

(GCF-1,2,3,4,5+6,19,20,21,22,23, VDCF-1 & 2, VCF-1,2 & 4,
SCF-1,2,6,7 & 8, Nov.-20 PD & GD, Foundation Nov.-19 Rep.)
DATE: 08.10.2020 MAXIMUM MARKS: 100 TIMING: 3 Hours

BUSINESS LAW & BUSINESS CORRESPONDENCE & REPORTING

Question No. 1 is Compulsory. Answer any four question from the remaining five questions.
Wherever necessary, suitable assumptions should be made and disclosed by way of note forming part of the answer.
Working Notes should from part of the answer.

Question 1:

- (a) श्री मान् अनिल ने 16 अप्रैल, 2018 को बिजलीयुक्त कारो के निर्माण के लिए एकल व्यक्ति कम्पनी की स्थापना की। 31 मार्च 2019 को समाप्त होने वाले वित्तीय वर्ष में इस कम्पनी की अर्थात् 2.25 करोड़ रुपए थी। उस का मित्र सुनील इस एकल व्यक्ति कम्पनी में विनियोग करना चाहता था, अतः उन्होंने स्वेच्छा पूर्वक इस कम्पनी को निजी दायित्व वाली कम्पनी में परिवर्तित करने का निर्णय लिया। क्या अनिल ऐसा कर सकता है?

(4 Marks)

- (b) Z ने मुम्बई स्थित अपना मकान W को रु. 10,000 मासिक किराये पर दिया। Z द्वारा देय रु. 2 लाख की राशि सम्पत्ति कर के रूप में बकाया होने के कारण निगम ने उसका मकान नीलाम करने के लिए विज्ञापन दिया W उसके कानूनी परिणाम से बचने के लिए निगम को Z द्वारा देय सम्पत्ति कर का भुगतान कर देता है। भारतीय अनुबंध अधिनियम, 1872 के प्रावधानों को ध्यान में रखते हुए निर्णय कि क्या W उस राशि को Z से वापस प्राप्त करने का अधिकारी है।

(4 Marks)

- (c) फर्म के समापन व साझेