋण का भुगतान करने के लिए उत्तरदायी नहीं हैं।
- निर्णय कीजिये कि क्या अर्ना लिमिटेड का विवाद कम्पनी अधिनियम, 2013 के प्रावधानों के अनुसार सही है?
- (c) वस्तु विक्रय अधिनियम, 1930 के अनुसार विशिष्ट माल के अनुबन्ध करने से पूर्व तथा अनुबन्ध होने के पश्चात् नष्ट होने के क्या परिणाम हैं?
2. (a) 'सामान्य नियम है कि बिना प्रतिफल के किया गया कोई भी ठहराव व्यर्थ होता है'। भारतीय अनुबन्ध अधिनियम, 1872 के अनुसार इस सामान्य नियम के अपवादों को लिखिए।
- (b) सीमित दायित्व साझेदारी अधिनियम, 2008 अंतर्गत एक सीमित दायित्व साझेदारी के पंजीकरण द्वारा सामेलन तथा उसके आवश्यक तत्वों को समझाइये।
3. (a) (i) भारतीय साझेदारी अधिनियम, 1932 के अनुसार 'एक नियत अवधि के लिए साझेदारी' से आप क्या समझते हैं?
- (ii) क्या एक अवयस्क, एक साझेदारी फर्म में साझेदार बन सकता है? अपने उत्तर का स्पष्टीकरण दीजिए तथा एक साझेदारी फर्म में एक अवयस्क के अधिकारों को स्पष्ट कीजिए।

- (b) सृष्टि, एक अवयस्क, अपनी उम्र गलत इंगित करते हुए 1 अगस्त 2021 को एस पी लेपटॉप के मालिक, एक अधिकृत लेपटॉप डीलर श्रीमान् गुप्ता से ₹60,000 की उधार की राशि पर लेपटॉप खरीदने का ठहराव करती है। वह 31 जुलाई 2022 तक 16% ब्याज की दर से बकाया राशि चुकाने का वादा करती है। वह बताती है कि अगर वह बकाया राशि चुका नहीं पाती है तो उसकी ओर से उसके पिता श्रीमान् राम, राशि का भुगतान करेंगे। एक साल के बाद जब सृष्टि से ब्याज के साथ बकाया राशि की माँग की जाती है तब वह राशि का भुगतान करने से मना कर देती है तथा मालिक को बताती है कि अभी वह अव्यस्क है और वह उससे एक रुपये की भी वसूली नहीं कर सकता। 1 जनवरी 2024 को वह व्यस्क हो जाएगी और तभी समझौते में सुधार किया जा सकता है। भारतीय अनुबन्ध अधिनियम, 1872 के अनुसार बताइये कि श्रीमान् गुप्ता निम्न में से किस प्रकार अपनी बकाया राशि वसूलने में सफल होंगे?

- (i) अपने ब्याज के साथ बकाया राशि की वसूली के लिए सृष्टि, एक अव्यस्क के विरुद्ध वाद प्रस्तुत करके।
(ii) अपनी बकाया राशि की वसूली के लिए श्रीमान् राम, सृष्टि के पिता के विरुद्ध वाद प्रस्तुत करके।
(iii) अपनी बकाया राशि की वसूली के लिए सृष्टि, एक अव्यस्क के, व्यस्कता प्राप्त करने के बाद विरुद्ध वाद प्रस्तुत करके

4. (a) वस्तु विक्रय अधिनियम, 1930 के अनुसार 'नमूने द्वारा विक्रय' की गर्भित शर्तें क्या है? तथा इस अधिनियम के अंतर्गत संचालित गर्भित आश्वासनों का भी विश्लेषण कीजिए। 6
- (b) M/S ABC Associates, 1990 से एक साझेदारी फर्म है। Mr. A, Mr. B तथा Mr. C शुरुआत से इस फर्म में साझेदार हैं। Mr. A, 78 साल के वरिष्ठ साझेदार होने की वजह से फर्म में अपना हिस्सा अपने पुत्र श्रीमान् प्रतीक, जो कि एक चार्टेड अकाउन्टेन्ट हैं, स्थानान्तरित कर देते हैं। Mr. B एवं Mr. C की रूचि नहीं थी, कि श्रीमान् प्रतीक M/S ABC Associates में साझेदार के रूप में जुड़ें। कुछ समय बाद श्रीमान् प्रतीक ने महसूस किया कि लेखा पुस्तकों में अधिक टर्नओवर के बावजूद लाभ के रूप में एक छोटी राशि प्रदर्शित हो रही है। वह यह तर्क देते हुए फर्म की लेखा पुस्तकों का निरीक्षण करना चाहता है, कि एक हस्तांतरणकर्ता के रूप में यह उसका अधिकार है। हालांकि अन्य साझेदारों का मानना है कि वह हिसाब की पुस्तकों को चूनौती नहीं दे सकता। क्या श्रीमान् प्रतीक को एक साझेदार के रूप में परिचय करवाया जा सकता है क्योंकि उनके पिता सेवानिवृत्त होना चाहते हैं? एक सलाहकार के रूप में, भारतीय साझेदारी अधिनियम, 1932 के आवश्यक प्रावधानों को लागू करते हुए उठने वाले मुद्दों को हल करने में उनकी सहायता करें। 6

5. (a) सोनल एक आभूषण की दूकान पर जाती है तथा सेल्स गर्ल को रूबी के पत्थरों के साथ हीरे की चूड़ियां दिखाने के लिए कहती हैं। जोहरी बताता है कि उनके पास लाल पत्थरों के साथ हीरे की चूड़ियों के कई डिजाइन्स मौजूद हैं, अगर वह खुद के लिए कोई विशिष्ट डिजाइन पसन्द करती हैं, तो वह लाल पत्थरों का रूबी के पत्थरों के साथ प्रतिस्थापन कर देंगे। किन्तु वह रूबी के पत्थरों के लिए अतिरिक्त मूल्य लेंगे। सोनल एक डिजाइनर चूड़ियों का सेट पसन्द करती है और रूबी के पत्थरों के अतिरिक्त मूल्य के साथ, चूड़ियों की कीमत अदा कर देती है। जोहरी उनके इन चूड़ियों की सुपुर्दगी के लिए एक हफ्ते के बाद आने का आग्रह करता है। जब वह एक हफ्ते के बाद चूड़ियों की सुपुर्दगी के लिए आती हैं तब वह ध्यान देती है कि रूबी के पत्थरों की वजह से उन चूड़ियों का डिजाइन पूरी तरह से खराब हो गया है। अब वह अनुबन्ध की समाप्ति चाहती है और प्रबन्धक से पैसे वापिस करने के लिए कहती है लेकिन वह इसके लिए मना कर देता है। वस्तु विक्रय अधिनियम, 1930 के अनुसार निम्न प्रश्नों का उत्तर दीजिए।
- (i) कारण सहित लिखिए कि क्या सोनल जोहरी से राशि की वसूली कर पायेगी।
- (ii) आपका जबाब क्या होगा अगर जोहरी यह कहता कि वह डिजाइन बदल देगा पर उसका अतिरिक्त मूल्य लगेगा?
- (b) कम्पनी अधिनियम, 2013 के अंतर्गत 'शक्ति बाढ़ का सिद्धान्त' समझाइये। कम्पनी में - 'शक्ति बाढ़' कार्यों के क्या परिणाम होते हैं?
6. (a) 'निस्तारित हर्जाना अनुबन्ध के किसी अग्रिम अंग के लिए क्षति के हर्जाने का एक वास्तविक पूर्व अनुमान है जब कि अर्थदण्ड, दूसरी ओर, एक भारी रकम है जो सम्भावित है तथा स्पष्टतः सविचार है तथा पक्षकारों द्वारा उठाई गई हानि के प्रति कोई तुलना नहीं है'। भारतीय अनुबन्ध अधिनियम, 1872 के प्रावधानों के अनुसार निस्तारित हर्जाने तथा अर्थदण्ड में अन्तर बताते हुए इस कथन को समझाइये।
- (b) किसी पक्षकार के वाद प्रस्तुत करने पर न्यायालय द्वारा साझेदारी फर्म के समापन के आधारों को समझाइये।
- (c) Mr. R एक भारतीय नागरिक है, और पिछले वित्तीय वर्ष के दौरान भारत में उनका प्रवास 130 दिनों का है। वह Mr. S, एक विदेशी नागरिक को अपने नामित व्यक्ति के रूप में नियुक्त करता है, जो कि पिछले वित्तीय वर्ष के दौरान 125 दिनों के लिए भारत में रहे हैं। क्या Mr. R 'एक व्यक्ति कम्पनी' (OPC) को निर्गमित करने योग्य हैं? यदि हाँ, तो क्या वह Mr. S का नाम पार्षद सीमापत्र में अपने नामित व्यक्ति के रूप में दे सकते हैं। कम्पनी अधिनियम, 2013 के प्रावधानों के अनुसार अपने उत्तरों का स्पष्टीकरण कीजिए।

SECTION B — (40 Marks)

Question No.7 is compulsory.

Answer any **THREE** questions from the remaining **FOUR** questions.

7. (a) Read the passage given below and answer the questions that follows:

Electricity is the life force of modern world. The use of electricity in daily life at all levels is far too elaborate to be measured. The electric power has transformed human life into an amazing experience of convenience, luxury, comfort and ease. A push by a finger to a button brings the light on and the same act sets hundreds of thousands of gadgets in action. This giant dinosaur has become slave of a human finger which now controls the electric power. It simply is a miracle, very real and more bountiful than any other thing available on the planet. The electricity has revolutionized our houses, drawing rooms and kitchen with useful equipment.

The array of entertainment aids powered by electricity has created a fancy world around us. The coming into the existence of a power like electricity that obeyed the command of the human finger's touch inspired the inventions and innovations of a mind boggling range of electric equipment. In fact, all the manmade machines or gadgets wholly or partly run on electricity.

It created wonders of entertainment like cinema, radio, television, other audio-video systems. The electricity has enabled the man go to space, land on moon and harness natural powers and resources. The mining, construction, irrigation, transport, printing and other industrial activities are dependent

on electric power. Even the computers won't work any wonders without the electricity. The electricity has penetrated in our lives to such an extent that if it is cut off for some time, the life comes to a standstill. Today, the progress of a society or a nation or economy is so dependent on electric power that all the power generating resources and options are being exploited or explored so that we have unrestrained supply of electric power. Oil, coal, water, air, sun light, tidal waves and atomic phenomena are being used for power generation. The research on hydrogen as fuel and controlled fusion process are going on at feverish pitch.

The oil and coal are non-renewable resources. Hydel power has limitations as no new rivers can be created. Solar energy is yet costly to harness. The wind energy too has limitations. The tidal wave processes are yet at an experimental stage. And so are hydrogen and fusion ideas. Conventional atomic energy clearly is the best pollution free option but it entails the tricky problem of atomic waste disposal.

Questions:

- | | |
|--|---|
| (i) What has created a fancy world around us? | 1 |
| (ii) What part of the human body controls the power of electricity? | 1 |
| (iii) What happens when the electricity is cut off in the modern day city? | 1 |
| (iv) Why hydel power has limitations? | 1 |
| (v) Write one merit and demerit of nuclear power generation. | 1 |

(b) Read the Passage :

Cholesterol is a wax like substance that is present in our body. It's an important component of our cell walls and other tissues, but it is considered to be harmful if in excess. It can lead to blockages caused by plaque formation in the heart's arteries causing heart disease and heart attacks. Such blockages can also happen in arteries, in the legs or in the brain. Cholesterol is produced in the liver, and the amount produced is influenced by our genes and many other factors. The food consumed by us has also an effect on cholesterol levels. Fatty foods, especially those high in saturated fats and foods high in simple sugars such as cold drinks increase cholesterol levels. Lack of physical activity and exercise also leads to elevated levels of cholesterol.

Cholesterol levels can be reduced by following a heart-healthy lifestyle, which includes regular physical activity for at least 30 minutes daily and a diet high in fruits and vegetables and low in saturated sugar. Statins are a group of drugs most recommended for those with high cholesterol. Red yeast rice has been shown to be effective in lowering cholesterol. Garlic and flaxseed can be included in the daily diet. Olive oil, Canola oil or other oils rich in monounsaturated fatty acids can be used for cooking in order to reduce cholesterol through food.

The ill-effects of high cholesterol take time to show up, and one may not realise it until it's a bit too late. Cholesterol, by itself is important because it insulates nerve cells and membranes. Being a fatty substance, it does not dissolve in the blood and is packaged into protein. There are 'good' HDL cholesterol and 'bad' LDL cholesterol. Bad cholesterol can stick to the smooth lining of the blood vessels, where it is absorbed, while HDL mops up excess bad cholesterol and removes it from blood vessels. Even moderate physical activity on a regular basis can help increase HDL cholesterol.

Exercise five days a week, whether you are overweight or underweight. Aerobic exercises like walking, cycling, swimming, slow jogging, dancing etc. for 45 minutes, three times a week and anaerobic exercises like weight training, and sprinting for another three days will help increase good and reduce bad cholesterol. In order to maximize your cardiovascular fitness, aerobic exercises should raise your heart to a certain level. This level is called heart zone. One should keep the heart rate elevated for at least 20 minutes. Always warm-up, stretch, and relax before and after any workout to avoid injuries. All these contribute to a healthier and fitter life.

- (i) Make notes, using headings, sub-headings and abbreviation wherever necessary giving a suitable title. 3
- (ii) Write a summary. 2

CGS-H

Marks

8. (a) "A well dressed and groomed person is presumed to be organised and methodical, whereas a sloppy or shabby person fails to make a favourable impression". Discuss. 2

- (b) (i) Choose the word which best expresses the meaning of the given word: 1

GERMANE

- (1) Responsible
- (2) Logical
- (3) Possible
- (4) Relevant

- (ii) Select a suitable antonym for the word given under : 1

FIDELITY

- (1) Commitment
- (2) Inconstancy
- (3) Ambitious
- (4) Devotion

- (iii) Change the following sentences to indirect speech: 1

"Why don't you go away for a few days?" Jenifer said to me.

CGS-H

P.T.O.

- (c) Write a précis and give an appropriate title to the passage given below :

5

We are bombarded by noise and sound in all our waking hours. We 'hear' conversations, news, gossips and many other forms of speech all the time. However, most of it is not listened to carefully and therefore, not understood, partially understood or misunderstood. A good listener does not only listen to the spoken words, but observes carefully the nonverbal cues to understand the complete message. He/she absorbs the given information's, processes it, understands its context and meaning and to form an accurate, reasoned, intelligent response.

Listening starts with hearing but goes beyond. Hearing, in other words is necessary but is not a sufficient condition for listening. Listening involves hearing with attention. Listening is a process that calls for concentration. While, listening, one should also be observant. In other words, listening has to do with the ears, as well as with the eyes and the mind. Listening is to be understood as the total process that involves hearing with attention, being observant and making interpretations. Good communication is essentially an interactive process. It calls for participation and involvement. It is quite often a dialogue rather than a monologue. It is necessary to be interested and also show or make it abundantly clear that one is interested in knowing what the other person has to say.

Good listening is an art that can be cultivated. It relates to skills that can be developed. A good listener knows the art of getting much more than what the speaker is trying to convey. He knows how to prompt, persuade but not to cut off or interrupt what the other person has to say. At times the speaker may or may not be coherent, articulate and well organised in his thoughts and expressions. He may have it in his mind and yet he may fail to marshal the right words while communicating his thought.

The listener has to be objective, practical and in control of his emotions. Often the understanding of a listener is coloured by his own emotions, judgments, opinions, and reactions to what is being said.

CGS-H

Marks

9. (a) (i) Define chain network in communication. 2
- OR**
- (ii) How 'Technology barrier' affects communication?
- (b) (i) Choose the word which best expresses the meaning of the given word: 1
- Sluggard
- (1) Cheat
- (2) Lazy
- (3) Old
- (4) Talkative
- (ii) Choose the word which best expresses the meaning of the given word: 1
- Turbulence
- (1) Stillness
- (2) Repose
- (3) Agitation
- (4) Calmness
- (iii) Change the following sentence to indirect speech: 1
- Mother said to her daughter, "May God grant you success in your examination".
- (c) You are a purchase manager of Global Traders Pvt Ltd. You had ordered 100 units special kind of Bolts from a company SN Nut Bolts Pvt. Ltd in Mumbai. While checking, the consignment was found to be very poor in quality. Write a complaint letter to the Sales Manager to replace the order. 5
10. (a) "Human behaviour is not under the sole control of emotion or deliberation but results from the interaction of these two processes". Explain. 2
- (b) (i) Change the sentence from Active to Passive Voice. 1
- I ran the obstacle course in record time.
- (ii) Change the sentence from Passive to Active Voice. 1
- Money was generously donated to the homeless shelter by Larry.
- (iii) Change the following sentence into indirect speech. 1
- The students said to their teacher, 'please allow us to watch the cricket match.'
- (c) Corruption has become the order of the day. It has entered all walks of life. Write an article for your school magazine in 250 words on 'The Role of Youth in combating corruption'. 5

CGS-H

P.T.O.

11. (a) "Understanding cultural aspects of communication is absolutely necessary otherwise it will become a barrier to communication". Discuss. 2
- (b) Select the correct meaning of Idioms/ Phrases given below: 1
- (i) In the pink of health 1
- (1) Prolonged suffering
- (2) Emergency situation
- (3) Challenging situation
- (4) Best of health
- (ii) Out of the blue 1
- (1) Quietly
- (2) Unexpectedly
- (3) Angrily
- (4) Revengefully
- (iii) Change the sentence into passive voice. 1
- The builder is building the flat.
- (iv) Choose the word which best expresses the meaning of the given word. 1
- Precedence
- (1) Priority
- (2) Uprise
- (3) Present
- (4) Insignificance
- (c) There is an urgent job opportunity in an established chartered accountancy firm for the job of qualified / competent Chartered Accountant. Prepare a detailed resume for a candidate applying for the post. 4

Foundation (New Syllabus)
Paper - 2
Business Law & Business
Correspondence and Reporting

PMQ-H

JUN 2023

Roll No.

Total No. of Printed Pages : 16

Total No. of Questions : 11

Maximum Marks : 100

Time allowed : 3 Hours

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. Questions in Section A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi will not be evaluated.
2. Questions in Section B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.
3. Answer to both the Sections are to be written in the same answer book.

SECTION A — (60 Marks)

Question No. 1 is compulsory.

Answer any **FOUR** questions out of the remaining **FIVE** questions. **Marks**

1. (a) Radha invited her ten close friends to celebrate her 25th birthday party on 1st January, 2023, at 7.30 P.M. at a well-known "Hi-Fi Restaurant" at Tonk Road Jaipur. All invited friends accepted the invitation and promised to attend the said party. On request of the hotel manager, Radha deposited ₹ 5,000/- as non-refundable security for the said party. On the scheduled date and time, three among ten invited friends did not turn up for the birthday party and did not convey any prior communication to her. Radha, enraged with the behaviour of the three friends, wanted to sue them for loss incurred in the said party. Advise as per the provisions of the Indian Contract Act, 1872.

Would your answer differ if the said party had been a "Contributory 2023 New Year celebration Party" organized by Radha?

4

PMQ-H

(2)

PMQ-H

Marks

- (b) ABC Limited has allotted equity shares with voting rights to XYZ Limited worth ₹ 15 crores and convertible preference shares worth ₹ 10 crores during the financial year 2022-23. After that the total share capital of the company is ₹ 100 crores.

Comment on whether XYZ Limited would be called an Associate Company as per the provisions of the Companies Act, 2013? Also define an Associate Company.

4

- (c) Mr. A contracted to sell his swift car to Mr. B. Both missed to discuss the price of the said swift car. Later, Mr. A refused to sell his swift car to Mr. B on the ground that the agreement was void being uncertain about the price. Does Mr. B have any right against Mr. A under the Sale of Goods Act, 1930?

4

2. (a) As per the general rule, "Stranger to a contract cannot file a suit in case of breach of contract". Comment and explain the exceptions to this rule as per the provisions of the Indian Contract Act, 1872.

7

- (b) Discuss the liabilities of Limited Liability Partnership (LLP) and its partners in case of fraud as per the provisions of the Limited Liability Partnership Act, 2008.

5

PMQ-H

PMQ-H

Marks

3. (a) Explain about the registration procedure of a partnership firm as prescribed under the Indian Partnership Act, 1932. 6
- (b) (i) Mr. A, the employer induced his employee Mr. B to sell his one room flat to him at less than the market value to secure promotion. Mr. B sold the flat to Mr. A. Later on, Mr. B changed his mind and decided to sue Mr. A. Examine the validity of the contract as per the provisions of the Indian Contract Act, 1872. 2
- (ii) Mr. S promises Mr. M to paint a family picture for ₹ 20,000 and assures to complete his assignment by 15 March, 2023. Unfortunately, Mr. S died in a road accident on 1 March, 2023 and his assignment remains undone. Can Mr. M bind the legal representative of Mr. S for the promise made by Mr. S? Suppose Mr. S had promised to deliver some photographs to Mr. M on 15 March, 2023 against a payment of ₹ 10,000 but he dies before that day. Will his representative be bound to deliver the photographs in this situation? 4
- Decide as per the provisions of the Indian Contract Act, 1872. 4
4. (a) Describe in brief the rights of the buyer against the seller in case of breach of contract of Sale. 6
- (b) P, Q and R are partners in a partnership firm. R retires from the firm without giving public notice. P approached S, an electronic appliances trader, for purchase of 25 fans for his firm. P introduced E, an employee of the firm, as his partner to S. S believing E and R as partners supplied 25 fans to the firm on credit. S did not receive the payment for the fans even after the expiry of the credit period. Advise S, from whom he can recover the payment as per the provisions of the Indian Partnership Act, 1932. 6

(4)

PMQ-H

Marks

5. (a) (i) An auction sale of the certain goods was held on 7 March, 2023 by the fall of hammer in favour of the highest bidder X. The payment of auction price was made on 8 March, 2023 followed by the delivery of goods on 10 March, 2023. Based upon on the provisions of the Sale of Goods Act, 1930, decide when the auction sale is complete. 2
- (ii) Certain goods were sold by sample by J to K, who in turn sold the same goods by sample to L and L by sample sold the same goods to M. M found that the goods were not according to the sample and rejected the goods and gave a notice to L. L sued K and K sued J. Can M reject the goods? Also advise K and L as per the provisions of the Sale of Goods Act, 1930. 4
- (b) Explain the concept of 'Corporate Veil'. Briefly state the circumstances when the corporate veil can be lifted as per the provisions of the Companies Act, 2013. 6
6. (a) Distinguish between Void Contract and Voidable Contract according to the Indian Contract Act, 1872. 5
- (b) What are the rights of partners with respect to conduct of the business of a firm as prescribed under the Indian Partnership Act, 1932? 4
- (c) ABC Private Limited is a registered company under the Companies Act, 2013 with paid up capital of ₹ 35 lakhs and turnover of ₹ 2.5 crores. Whether the ABC Private Limited can avail the status of a Small Company in accordance with the provisions of the Companies Act, 2013? Also discuss the meaning of a Small Company. 3

PMQ-H

(5)

PMQ-H

(HINDI VERSION)

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. उन परीक्षार्थियों को छोड़कर जिन्होंने हिन्दी माध्यम चुना है, भाग -अ में प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।
2. सभी परीक्षार्थियों द्वारा भाग - ब के प्रश्नों के उत्तर अंग्रेजी में ही देने हैं, उन परीक्षार्थियों द्वारा भी जिन्होंने हिन्दी माध्यम का चयन किया है।
3. दोनों भागों के उत्तर एक ही उत्तर-पुस्तिका में लिखने हैं।

भाग अ - (60 Marks)

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

अँक

1. (अ) राधा ने अपने 10 निकट मित्रों को 1 जनवरी 2023 को शाम 7.30 बजे टोंक रोड, जयपुर स्थित एक प्रसिद्ध “Hi-Fi रेस्तराँ” में अपने 25 वें जन्मदिन की पार्टी में आने का नियंत्रण दिया! सभी आमंत्रित मित्रों ने निमंत्रण स्वीकार कर लिया और पार्टी में उपस्थित रहने का वचन दिया! होटल प्रबन्धक की प्रार्थना पर, राधा ने उपरोक्त पार्टी के लिए ₹ 5,000 रुपए गैर-वापसी प्रतिभू के रूप में जमा करवाएँ! निश्चित तिथि और समय पर, दस में से तीन मित्र जन्मदिन पार्टी के लिए उपस्थित नहीं हुए और राधा को कोई पूर्व सूचना भी नहीं दी। राधा, उन तीनों मित्रों के व्यवहार से क्रुद्ध हुई और उपरोक्त पार्टी में हुए नुकसान के लिए वाद प्रस्तुत करना चाहती है। अनुबन्ध अधिनियम 1872 के प्रावधानों के अनुरूप सलाह दें।

क्या आपका उत्तर अलग होगा यदि राधा द्वारा आयोजित उपरोक्त पार्टी “अँशदायी 2023 नववर्ष उत्सव पार्टी” होती?

4

PMQ-H

P.T.O.

(6)

PMQ-H

अंक

- (ब) वित्त वर्ष 2022-23 के दौरान ABC लि. ने XYZ लि. को मताधिकार सहित ₹ 15 करोड़ मूल्य के समता अंश और ₹ 10 करोड़ मूल्य के परिवर्तनशील अधिमान अंश निर्गमित किए। इसके बाद कम्पनी की कुल अशेष पूंजी ₹ 100 करोड़ हो गई।

टिप्पणी कीजिए कि क्या XYZ लि. को कम्पनी अधिनियम 2013 के प्रावधानों के अनुरूप सम्बद्ध कम्पनी कहा जाएगा? सम्बद्ध कम्पनी को परिभाषित भी करें।

4

- (स) A ने अपनी Swift कार B को बेचने का अनुबन्ध किया। दोनों उपरोक्त Swift कार का मूल्य निर्धारण करना चूक गए। बाद में A ने ठहराव को मूल्य की अनिश्चितता के आधार पर व्यर्थ मानते हुए, B को Swift कार बेचने से मनाकर दिया। क्या वस्तु विक्रय अधिनियम 1930 के अन्तर्गत B को A के विरुद्ध कोई अधिकार है?

4

2. (अ) सामान्य नियम के अनुसार “अनुबन्ध के प्रति अजनबी व्यक्ति अनुबन्ध भंग होने की दशा में वाद प्रस्तुत नहीं कर सकता” टिप्पणी कीजिए और भारतीय अनुबन्ध अधिनियम 1872 के प्रावधानों के अनुरूप इस नियम के अपवादों का वर्णन करें।

7

- (ब) सीमित दायित्व साझेदारी अधिनियम 2008 के अनुसार कपट की स्थिति में सीमित दायित्व साझेदारी तथा उसके साझेदारों के दायित्वों का वर्णन करें।

5

PMQ-H

PMQ-H

अंक

3. (अ) साँझेदारी अधिनियम 1932 के अर्न्तगत साँझेदारी फर्म के पंजीकरण की कार्यविधि का उल्लेख करे। 6
- (ब) (i) Mr. A नियोक्ता ने अपने कर्मचारी Mr. B को पदोन्नति का प्रलोभन देकर अपना एक कमरे वाला फ्लैट उसे बाजार कीमत से भी कम मूल्य पर बेचने के लिए बहकाया। बाद में, Mr. B ने अपना विचार बदल लिया और Mr. A के विरुद्ध वाद प्रस्तुत करने का निश्चय किया। भारतीय अनुबन्ध अधिनियम 1872 के अनुसार अनुबन्ध की वैधता की जाँच करें। 2
- (ii) Mr. S ने Mr. M को ₹ 20,000 रुपए में एक परिवारिक तस्वीर की चित्रकारी करने का वचन दिया और इस कार्ययोजना को 15 मार्च 2023 तक पूरा करने का आश्वासन दिया। दुर्भाग्यवश 1 मार्च 2023 को एक सड़क दुर्घटना में Mr. S की मृत्यु हो गई और उसकी कार्ययोजना अधूरी रह गई। क्या Mr. M, Mr. S के वैधानिक उत्तराधिकारी को Mr. S द्वारा दिए गए वचन को पूरा करने के लिए बाध्य कर सकता है? मान लीजिए Mr. S ने ₹ 10,000 मूल्य के बदले Mr. M को 15 मार्च, 2023 को कुछ फोटो देने का वचन दिया होता और उसकी देय तिथि से पूर्व मृत्यु हो गई होती। क्या इस स्थिति में उसका उत्तराधिकारी फोटो देने के लिए बाध्य होगा। भारतीय अनुबन्ध अधिनियम 1872 के प्रावधानों के अनुसार निर्णय ले। 4
4. (अ) बिक्री अनुबन्ध भंग होने की दशा में क्रेता के विक्रेता के प्रति अधिकारों का सक्षिप्त वर्णन करें। 6
- (ब) P, Q और R एक साँझेदारी फर्म में साँझेदार हैं। R बिना किसी सार्वजनिक सूचना के फर्म से अवकाश ले लेता है। P ने S जो कि बिजली उपकरण का व्यवसायी है, से फर्म के लिए 25 पंखे खरीदने के लिए समर्पक किया। P ने फर्म के कर्मचारी E का परिचय S से एक साँझेदार के रूप में करवाया। S ने E और R को फर्म का साँझेदार मानते हुए फर्म को 25 पंखों की उधार आपूर्ति की। S को उधार अवधि समाप्त होने के पश्चात भी पंखों की देय राशि प्राप्त नहीं हुई। साँझेदारी अधिनियम 1932 के प्रावधानों के अनुसार S किससे भुगतान राशि प्राप्त कर सकता है, परामर्श दे। 6

PMQ-H

P.T.O.

5. (अ) (i) 7 मार्च 2023 को कुछ निश्चित वस्तुओं की नीलामी विक्रय सबसे ऊँची बोली देने वाले X के पक्ष में हथौड़ी बजने से हुई। नीलामी राशि का भुगतान 8 मार्च 2023 को हुआ तथा 10 मार्च 2023 को वस्तुओं की सपुर्दगी हुई। वस्तु बिक्री अधिनियम 1930 के प्रावधानों के आधार पर सुनिश्चित करें कि नीलामी विक्रय कब पूरा हुआ। 2
- (ii) नमूने के आधार पर J ने K को निश्चित वस्तुएँ बेची, K ने वही वस्तुएँ नमूने के आधार पर L को बेची और L ने नमूने के आधार पर M को वही वस्तुएँ बेची। M ने पाया कि वस्तुएँ नमूने के आधार पर नहीं थी और उसने वस्तुएँ अस्वीकार कर दी और L को नोटिस दिया। L ने K के विरुद्ध और K ने J के विरुद्ध वाद प्रस्तुत किया। क्या M वस्तुएँ अस्वीकार कर सकता है? K और L को भी वस्तु बिक्री अधिनियम 1930 के अनुसार सलाह दें। 4
- (ब) “समामेलन आवरण” की अवधारणा का वर्णन करें। कम्पनी अधिनियम 2013 के अन्तर्गत संक्षिप्त में उन परिस्थितियों का वर्णन करें जब “समामेलन आवरण” को छिद्रित किया जा सकता है? 6
6. (अ) भारतीय अनुबन्ध अधिनियम 1872 के अनुसार व्यर्थ अनुबन्ध और व्यर्थनीय अनुबन्ध में अन्तर करें। 5
- (ब) फर्म के व्यवसाय संचालन से संबंधित भारतीय सांझेदारी अधिनियम 1932 में सांझेदारी के क्या अधिकार निहित हैं? 4
- (स) ABC Private Limited ₹ 35 लाख की प्रदत्त पूँजी और ₹ 2.5 करोड़ की आवृत्त के साथ कम्पनी अधिनियम 2013 के अन्तर्गत पंजीकृत है। क्या भारतीय कम्पनी अधिनियम 2013 के प्रावधानों के अन्तर्गत ABC Private Limited ‘छोटी कम्पनी’ का दर्जा प्राप्त कर सकती है? ‘छोटी कम्पनी’ के अर्थ की विवेचना भी करें। 3

(9)

PMQ-H

SECTION B — (40 Marks)

Question No. 7 is compulsory.

Answer any **THREE** questions out of the remaining **Four** questions.

7. (a) Read the passage carefully and answer the questions given below :

Air pollution is an issue which concerns us all alike. Air pollutant is defined as a substance which is present in air while normally it is not there or present in an amount exceeding the normal concentrations. It could either be gaseous or a particulate matter. The important and harmful polluting gases are carbon monoxide, carbon dioxide, ozone and oxides of sulphur and nitrogen. The common particulate pollutants are the dusts of various inorganic or organic origins. Although we often talk of the outdoor air pollution caused by industrial and vehicular exhausts, the indoor pollution may prove to be as or a more important cause of health problems.

Recognition of air pollution is relatively recent. It is not uncommon to experience a feeling of 'suffocation' in a closed environment. It is often ascribed to the lack of oxygen. Fortunately, however, the composition of air is remarkably constant all over the world. There is about 79 percent nitrogen and 21 percent oxygen in the air and the other gas forming a very small fraction. It is true that carbon dioxide exhaled out of lungs may accumulate in a closed and overcrowded place. But such an increase is usually small and temporary unless the room is really airtight. Exposure to poisonous gases such as carbon monoxide may occur in a closed room, heated by burning coal inside. This may also prove to be fatal.

What is more common in a poorly ventilated home is a vague constellation of symptoms described as the sick-building syndrome. It is characterized by a general feeling of malaise, headache, dizziness and irritation of mucous membranes. It may also be accompanied by nausea, itching, aches, pains and depression. Sick building syndrome is getting commoner in big cities with the small houses, which are generally over furnished.

PMQ-H

P.T.O.

PMQ-H**Marks**

By products of fuel combustion are important in houses with indoor kitchens. It is not only the burning of dried dung and fuel wood which is responsible, but also kerosene and liquid petroleum gas. Oxides of both nitrogen and sulphur are released from their combustion.

Smoking of tobacco in the closed environment is an important source of indoor pollution. It may not be high quantitatively, but significantly hazardous for health. It is because of the fact that there are over 3,000 chemical constituents in tobacco smoke, which have been identified. These are harmful for human health.

Microorganisms and allergens are of special significance in the causation and spread of diseases. Most of the infective illnesses may involve more persons of a family living in common indoor environment. These include viral and bacterial diseases like tuberculosis.

Besides infections, allergic and hypersensitivity disorders are spreading fast. Although asthma is the most common form of respiratory allergic disorders, pneumonias are not uncommon, but more persistent and serious. These are attributed to exposures to allergens from various fungi, moulds, hay and other organic materials. Indoor air ventilation systems, coolers, air conditioners, dampness, decay, pet animals, production or handling of the causative items are responsible for these hypersensitivity diseases.

Obviously, the spectrum of pollution is very wide and our options are limited. Indoor pollution may be handled relatively easily by an individual. Moreover, the good work must start from one's own house.

- | | |
|---|---|
| (i) What is an air pollutant? | 1 |
| (ii) Why do we feel suffocated in a closed environment? | 1 |
| (iii) How the sick building syndrome can be characterized? | 1 |
| (iv) How is indoor smoking very hazardous? | 1 |
| (v) How can one overcome the dangers of indoor air pollution? | 1 |

PMQ-H

PMQ-H

(b) Read the passage :

Effective speaking depends on effective listening. It takes energy to concentrate on hearing and to concentrate on understanding what has been heard. Incompetent listeners fail in a number of ways. First, they may drift. Their attention drifts from what the speaker is saying. Second, they may counter. They find counter-arguments to whatever a speaker may be saying. Third, they compete. Then, they filter. They exclude from their understanding those parts of the message which do not readily fit with their own frame of reference. Finally, they react. They let personal feelings about a speaker or subject override the significance of the message which is being sent.

What can a listener do to be more effective? The first key to effective listening is the art of concentration. If a listener positively wishes to concentrate on receiving a message his chances of success are high.

It may need determination. Some speakers are difficult to follow, either because of voice problems or because of the form in which they send a message. There is then a particular need for the determination of a listener to concentrate on what is being said.

Concentration is helped by alertness. Mental alertness is helped by physical alertness. It is not simply physical fitness, but also positioning of the body, the limbs and the head. Some people also find it helpful to their concentration if they hold the head slightly to one side. One useful way for achieving this is intensive note-taking, by trying to capture the critical headings and sub-headings the speaker is referring to.

Note-taking has been recommended as an aid to the listener. It also helps the speaker. It gives him confidence when he sees that listeners are sufficiently interested to take notes; the patterns of eye-contact when the note-taker looks up can be very positive; and the speaker's timing is aided-he can see when a note-taker is writing hard and can then make effective use of pauses.

PMQ-H

Marks

Posture too is important. Consider the impact made by a less competent listener who pushes his chair backwards and slouches. An upright posture helps a listener's concentration. At the same time it is seen by the speaker to be a positive feature amongst his listeners. Effective listening skills have an impact on both the listener and the speaker.

- (i) Make notes, using headings, sub-headings and abbreviation whenever necessary. 3
- (ii) Write a summary. 2
8. (a) Comment on following statement : 2
- "Communication does not simply involve sending of a message by a person."**
- (b) (i) Choose the word which best expresses the meaning of the given word: 1
- ADAMANT**
- (1) Willing
- (2) Inflexible
- (3) Poor
- (4) Unfavourable
- (ii) Fill in the blanks with the most suitable option : 1
- The study of coding-decoding involves various _____ clues.**
- (1) Healthy
- (2) Obvious
- (3) Verbose
- (4) Cryptic
- (iii) Change the following sentence to indirect speech : 1
- He said, "I clean my teeth twice a day."**

PMQ-H

PMQ-H

Marks

- (c) Write Précis and give appropriate title to the passage given below : 5

Almost every organism has the tendency to react to certain stimuli for survival. This reaction to each and every situation has an evolutionary basis of adaptation. The study of human emotions dates back to the 19th century and psychologists have since then discovered many reasons for every emotion, yet these are just theories. The arousal of emotions and their assumed structures is said to occur due to repeated encounters with a situation followed by the adaptation of the encounter. Human emotions have been linked to adaptively regulate emotion-gathering mechanisms. The emotion of fear which is associated with ancient parts of the brain has presumably evolved among our pre-mammal ancestors while the emotion of a mother's love called the 'filial emotion' has seen to evolve among early mammals. Various emotions work as manipulative strategies that favour survival. Feigning emotions by an accused person may help him be saved from the punishment. An exaggerated display of anger is also associated with manipulating or threatening someone.

Despite there being several emotions for various events, ironically the most interesting emotion is the emotion of disgust. Disgust is aroused when the body senses a danger to the immunity or the physiology of the human. The disgusted memory is associated with alerting the brain of a potentially dangerous substance. A few studies have shown that the encoding triggered in adaptive memory for problems is stronger than any other behaviour. This makes us instantly have a disgusted expression at the sight of something that makes us uncomfortable or uneasy. These expressions are also closely linked to self-protective communication.

9. (a) Concreteness is an important characteristic of effective communication. Comment. 2

Or

What do you mean by Visual communication? 2

- (b) (i) Choose the word which best expresses the meaning of the given word: 1

RELISH

- (1) Like
- (2) Abhore
- (3) Hate
- (4) Loathe

PMQ-H

P.T.O.

- (ii) Choose the word which best expresses the meaning of the given word: 1

MESSY

- (1) Organised
- (2) Dirty
- (3) Hygienic
- (4) Clean

- (iii) Change the following sentence into direct speech : 1

She said that she would buy a new house if she had been rich.

- (c) Write a report in 250 words on the topic: "Climate Change". 5
10. (a) Define Wheel and Spoke Network in Communication. 2
- (b) (i) Change the sentence from Active to Passive Voice : 1

Please help me.

- (ii) Change the sentence from Passive to Active Voice : 1

Jobs will have been lost by thousands of individuals due to the pandemic.

- (iii) Change the following sentence to direct Speech : 1

The teacher suggested the boys that they should go swimming since it was so warm.

PMQ-H

Marks

- (c) You are Bhupendra, a resident of B-128 Rajeev Gandhi Nagar, New Delhi. You are worried about your younger brother's habit of excessive use of Internet for completing his homework. Write a letter to the Editor of a popular newspaper, expressing your opinion on the advantages, disadvantages of the dependence of youth for utilizing Internet as a homework tool in the present times. Also send it by email (assume emails of yourself and the receiver appropriately). 5
11. (a) How 'Emotions' of a person become barrier of communication? 2
- (b) Select the correct meaning of Idioms/ Phrases given below :
- (i) **Bone of contention**
- (1) To be cautious
- (2) Subject of dispute
- (3) Area of agreement
- (4) Of least importance 1
- (ii) **Face the music**
- (1) To anticipate good response of something you have done
- (2) To accept award for something you have done
- (3) To accept criticism for something you have done
- (4) To wait for result of something you have done 1
- (iii) Correct the following sentence :
- I cannot explain that why I like her so much.** 1
- (c) You are Karunesh Vijay, a resident of 123 Mahaveer Nagar, Indore, Madhya Pradesh. You came across a notice on the website of a CA Firm 'Saha and Company' posted on 24 February, 2023, for the recruitment of an Article Assistant. Prepare a resume along with a cover letter in response to this notice. 5

PMQ-H

P.T.O.

Foundation (New Syllabus)
Paper - 2
Business Law & Business
Correspondence and Reporting

2 JAN 2024

7/02/2024
(5.25 pm)

THF-H

Roll No.

Total No. of Printed Pages : 20

Total No. of Questions : 11

Maximum Marks : 100

Time allowed : 3 Hours

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. Questions in Section A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi will not be evaluated.
2. Questions in Section B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.
3. Answer to both the Sections are to be written in the same answer book.

SECTION A — (60 Marks)

Question No. 1 is compulsory.

Answer any **FOUR** questions out of the remaining **FIVE** questions. **Marks**

1. (a) T owes G, the following debts as per the table given below :

Amount of the Debt (in ₹)	Position of Debt
5,000	Time barred on 01 st July, 2023 as per the provisions of the Limitation Act, 1963
3,000	Time barred on 01 st July, 2023 as per the provisions of the Limitation Act, 1963
12,500	Due on 1 st April, 2022
10,000	Due on 15 th July, 2023
7,500	Due on 25 th November, 2023

THF-H

G makes payment on 1st April, 2023, mentioned as below without any notice regarding how to appropriate the amount/payment.

- (i) A cheque of ₹ 12,500
- (ii) A cheque of ₹ 4,000.

In such a situation how the appropriation of the payment is done against the debts as per the provisions of the Indian Contract Act, 1872 by assuming that T also has not appropriated the amount received towards any particular debt.

4

- (b) The State Government of X, a state in the country is holding 48 lakh shares of Y Limited. The paid-up capital of Y Limited is ₹ 9.5 crore (95 lakh shares of ₹ 10 each). Y Limited directly holds 2,50,600 shares of Z Private Limited which is having share capital of ₹ 5 crore in the form of 5 lakh shares of ₹ 100 each. Z Private Limited claimed the status of a subsidiary company of Y Limited as well as a Government company. Advise as a legal advisor, whether Z Private Limited is a subsidiary company of Y Limited as well as a Government company under the provisions of the Companies Act, 2013?

4

- (c) Discuss the various types of implied warranties as per the Sale of Goods Act, 1930.

4

- 2. (a) Explain the terms "Trafficking relating to public offices and titles" and "Stifling prosecution" as per the Indian Contract Act, 1872.

7

- (b) Explain the provisions relating to the registration of changes in partners under the Limited Liability Partnership Act, 2008.

5

3. (a) Discuss the rule regarding a partner's implied authority to bind the firm for his acts. Also, explain the situations when the partner has no implied authority to bind the firm.

6

- (b) (i) A mobile phone was displayed in a shop with a price tag of ₹ 10,000 attached to the mobile display box. As the price displayed was very less as compared to M.R.P. of the mobile phone, Y, a customer rushed to the cash counter and asked the shopkeeper to receive the payment and pack up the mobile phone. The shopkeeper refused to hand over the mobile phone to Y in consideration of the price indicated in the price tag attached to the mobile phone. Y seeks your advice whether he can sue the shopkeeper for the above cause under the Indian Contract Act, 1872.

3

- (ii) On 1st March 2023, T Readymade Dress Garments, Shimla enters into a contract with J Readymade Garments, Jaipur for the supply of different sizes of shirts 'S' (Small), 'M' (Medium), and 'L' (Large). As per the terms of the contract, 300 pieces of each category i.e. 'S' @ ₹ 900; 'M' @ 1,000 and 'L' @ 1,100 per piece have to be supplied on or before 31st May, 2023.

However, on 1st May, 2023, T Readymade Dress Garments, Shimla informed J Readymade Garments, Jaipur that the firm is not willing to supply the shirts at the above rate due to the rise of prices in the raw material cost. In the meantime, prices for similar shirts have gone up in the market to the tune of ₹ 1,000; ₹ 1,100; and ₹ 1,200 for 'S', 'M' and 'L' sizes respectively.

Examine the rights of J Readymade Garments, Jaipur in this regard as per the provisions of the Indian Contract Act, of 1872.

3

(4)

THF-H

Marks

4. (a) Can an unpaid seller who has possession of goods exercise the Right of lien? If yes, mention such circumstances. When does he lose his right of lien as per the provisions of the Sale of Goods Act, of 1930? 6
- (b) State giving reasons whether the following are partnerships as per the provisions under the Indian Partnership Act, 1932:
- (i) X, Y, and Z agree to divide the profits equally, but the loss, if any, is to be borne by X alone. Is it a case of partnership?
- (ii) X, a publisher, agrees to publish a book at his own expense written by Y and to pay Y, half of the net profit. Does this create a relationship of partnership between X and Y? Is Y liable to a paper-dealer for paper supplied to X to print Y's book?
- (iii) A and B purchase a tea shop and incur additional expenses for purchasing utensils etc. each contributing half of the total expense. The shop is leased out on daily rent which is divided between both. Does this arrangement constitute a partnership between A and B? $3 \times 2 = 6$
5. (a) (i) X, a furniture dealer, delivered furniture to Y under an agreement of sale, whereby Y had to pay the price of the furniture in three instalments. As per the terms of the agreement, the furniture will become the property of Y on payment of the last instalment. Before Y had paid the last instalment, he sold the furniture to Z, who purchased it in good faith. X brought a suit against Z for the recovery of the furniture on the ground that Z had no title to it. Decide the case on the basis of the provisions as per the Sale of Goods Act, 1930. 4

THF-H

(5)

THF-H

Marks

- (ii) Against B's tender, R agrees to sell and deliver 1,000 kg tomatoes @ ₹ 100 per kg which shall be delivered on 15th July, 2023. Due to the rise of the prices of tomatoes in the market, R delivered only 700 kg of tomatoes on 15th July, 2023 and agrees to deliver the balance quantity in the next month. B accepted 700 kg of tomatoes sent by R. Later, R failed to deliver the balance quantity and so B refused to pay the price of 700 kg of tomatoes to R as he had failed to fulfill the tender conditions stipulated in the contract of sale.

Can B refuse to pay R as per the provisions of the Sale of Goods Act, 1930?

2

- (b) Explain the kinds of share capital as per the Companies Act, 2013. Also, explain when the capital shall be deemed to be preference capital.
- 6
6. (a) "Mere silence does not amount to fraud." Explain the statement as per the provisions contained in the Indian Contract Act, 1872.
- 5
- (b) State the rules that should be observed by the partners in settling the accounts of the firm after dissolution under the Indian Partnership Act, 1932?
- 4
- (c) MTK Private Limited is a company registered under the Companies Act, 2013 on 5th January, 2021. The company has not started its business till now. On 7th April, 2023, a notice has been received from ROC for non-filing of FORM No-INC-20A. Identify under which category MTK Private Limited company is classified. Explain the definition of the category of the company in detail.
- 3

THF-H

P.T.O.

(6)

THF-H

(HINDI VERSION)

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. उन परीक्षार्थियों को छोड़कर जिन्होंने हिन्दी माध्यम चुना है, भाग -अ में प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।
2. सभी परीक्षार्थियों द्वारा भाग - ब के प्रश्नों के उत्तर अंग्रेजी में ही देने हैं, उन परीक्षार्थियों द्वारा भी जिन्होंने हिन्दी माध्यम का चयन किया है।
3. दोनों भागों के उत्तर एक ही उत्तर-पुस्तिका में लिखने हैं।

भाग अ – (60 Marks)

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

Marks

1. (a) नीचे दी गई तालिका के अनुसार T पर G का निम्नलिखित ऋण बकाया है :

ऋण की राशि (₹ में)	ऋण की स्थिति
5,000	परिसीमा अधिनियम, 1963 के प्रावधानों के अनुसार 1 जुलाई, 2023 को कालातीत कर दिया गया
3,000	परिसीमा अधिनियम, 1963 के प्रावधानों के अनुसार 1 जुलाई, 2023 को कालातीत कर दिया गया
12,500	1 अप्रैल, 2022 को देय
10,000	15 जुलाई, 2023 को देय
7,500	25 नवम्बर, 2023 को देय

THF-H

G 1 अप्रेल, 2023 को बिना किसी सूचना के कि कैसे राशि का भुगतान का विनियोजन किया जाए, इसके संबंध में नीचे उल्लेखित भुगतान करता हैं

(i) ₹ 12,500 का चेक

(ii) ₹ 4,000 का चेक

ऐसी स्थिति में, भारतीय अनुबन्ध अधिनियम, 1872 के प्रावधानों के अनुसार ऋणों के विरुद्ध भुगतान का विनियोग कैसे किया जाता है, यह मानते हुए कि T ने भी किसी विशेष ऋण के लिए प्राप्त राशि का विनियोग नहीं किया है।

4

- (b) देश के एक राज्य X, की राज्य सरकार के पास Y लिमिटेड के 48 लाख शेयर है। Y लिमिटेड की चुकता पूंजी 9.5 करोड़ (प्रत्येक ₹ 10 के 95 लाख शेयर) है। Y लिमिटेड के पास सीधे तौर पर Z प्राइवेट लिमिटेड के 2,50,600 शेयर है, प्रत्येक ₹ 100 के 5 लाख शेयरों के रूप में 5 करोड़ रुपये की सांझा पूंजी है। Z प्राइवेट लिमिटेड ने Y लिमिटेड की सहायक कम्पनी के साथ-साथ एक सरकारी कम्पनी होने का भी दावा किया है।

विधिक सलाहकार के रूप में सलाह दीजिए कि क्या Z प्राइवेट लिमिटेड, Y लिमिटेड की सहायक कम्पनी होने के साथ-साथ कम्पनी अधिनियम, 2013 के प्रावधानों के तहत एक सरकारी कम्पनी है?

4

- (c) वस्तु विक्रय अधिनियम, 1930 के अनुसार विभिन्न प्रकार की विवक्षित (गर्भित) आश्वासन (वारन्टी) पर चर्चा कीजिए।

4

2. (a) भारतीय अनुबन्ध अधिनियम, 1872 के तहत 'सरकारी पदों की बिक्री' और 'कानून का मार्ग अवरुद्ध करने' को समझाइये।

7

- (b) सीमित दायित्व साझेदारी अधिनियम, 2008 के अंतर्गत सांझेदारों में परिवर्तन के पंजीकरण से संबंधित प्रावधानों की व्याख्या कीजिए।

5

3. (a) किसी साझेदार द्वारा फर्म को उसके कृत्यों के लिए बाध्य करने के निहित प्राधिकार के संबंध में नियम पर चर्चा कीजिए। उन स्थितियों की भी व्याख्या कीजिए जब साझेदार के पास फर्म को बाध्य करने का कोई निहित अधिकार नहीं है।

6

- (b) (i) दुकान में एक मोबाइल फोन प्रदर्शित किया गया था और मोबाइल प्रदर्शित बॉक्स पर ₹ 10,000 का मूल्य टैग लगा हुआ था। चूँकि प्रदर्शित कीमत, मोबाइल फोन की एम.आर.पी. की तुलना में बहुत कम थी। Y, एक ग्राहक कैश काउन्टर पर पहुँचा और दुकानदार से भुगतान प्राप्त करने और मोबाइल फोन पेक करने के लिए कहा। दुकानदार ने मोबाइल फोन से जुड़े मूल्य टैग में दर्शायी गई कीमत को ध्यान में रखते हुए Y को मोबाइल फोन सौंपने से इन्कार कर दिया। Y आपसे सलाह चाहता है कि क्या वह भारतीय अनुबन्ध अधिनियम, 1872 के तहत उपरोक्त कारण के लिए दुकानदार पर मुकदमा (वाद) कर सकता है?

3

- (ii) 1 मार्च 2023 को, T रेडिमेड गारमेन्ट्स, शिमला ने विभिन्न आकारों की शर्ट की आपूर्ति के लिए J रेडिमेड गारमेन्ट्स, जयपुर के साथ एक अनुबन्ध किया। 'S' (छोटा) 'M' (मध्यम) और 'L' (बड़ा)। अनुबन्ध की शर्तों के अनुसार प्रत्येक के 300 पीस श्रेणी अर्थात् 'S' @ ₹900, 'M' @ ₹1,000 और 'L' @ ₹ 1,100 प्रति मूल्य की आपूर्ति 31 मई, 2023 से पहले करनी होगी।

यद्यपि 1 मई, 2023 को, T रेडिमेड ड्रेस गारमेन्ट्स, शिमला ने J रेडिमेड गारमेन्ट्स, जयपुर का सूचित किया कि कच्चे माल की कीमतों में वृद्धि के कारण फर्म उपरोक्त दर पर शर्ट की आपूर्ति करने को तैयार नहीं है। इस बीच, बाजार में 'S', 'M' और 'L' आकार की समान शर्ट्स की कीमतें क्रमशः ₹1,000; ₹1,100 और ₹1,200 तक बढ़ गई हैं।

इस सम्बंध में भारतीय अनुबन्ध अधिनियम, 1872 के प्रावधानों के अनुसार J रेडिमेड गारमेन्ट्स, जयपुर के अधिकारों की जाँच कीजिए।

3

4. (a) क्या कोई असंदत विक्रेता जिसके पास माल है, पूर्वाधिकार (ग्रहणाधिकार) के अधिकार का प्रयोग कर सकता है? यदि हाँ, तो ऐसी परिस्थितियों का उल्लेख कीजिए। वस्तु विक्रय अधिनियम, 1930 के प्रावधानों के अनुसार वह पूर्वाधिकार का अधिकार कब खो देता है?

6

- (b) कारण बताते हुए बताइये कि क्या निम्नलिखित भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के अनुसार साझेदारी हैं :

- (i) X, Y, और Z लाभ को समान रूप से विभाजित करने के लिए सहमत है, लेकिन किसी का नुकसान अकेले X को वहन करना होगा। क्या यह साझेदारी का मामला है?

- (ii) X, एक प्रकाशक, Y द्वारा लिखित एक पुस्तक को अपने खर्च पर प्रकाशित करने और शुद्ध लाभ को आधा हिस्सा Y को भुगतान करने के लिए सहमत है, क्या इससे X और Y के बीच साझेदारी का रिश्ता बनता है?

क्या Y, Y की किताब छापने के लिए X को दिये गये कागज के लिए किसी पेपर डीलर के प्रति उत्तरदायी है?

- (iii) A और B एक दुकान से चाय खरीदते हैं और खरीददारी पर इन्हें अतिरिक्त खर्च करना पड़ता है बर्तन आदि के लिये। प्रत्येक कुल खर्च का आधा हिस्सा खर्च करते हैं। दुकान को दैनिक किराये पर दिया गया है जो उन दोनों के बीच विभाजित है। क्या यह व्यवस्था A और B के बीच साझेदारी बनती है?

3 × 2 = 6

5. (a) (i) X, एक फर्नीचर विक्रेता, ने बिक्री के एक समझौते के तहत Y को फर्नीचर वितरित किया, जहाँ Y को फर्नीचर की कीमत तीन किश्तों में चुकानी पड़ी। समझौते की शर्तों के अनुसार अंतिम किश्त के भुगतान पर फर्नीचर Y की संपत्ति बन जायेगा। इससे पहले की Y ने अंतिम किश्त का भुगतान किया। उसने फर्नीचर Z को बेच दिया, जिसने इसे अच्छे सद्विश्वास के साथ खरीदा। X ने फर्नीचर की वसूली के लिए Z के विरुद्ध इस आधार पर मुकदमा दायर किया कि Z के पास इसका स्वामित्व नहीं था। वस्तु विक्रय अधिनियम, 1930 के प्रावधानों के आधार पर मामले का निर्णय कीजिये।

4

(ii) B की निविदा के विरुद्ध R 1,000 किलोग्राम टमाटर, ₹ 100 प्रति किलोग्राम पर बेचने और वितरित करने के लिए सहमत है, जिसे 15 जुलाई, 2023 को वितरित किया जायेगा। बाजार में टमाटर की कीमतों में वृद्धि के कारण, R ने 15 जुलाई, 2023 को केवल 700 किलोग्राम टमाटर वितरित किये और अगले महीने में शेष मात्रा वितरित करने के लिए सहमत है। B ने R द्वारा भेजे गए 700 किलोग्राम टमाटर स्वीकार कर लिये। बाद में, R शेष मात्रा देने में विफल रहा और इसलिए B ने R को 700 किलोग्राम टमाटर की कीमत का भुगतान करने से इन्कार कर दिया क्योंकि वह बिक्री के अनुबन्ध में निर्धारित निविदा शर्तों को पूरा करने में विफल रहा।

क्या B वस्तु विक्रय अधिनियम, 1930 के प्रावधानों के अनुसार R को भुगतान करने से इन्कार कर सकता है?

2

(b) कम्पनी अधिनियम, 2013 के अनुसार शेयर पूँजी के प्रकार की व्याख्या कीजिए। यह भी स्पष्ट कीजिये कि पूँजी को कब आधिक्य पूँजी माना जायेगा?

6

6. (a) “मात्र चुप रहना धोखाधड़ी नहीं है।” भारतीय अनुबन्ध अधिनियम, 1872 में निहित प्रावधानों के अनुसार कथन की व्याख्या कीजिए।

5

(b) साझेदारों द्वारा समझोते के अधीन, उन नियमों का उल्लेख कीजिये जिनका भारतीय साझेदारी अधिनियम, 1932 के तहत विघटन के बाद फर्म के खातों का निपटान करते समय साझेदारों द्वारा पालन किया जाना चाहिए।

4

(c) 5 जनवरी, 2021 को, कम्पनी अधिनियम, 2013 के तहत MTK प्राइवेट लिमिटेड कम्पनी पंजीकृत हुई। कम्पनी ने अब तक अपने कारोबार की शुरुआत नहीं की है। 7 अप्रैल, 2023 को ROC से फार्म नंबर-आई एन सी-20A दाखिल न करने के लिए एक नोटिस प्राप्त हुआ। MTK प्राइवेट लिमिटेड कम्पनी किस श्रेणी में वर्गीकृत है, पहचान कीजिए। कम्पनी की श्रेणी की परिभाषा की विस्तार से व्याख्या कीजिए।

3

THF-H

Marks

SECTION B — (40 Marks)

Question No. 7 is compulsory.

Answer any **THREE** questions out of the remaining **Four** questions.

7. (a) Read the passage carefully and answer the questions given below :

There are several indicators of a developed nation. It is economically, agriculturally and technologically advanced. There is all round prosperity. The benefits of prosperity reach the common people. They have a reasonable life span and enjoy the basic comforts and good health. They are able to educate and feed their children well. Poverty, illiteracy, ignorance, disease and inequalities are reduced to a minimum. Quality goods are produced in abundance and exports keep on rising. The nation is able to protect its sovereignty as it is self-reliant in defence and has a standing in the international forum. India, even after more than seventy-six years since independence is branded as a developing country. Achieving a developed status means the major transformation of our national economy to make it one of the largest economies of the world, where people live well and above the poverty line. The transformation can be materialised within the next 15 to 20 years as India has the necessary potential. Our natural resources are richer as compared to those of many other countries. We have abundant supplies of all the ores and minerals. We have rich bio-diversity, abundant sunshine, varied agro-climatic conditions and plenty of rainfall all over India. The country either already has the necessary technologies or can develop them easily. Our people and our farmers not only have a great learning capability but most of them also have an entrepreneurial and competitive spirit. Avenues to channelise this spirit constructively and productively are required. We need the will to take action and commit ourselves to be one of the world leaders. We must

THF-H

P.T.O.

THF-H**Marks**

resolve to work hard with a long-term vision. Technology is the highest wealth generator in the shortest possible time. It can provide us with infrastructure and help transform education and training, food and processing, industries and agriculture. It is the key to achieving quality products in an increasingly competitive market and to continually upgrading human skills. It is the only vital input for ensuring health security and better living conditions for people. It can enable us to double cereals by 2030 and to make arrangements for their storage, transportation, distribution and marketing. It can make us leaders in machine tool industries. Through software engineering, we can enter computer-aided design and computer-aided manufacturing. Therefore, the major role in India's development is to be played by the vast pool of our talented scientists, researchers and technologists. They should shed pessimism and think big because they are the only ones who understand the forces of technological modernization. They should take it as a challenge to make India a developed country. They must spearhead the movement by talking about what can be done and encouraging people that difficulties can be overcome. They must extend all possible help to industries, business managers, administrators, and others.

- | | |
|--|---|
| (i) Mention the basic fields in which a developed country is advanced. | 1 |
| (ii) What is required for achieving the developed status for India? | 1 |
| (iii) "Technology is the highest wealth generator in the shortest time".
How? | 1 |
| (iv) Who can play a major role in India's development? | 1 |
| (v) How can India enter computer-aided design and manufacturing? | 1 |

THF-H

(b) Read the passage :

How does television affect our lives? It can be very helpful to people who carefully choose the shows that they watch. Television can increase our knowledge of the outside world; there are high quality programmes that help us understand many fields of study, science, medicine, and the arts and so on. Moreover, television benefits very old people who can't often leave the house, as well as patients in hospital. It also offers non-native speakers the advantage of daily informal language practice. They can increase their vocabulary and practice listening.

On the other hand, there are several serious disadvantages to television. Of course, it provides us with a pleasant way to relax and spend our free time, but in some countries, people watch the 'boob-tube' for an average of six hours or more a day. Many children stare at a television screen for more hours each day than they do anything else, including studying and sleeping. It's clear that the tube has a powerful influence on their lives and that its influence is often negative.

Recent studies show that after only thirty seconds of watching television, a person's brain 'relaxes' the same way that it does just before the person falls asleep. Another effect of television on the human brain is that it seems to cause poor concentration. Children who view a lot of television can often concentrate on a subject for only fifteen to twenty minutes. They can pay attention only for the amount of time between commercials.

THF-H**Marks**

Another disadvantage is that television often causes people to become dissatisfied with their own lives. Real life does not seem as exciting to these people as the lives of actors on the screen. To many people television becomes more real than reality and their own lives boring. Also many people get upset or depressed when they can't solve problems in real life as quickly as television actors seem to.

Before a child is fourteen years old, he or she views eleven thousand murders on the tube. He or she begins to believe that there is nothing strange about fights, killings and other kinds of violence. Many studies show that people become more violent after certain programmes. They may even do the things that they saw in a violent show.

- (i) Make notes, using headings, sub-headings and abbreviation whenever necessary. 3
- (ii) Write a summary giving a suitable title. 2
8. (a) What do you mean by Verbal communication? 2
- (b) (i) Select the suitable antonym for the word given under :

TYRANNY

- (1) Hatred
- (2) Mystery
- (3) Autonomy
- (4) Oppression

1

THF-H

(ii) Correct the following sentence :

If he came to me, I would have given him a pen.

1

(iii) Root of the word 'Anthropology' is :

- (1) Study
- (2) Anthrop
- (3) Mankind
- (4) Man

1

(c) Write a précis and give appropriate title to the passage given below :

English education and English language have done immense goods to India, in spite of their glaring drawbacks. The notions of democracy and self-government are the born of English education. Those who fought and died for mother India's freedom were nursed in the cradle of English thought and culture. The West has made contribution to the East. The history of Europe has fired the hearts of our leaders. Our struggle for freedom has been inspired by the struggles for freedom in England, America and France. If our leaders were ignorant of English and if they had not studied this language, how could they have been inspired by these heroic struggles for freedom in other lands? English, therefore, did us great good in the past and if properly studied will do immense good in future.

English is spoken throughout the world. For international contact, our commerce and trade, for the development of our practical ideas, for the scientific studies, English is indispensable "English is very rich in literature," our own literature has been made richer by this foreign language. It will really be a fatal day if we altogether forget Shakespeare, Milton, Keats and Shaw.

5

(16)

THF-H

Marks

9. (a) What do you mean by Star Network Communication? 2

OR

“Coherence” is an important feature of Communication. Discuss. 2

- (b) (i) Choose the word which best expresses the meaning of the given word :

FERRY

- (1) Bargain
(2) Celebrate
(3) Transport
(4) Drown 1

- (ii) Change the following sentence to indirect speech :

My friend said to me, “Has your father returned from Kolkata”? 1

- (iii) Change the following sentence into Passive Voice :

“Please sit here and wait till I return”. 1

- (c) Prepare the Minutes of a Meeting, presided by a committee under the chairmanship of the Managing Director Ms. U; Product Head and Sales Head of LHO Private Limited, a Garments Company. The main agenda of the meeting was introducing a new Denim Jeans, analysing the cost, discussing the sales and marketing strategies. 5

THF-H

10. (a) How does organization structure become a barrier to communication?
Explain. 2

- (b) (i) Change the sentences from Active to Passive Voice :

They forced him to steal the money out of his dad's room. 1

- (ii) Change the sentence from Passive to Active Voice

Let the class not be disturbed. 1

- (iii) Change the following sentence into direct speech. ~

The boys exclaimed with joy that they had won the match. 1

- (c) You are a Finance Manager of XYZ Limited, A to Z Complex, Technology Nagar, FF State, India (e-mail: atz@gmail.com, Tel.: XXXXX). Your company is going to distribute 500 laptops to a research institute under its Corporate Social Responsibility (CSR), initiatives. Write an enquiry letter to Z Tech Limited, NK Complex, FF State, India for supply of 500 Laptops making comprehensive enquiry about configuration, costs, delivery and terms and conditions etc. 5

11. (a) What is Para language in communication? Explain it. 2
- (b) Select the correct meaning of Idioms/Phrases given below :
- (i) **'Gift of the gab'**
- (1) Talent for speaking
 - (2) To win a prize
 - (3) To get something free
 - (4) To distribute gifts 1
- (ii) **A red-letter day**
- (1) An important day
 - (2) An auspicious day
 - (3) A dangerous day
 - (4) An unimportant day 1
- (iii) Select the correct meaning of the collocation given below :
- Dollar diplomacy**
- (1) Make money
 - (2) Go bankrupt
 - (3) Profit earnings
 - (4) Cash Flow 1
- (c) The number of women in the police force seems insufficient especially when we see the increasing involvement of women in terrorist activities. Write an article in 250 words for "The Hindustan Chronicle", on the need of having more women in the police force. 5

12 2 JUN 2024

FOUNDATION EXAM
PAPER - 2
BUSINESS LAWS

Sanyam
22/06/2024
05:07 PM

XSH-H

Roll No.

Total No. of Printed Pages : 16

Total No. of Questions : 6

Maximum Marks : 100

Time allowed : 3 Hours

(ENGLISH VERSION)

INSTRUCTIONS TO CANDIDATES

Answers to questions are to be given only in English except in the case of candidates who have opted for Hindi Medium. If a candidate who has not opted for Hindi Medium, his/her answers in Hindi will not be evaluated.

Question No. 1 is compulsory.

Answer any **four** questions from the remaining **five** questions.

Working notes should form part of the answers.

Marks

SEAL

1. (a) R owns an electronics store. P visited the store to buy a water purifier priced at ₹ 54,000/-. He specifically requested R for a purifier with a copper filter. As P wanted to buy the purifier on credit, with the intention of paying in 9 equal monthly instalments, R demands a guarantor for the transaction. S (a friend of P) came forward and gave the guarantee for payment of water purifier. R sold P, a water purifier of a specific brand. P made payment for 4 monthly instalments and after that became insolvent. Explain with reference to the Indian Contract Act 1872, the liability of S as a guarantor to pay the balance price of water purifier to R.

What will be your answer, if R sold the water purifier misrepresenting it as having a copper filter, while it actually has a normal filter? Neither P nor S was aware of this fact and upon discovering the truth, P refused to pay the price. In response to P's refusal, R filed the suit against S, the guarantor. Explain with reference to the Indian Contract Act 1872, whether S is liable to pay the balance price of water purifier to R?

(7 Marks)

XSH-H

(2)

XSH-H

- (b) A company, ABC limited as on 31.03.2023 had a paid-up capital of ₹ 1 lakh (10,000 equity shares of ₹10 each). In June 2023, ABC limited had issued additional 10,000 equity shares of ₹10 each which was fully subscribed. Out of 10,000 shares, 5,000 of these shares were issued to XYZ private limited company. XYZ is a holding company of PQR private limited by having control over the composition of its board of directors.

Now, PQR private limited claims the status of being a subsidiary of ABC limited as being a subsidiary of its subsidiary i.e. XYZ private limited. Examine the validity of the claim of PQR private limited.

State the relationship if any, between ABC limited & XYZ private limited as per the provisions of The Companies Act, 2013. (7 Marks)

- (c) The Indian Partnership Act does not make the registration of firms compulsory, yet the consequences or disabilities of non-registration have a persuasive pressure for their registration. Still, there are some cases where non-registration of firm does not affect certain rights. – Explain with reference to the provisions of the Indian Partnership Act, 1932. (6 Marks)

2. (a) Sony, a friend of Priya wanted to buy her two-wheeler. Priya agreed to sell her two-wheeler to Sony and it was decided that price of her two-wheeler will be fixed by Priya's father, who is an auto dealer. Priya immediately handed over the keys to Sony. However, Priya's father refused to fix the price as he did not want Priya to sell her vehicle. Priya expressed her inability to sell the two-wheeler to Sony and asked for return, but Sony refused to return the same. Explain –

- (i) Can Priya take-back the vehicle from Sony?
(ii) Will your answer be different, if Priya had not handed over the vehicle to Sony?

(7 Marks)

XSH-H

(3)

XSH-H

- (b) Ram wants to incorporate a company in which he will be the only member. According to provisions of The Companies Act, 2013, what type of company can be incorporated? What are the salient features of this type of company? (7 Marks)
- (c) A LLP is a new form of legal business entity with limited liability. It's an alternative corporate business vehicle that only gives the benefits of limited liability at low compliance cost but allows its partners the flexibility of organizing their internal structure as a traditional partnership. Keeping in view of above, define the following characteristics of LLP.
- (i) Body Corporate
 - (ii) Mutual Agency
 - (iii) Foreign LLPs
 - (iv) Artificial legal person (6 Marks)
3. (a) (i) P, Q, and R formed a partnership agreement to operate motor buses along specific routes for a duration of 12 years. After operating the business for four years, it was observed that the business incurred losses each year. Despite this, P is determined to continue the business for the remaining Period. Examine with reference to the Indian Partnership Act, 1932, Can P insist to continue the business? If so, what options are available to Q and R who are reluctant to continue operating the business? (4 Marks)
- (ii) A and B operate a textile merchant business in partnership. Mr. A finances the business and is a sleeping partner. In the regular course of business, B acquires certain fabric goods belonging to C. However, B is aware that these goods are stolen property. Despite this knowledge, B proceeds to purchase and sell some of these stolen goods. Moreover, B records proceeds from these sales in the firm's books. Now, A wants to avoid the liability towards C, on the grounds of misconduct by B. In the light of the provisions of the Indian Partnership Act, 1932 discuss the liability of A and B towards C. (3 Marks)

(4)

XSH-H

- (b) (i) XYZ is a company incorporated under The Companies Act, 2013 .

The paid up share capital of the company is held by others as on 31.03.2024 is as under :

(1)	Government of India	20%
(2)	Life Insurance Corporation of India (Public Institution)	8%
(3)	Government of Tamil Nadu	10%
(4)	Government of Rajasthan	10%
(5)	ABC Limited (owned by Government Company)	15%

As per above shareholding, state whether XYZ limited be called a government company under the provisions of The Companies Act, 2013.

(4 Marks)

- (ii) M and N holding 70% and 30% of the shares in the company. Both died in an accident. Answer with reference to the provisions of the Companies Act, 2013, what will be the legal effect on the company as both the members have died?

(3 Marks)

- (c) Explain in brief with reference to the provisions of The Indian Contract Act, 1872, what are the rights enjoyed by Surety against the Creditor, the Principal Debtor and Co-Sureties?

(6 Marks)

4. (a) (i) Mr. J entered into an agreement with Mr. S to purchase his house for ₹20 lakh, within three months. He also paid ₹50,000/- as token money. In the meanwhile, in an anti-encroachment drive of the local administration, Mr. S's house was demolished. When Mr. J was informed about the incident he asked for the refund of token money.

Referring to the relevant provisions of the Indian Contract Act, 1872 state whether Mr. J is entitled to the refund of the amount paid.

(4 Marks)

XSH-H

(5)

XSH-H

(ii) Rama directs Shyam to sell laptops for him and agrees to give Shyam eleven percent (11%) commission on the sale price fixed by Rama for each laptop. As Government of India put restrictions on import of Laptops, Rama thought that the prices of laptops might go up in near future and he revokes Shyam's authority for any further sale. Shyam, before receiving the letter at his end, sold 5 laptops at the price fixed by Rama. Shyam asked for 11% commission on the sale of 5 Laptops for ₹1 lakh each. Explain under the provisions of The Indian Contract Act, 1872 :

(1) Whether sale of laptops after revoking Shyam's authority is binding on Rama?

(2) Whether Shyam will be able to recover his commission from Rama, if yes, what will be the amount of such commission? (3 Marks)

(b) A promissory note, payable at a certain period after sight, must be presented to the maker thereof for payment. Under which scenarios presentment for payment is not necessary and the instrument is dishonoured at the due date for presentment according to the provisions of The Negotiable Instrument Act, 1881? (7 Marks)

(c) Describe in brief about the following Regulatory bodies of the Government of India: -

(i) Securities Exchange Board of India

(ii) Reserve Bank of India

(iii) Insolvency & Bankruptcy Board of India (6 Marks)

5. (a) PTC Hotels in Bombay decided to sell their furniture by auction sale. For this purpose, they appointed RN & Associates as auctioneer. They invited top ten renowned Architects in Bombay for bidding. A right to bid was not notified by them. Furniture was put up in lots for sale. It was decided that for every lot of furniture

XSH-H

P.T.O.

XSH-H

XSH-H

(7)

XSH-H

- (c) "Where a party to a contract refuses altogether to perform, or is disabled from performing his part of it, the other party has a right to rescind it". Discuss this statement and the effects of such refusal under the provisions of The Indian Contract Act, 1872. (6 Marks)

6. (a) Mr. Y issued a cheque for ₹ 10,000 to Mr. Z which was dishonoured by the Bank because Y did not have enough funds in his account and has no authority to overdraw. Examine as per the provisions of the Negotiable Instruments Act, 1881 whether-

(i) Mr. Y is liable for dishonour of cheque, if yes, what are the consequences for such an offence?

(ii) What would be your answer if Y issued a cheque as a donation to Mr. Z?

(7 Marks)

- (b) Explain the term Wagering agreement in the light of the Indian Contract Act, 1872. Also, explain some transactions resembling with wagering transaction but which are not void.

OR

What is the meaning of contingent contract? Write briefly its essentials. Also, explain any three rules relating to enforcement of a contingent contract.

(6 Marks)

- (c) J, a wholesaler of premium Basmati rice delivered on approval 100 bags of rice of 10 kg each to a local retailer, on sale or returnable basis within a month of delivery. The next day the retailer sold 5 bags of rice to a regular customer K. A week later K informed the retailer that the quality of rice was not as per the price.

The retailer now wants to return all the rice bags to J, including the 4 bags not used by K. Can the retailer do so?

Also briefly describe the provisions underlying in this context of the Sale of Goods Act, 1930. (7 Marks)

XSH-H

P.T.O.

(8)

XSH-H

(HINDI VERSION)

उन परीक्षार्थियों को छोड़कर जिन्होंने हिन्दी माध्यम चुना है, प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

कार्य टिप्पणियाँ (Working Notes) उत्तर के भाग होनी चाहिए।

अंक

1. (a) 'आर' का स्वयं का एक इलेक्ट्रॉनिक स्टोर है। 'पी' जल शुद्धी यंत्र जिसका मूल्य ₹54,000/- है को क्रय करते हेतु उसे स्टोर में देखने गया। उसने 'आर' से विशेष निवेदन किया कि जल शुद्धीयन्त्र तांबे के फिल्टर वाला होना चाहिए। 'पी' जल शुद्धीयन्त्र को नौ बराबर मासिक किस्तों में भुगतान करने के इरादे से उधार पर क्रय करना चाहता है, 'आर' द्वारा इस सौदा हेतु प्रत्याभूति (गारंटी) की मांग की गई। 'एस' (जो 'पी' का दोस्त है) इस हेतु आगे आया और उसने जलशुद्धीयंत्र के भुगतान की प्रत्याभूति (गारंटी) दी। 'आर' ने एक विशिष्ट ब्रांड का जलशुद्धीयंत्र 'पी' को विक्रय किया। 'पी' द्वारा इसका चार मासिक किस्तों में भुगतान करने के बाद वह दिवालिया हो गया। भारतीय अनुबन्ध अधिनियम 1872 के संदर्भ में जमानती के रूप में जलशुद्धीयंत्र के शेष रहे भुगतान हेतु 'एस' का 'आर' के प्रति दायित्व को स्पष्ट कीजिए।

आपका उत्तर क्या होगा, यदि 'आर' द्वारा जलशुद्धीयंत्र का मिथ्यावर्णन करते हुए विक्रय किया कि इसमें तांबे के फिल्टर हैं, जब कि इसमें वास्तव में सामान्य फिल्टर ही हैं, 'पी' और 'एस' को इस तथ्य की जानकारी नहीं थी और सत्य का पता लगाने पर 'पी' ने मूल्य का भुगतान करने से मना कर दिया। 'पी' के अस्वीकार करने के प्रतिउत्तर में 'आर' द्वारा 'एस' जो जमानती है, के विरुद्ध वाद प्रस्तुत किया। भारतीय अनुबन्ध अधिनियम 1872, के संदर्भ में स्पष्ट कीजिए क्या 'एस' जलशुद्धीयंत्र के शेष रहे भुगतान के लिए 'आर' के प्रति उत्तरदायी है?

(7 अंक)

XSH-H

(9)

XSH-H

- (b) एबीसी लिमिटेड की 31.03.2023 को ₹1 लाख की चुकता पूँजी है (10,000 सामान्य अंश ₹10 प्रति अंश)। जून 2023 में एबीसी लिमिटेड द्वारा अतिरिक्त 10,000 सामान्य अंश प्रति अंश ₹10 से निर्गमित किए गए जो कि पूर्ण रूप से अभिदत्त हो गए। इन 10,000 अंशों में से 5,000 अंश एक्सवाईजेड प्राइवेट लिमिटेड को निर्गमित किए गए थे। एक्सवाईजेड का पीक्यूआर प्राइवेट लिमिटेड के संचालक मण्डल के गठन पर नियंत्रण होने के कारण यह उसकी सूत्रधारी कम्पनी है।

अब पीक्यूआर लिमिटेड द्वारा एबीसी लिमिटेड की सहायक कम्पनी की वैधानिक स्थिति में होने का दावा किया गया क्योंकि उसके अनुसार वह उसकी सहायक कम्पनी एक्सवाईजेड प्राइवेट लिमिटेड की सहायक कम्पनी है। पीक्यूआर प्राइवेट लिमिटेड के दावे की वैधता का परीक्षण कीजिए।

भारतीय कम्पनी अधिनियम 2013 के प्रावधानों के अनुसार एबीसी लिमिटेड और एक्सवाईजेड के मध्य यदि कोई सम्बन्ध है तो इसे भी स्पष्ट कीजिए।

(7 अंक)

- (c) 'भारतीय भागीदारी अधिनियम फर्म के पंजीकरण को अनिवार्य नहीं बताता है। फिर भी गैरपंजीकरण के परिणाम या अक्षमताओं पर उनके पंजीकरण के लिए प्रेरक के ऊपर दबाव होता है। अभी भी कुछ ऐसे मुद्दे हैं जहाँ पर गैर पंजीकरण फर्म के कुछ निश्चित अधिकारों को प्रभावित नहीं करता'। भारतीय भागीदारी अधिनियम 1932 के प्रावधानों के संदर्भ में उपरोक्त कथन को स्पष्ट कीजिए।

(6 अंक)

2. (a) सोनी जो कि प्रिया की दोस्त है, उसके दो पहिया वाहन को खरीदना चाहती है। प्रिया अपने दो पहिया वाहन को सोनी को बेचने के लिए सहमत हो गई और यह निर्णय हुआ कि उसके दो पहिया वाहन का मूल्य प्रिया के पिताजी जो कि वाहन व्यापारी है के द्वारा तय किया जायेगा। प्रिया ने तुरन्त सोनी की चाबी की सुपुर्दगी देदी। फिर भी प्रिया के पिताजी ने मूल्य को तय करने से मनाकर दिया क्योंकि वह यह नहीं चाहते थे कि प्रिया अपने वाहन को बेचे। प्रिया द्वारा दो पहिया वाहन को सोनी को विक्रय करने में असमर्थता व्यक्त की गई और उसने उसे दो पहिया वाहन को वापिस करने कहा लेकिन सोनी द्वारा वापिस करने से मनाकर दिया गया। स्पष्ट कीजिए।

(i) क्या प्रिया, सोनी से अपने दो पहिया वाहन को वापिस ले सकती है?

(ii) क्या आप का उत्तर भिन्न होगा, यदि प्रिया द्वारा दो पहिया वाहन की सुपुर्दगी सोनी को नहीं दी गयी होती?

(7 अंक)

XSH-H

- (b) राम एक ऐसी कम्पनी का निगमन करना चाहता है जिसमें केवल वही सदस्य होगा। भारतीय कम्पनी अधिनियम 2013 के प्रावधानों के अनुसार किस प्रकार की कम्पनी का गठन किया जा सकता है? इस प्रकार की कम्पनी की क्या मुख्य विशेषताएँ होगी?

(7 अंक)

- (c) एक एलएलपी सीमित दायित्व के साथ विधिक व्यवसाय कम्पनी का एक नया प्रारूप है। यह एक वैकल्पिक निगमित व्यवसायिक साधन है जो न केवल निम्न अनुपालन लागत पर सीमित देयता के लाभ व्यक्त करता है बल्कि इसके भागीदारों को परम्परागत भागीदारी के रूप में अपना आंतरिक ढाँचा संगठित करने का लचीलापन भी देता है। उपरोक्त को दृष्टिगत रखते हुए सीमित देयता भागीदारी की निम्न विशेषताओं को परिभाषित कीजिए।

- (i) निगमित निकाय
- (ii) पारस्परिक एजेंसी
- (iii) विदेशी एलएलपी
- (iv) कृत्रिम विधिक व्यक्ति

(6 अंक)

3. (a) (i) 'पी', 'क्यू' और 'आर' द्वारा एक निश्चित मार्ग पर 12 वर्ष तक बसों को संचालित करने हेतु एक साझेदारी का ठहराव बनाया गया। चार वर्ष तक व्यवसाय को संचालित करने के बाद यह देखा गया कि व्यवसाय प्रतिवर्ष घाटे में चल रहा है। इसके बावजूद भी 'पी' ने शेष अवधि के लिए निरन्तर व्यवसाय को जारी रखने का निश्चय किया। भारतीय साझेदारी अधिनियम 1932 के संदर्भ में परीक्षण कीजिए कि क्या 'पी' निरन्तर व्यवसाय को जारी रखने का दबाव डाल सकता है, यदि ऐसा होता है तो 'क्यू' और 'आर' को क्या विकल्प उपलब्ध होंगे जो कि व्यवसाय को निरन्तर संचालित करने के इच्छुक नहीं हैं?

(4 अंक)

- (ii) अ और ब साझेदारी में वस्त्र व्यापारी का व्यवसाय संचालित करते हैं अ द्वारा व्यवसाय का वित्त पोषण किया गया और वह सुप्त साझेदार है। अपने नियमित व्यवसाय के कार्यकाल में बी द्वारा निश्चित वस्तु का माल प्राप्त किया गया जो कि 'सी' से सम्बन्धित था। जब कि बी यह जानता था कि यह चोरी के स्वामित्व वाला माल है इसके बावजूद भी इस विक्रय मूल्य को बी द्वारा फर्म की पुस्तकों में इन्द्राज किया गया है। अब 'अ', 'सी' कि प्रति अपने दायित्व को बी द्वारा किए गए दुराचार के आधार पर टालना चाहता है। भारतीय साझेदारी अधिनियम 1932 के प्रावधानों ने संदर्भ में 'अ' और 'ब' का 'सी' के प्रति दायित्वों को समझाइए।

(3 अंक)

XSH-H

- (b) (i) एक्स वाई जेड कम्पनी का भारतीय कम्पनी अधिनियम 2013 के अन्तर्गत गठन किया गया 31.03.2024 की कम्पनी की चुकता पूँजी अन्य के द्वारा निम्न रूप में धारित की गयी :

(1) भारत सरकार	20%
(2) भारतीय जीवन बीमा निगम (सार्वजनिक संस्था)	8%
(3) तमिलनाडु सरकार	10%
(4) राजस्थान सरकार	10%
(5) एबीसी लिमिटेड (सरकारी कम्पनी के स्वामित्व में)	15%

उपरोक्त अंशधारितां को दृष्टिगत रखते हुए बताइए कि क्या एक्सवाईजेड को भारतीय कम्पनी अधिनियम 2013 के प्रावधानों के अनुसार सरकारी कम्पनी कहा जाएगा?

(4 अंक)

- (ii) 'एम' और 'एन' कम्पनी में क्रमशः 70% और 30% अंश धारिता रखते हैं। दोनों की दुर्घटना में मृत्यु हो गई। भारतीय कम्पनी अधिनियम 2013 के प्रावधानों के अन्तर्गत उत्तर दीजिए कि दोनों सदस्यों की मृत्यु की बाद कम्पनी के ऊपर क्या वैधानिक प्रभाव होंगे?

(3 अंक)

- (c) भारतीय अनुबन्ध अधिनियम 1872 के प्रावधानों के संदर्भ में एक ज़मानती द्वारा लेनदार, मूल ऋणी और सह प्रतिभू के विरुद्ध किन अधिकारों का उपयोग किया जा सकता है?

(6 अंक)

4. (a) (i) मि. जे द्वारा 'एस' से तीन माह की अवधि के अन्तर्गत उसके घर को ₹20 लाख में क्रय करने हेतु एक ठहराव किया गया। इस हेतु उसके द्वारा ₹50,000/- की सांकेतिक मुद्रा (टोकन मनी) भी चुकायी गई। इसी मध्य स्थानीय प्रशासन द्वारा अतिक्रमण विरोधी अभियान में 'एस' का घर ध्वस्त कर दिया गया। जब 'जे' को इस घटना की सूचना दी गई, उसने सांकेतिक मुद्रा को वापिस करने के लिए कहा।

भारतीय अनुबन्ध अधिनियम 1872 के प्रावधानों के संदर्भ में बताइए कि क्या 'जे' ने जो राशि चुकाई है उसे वापिस प्राप्त करने का अधिकार है?

(4 अंक)

XSH-H

- (ii) रामा ने श्याम को उसकी तरफ से लैपटॉप विक्रय करने के लिए निर्देशित किया और रामा द्वारा निर्धारित मूल्य पर प्रति लैपटॉप विक्रय करने पर 11% कमीशन श्याम को देन पर सहमति व्यक्त की गई। भारत सरकार द्वारा लैपटॉप के आयात के ऊपर प्रतिबन्ध लगा दिया गया। रामा ने विचार किया कि निकट भविष्य में लैपटॉप की कीमते बढ़ेंगी और उसने अग्रिम विक्रय के लिए श्याम को दिए गए अधिकार का खण्डन कर दिया। श्याम द्वारा अपने अधिकार का अन्त होने का पत्र प्राप्त होने से पूर्व रामा द्वारा निर्धारित मूल्य पर 5 लैपटॉप का विक्रय कर दिया गया। श्याम द्वारा 5 लैपटॉप ₹ 1 लाख प्रति लैपटॉप विक्रय पर 11% कमीशन की राशि मांगी गई। भारतीय अनुबन्ध अधिनियम 1872 के प्रावधानों के अन्तर्गत स्पष्ट कीजिए :

- (1) श्याम की अधिकार सत्ता का खण्डन करने के बाद लैपटॉप का किया गया विक्रय क्या रामा पर बाध्यकारी है?
- (2) क्या श्याम रामा से कमीशन की राशि वसूल करने में समर्थ होगा, यदि हाँ तो इस कमीशन की राशि क्या होगी?

(3 अंक)

- (b) एक वचनपत्र, जो देखने के बाद एक निश्चित अवधि में देय होता है, भुगतान की मांग करने के हकदार व्यक्ति द्वारा देखने के लिए उसके निर्माता को प्रस्तुत किया जाना चाहिए। भारतीय विनिमय साध्य विलेख अधिनियम 1881 के अनुसार किस परिदृश्य के अन्तर्गत भुगतान के लिए कोई प्रस्तुति आवश्यक नहीं है और किन मामलों में प्रस्तुति के लिए नियत तारीख पर उपकरण का अनादर किया जाता है?

(7 अंक)

- (c) भारत सरकार के निम्न नियामक संस्थाओं के बारे में संक्षिप्त वर्णन कीजिए।

- (i) भारतीय प्रतिभूति एवं विनिमय बोर्ड
- (ii) रिजर्व बैंक ऑफ इण्डिया
- (iii) भारतीय दिवाला और दिवालियापन बोर्ड

(6 अंक)

5. (a) पीटीसी होटल्स ने बॉम्बे में अपने फर्नीचर को नीलामी द्वारा विक्रय करने का निश्चय किया गया। इस उद्देश्य हेतु आरएन और एसोसियेट्स को उसने नीलामकर्ता के रूप में नियुक्त किया। उन्होंने दस चोटी के नामी वास्तुकारों को बोली लगाने के लिए बॉम्बे में आमंत्रित किया। बोली लगाने के अधिकार के अधीन होने के लिए अधिसूचित नहीं

XSH-H

किया गया है। फर्नीचर को लॉट्स में विक्रय करने के लिए रखा गया। यह निर्णित हुआ कि प्रत्येक लॉट के लिए एक आरक्षित मूल्य रहेगा। 25 फरवरी 2024 की पीटीसी होटल बॉम्बे के लॉन में 10.a.m पर नीलामी द्वारा विक्रय शुरू हुआ। फर्नीचर के एक विशेष लॉट के लिए तीन पक्षकार मि. नील, मि. राज और मि. देव अपनी कम्पनी के प्रतिनिधि की हैसियत से बोली लगाने के लिए आये। बोली निम्नानुसार थी -

मि. नील ₹ 5.70 लाख

मि. राज ₹ 4.85 लाख

मि. देव ₹ 6.10 लाख

आरएन और एसोसियेट्स द्वारा हथौडा गिराकर मि. नील के पक्ष में विक्रय पूर्ण किया गया। बोली लगाने का अधिकार आरक्षित रखने के आधार पर मि. देव की बोली अस्वीकृत कर दी गई क्योंकि देव की कम्पनी को बोली लगाने के लिए आमंत्रित नहीं किया गया था

दूसरी बोली इटालियन फर्नीचर के लिए निम्न दो पक्षकारों द्वारा बोली लगाई गई -

मि. धीर ₹ 15 लाख

मि. मधु (आरएन और एसोसियेट्स) की तरफ से ₹ 15.20 लाख

मि. मधु के बजाय मि. धीर के पक्ष में विक्रय पूर्ण किया गया।

मि. देव और मधु द्वारा तर्क दिया गया कि नीलामी द्वारा विक्रय न्यायपूर्ण नहीं था। वस्तु विक्रय अधिनियम 1930 के संदर्भित प्रावधानों के अनुसार अपनी राय दीजिए कि क्या नीलामी द्वारा विक्रय न्यायपूर्ण था या नहीं?

(7 अंक)

- (b) 'साझेदारी के विघटन का अर्थ फर्म का विघटन नहीं है' क्या आप इस कथन से सहमत हैं? ऐसी तीन स्थितियों का उल्लेख कीजिए जहाँ पर अदालत एक भागीदारी फर्म का विघटन कर सकती है।

(7 अंक)

XSH-H

- (c) 'जब अनुबन्ध वे एक पक्षकार द्वारा पूरी तरह से निष्पादन करने से मना कर दिया जाता है या उसके किसी भाग को निष्पादन करने में असमर्थ है, तब दूसरे पक्षकार को इसे विखण्डन करने का अधिकार प्राप्त हो जाता है'। इस कथन की व्याख्या कीजिए और भारतीय अनुबन्ध अधिनियम 1872 के प्रावधानों के अनुसार इस प्रकार के निष्पादन से इनकार करने के प्रभावों को समझाइए।

(6 अंक)

6. (a) मि. वाई द्वारा जेड को ₹10,000 का एक चैक निर्गमित किया गया जो कि वाई द्वारा अपर्याप्त राशि खाते में नहीं होने और अधिविकर्ष की अधिकार सीमा न होने के कारण अप्रतिष्ठित हो गया। भारतीय विनिमय साध्य विलेख अधिनियम 1881 के अन्तर्गत परीक्षण कीजिए कि :

- (i) क्या वाई चैक के अप्रतिष्ठित होने के लिए उत्तरदायी है, यदि है तो इस तरह के अपराध के लिए क्या परिणाम होंगे ?
(ii) आप का उत्तर क्या होगा यदि वाई वाला इस चैक को जेड के लिए चन्दे के रूप में निर्गमित किया गया होता ?

(7 अंक)

- (b) भारतीय अनुबन्ध अधिनियम 1872 के संदर्भ में बाजी के ठहराव शब्दावली की व्याख्या कीजिए। इसके साथ ही कुछ ऐसे सौदों को स्पष्ट कीजिए जो बाजी के सौदों के समान प्रतीत होते हैं, लेकिन वो व्यर्थ नहीं हैं।

या

आकस्मिक संविदा से आप क्या समझते हैं? संक्षेप में इसकी विशेषताओं को लिखिए। इसके साथ ही आकस्मिक संविदाओं के क्रियान्वयन से संबंधित तीन नियमों को स्पष्ट कीजिए।

(6 अंक)

- (c) 'जे' एक प्रीमियम बासमती चावल के थोक व्यापारी द्वारा स्थानीय फुटकर व्यापारी को पसन्दगी के आधार पर 100 चावल के बैगस प्रति बैग 10 किलोग्राम के हिसाब से विक्रय या एक महीने में वापसी के आधार पर बैगस की सुपुर्दगी दी। अगले दिन फुटकर व्यापारी द्वारा 5 चावल के बैग की नियमित ग्राहक 'के' को विक्रय किया गया। एक सप्ताह बाद 'के' द्वारा फुटकर व्यापारी को सूचित किया कि चावल की गुणवत्ता मूल्य के अनुसार नहीं थी।

फुटकर व्यापारी अब सभी चावल के बैगस 'जे' को लौटाना चाहता है, जिसमें चार बैगस 'के' द्वारा उपयोग में न लाए गए भी सम्मिलित हैं, क्या फुटकर व्यापारी ऐसा कर सकता है?

इसके साथ ही इस संदर्भ में वस्तु विक्रय अधिनियम 1930 के संक्षिप्त प्रावधानों का भी वर्णन कीजिए।

(7 अंक)

(15)

XSH-H

SPACE FOR ROUGH WORK

XSH-H

P.T.O.

(16)

XSH-H

SPACE FOR ROUGH WORK

SEAL

XSH-H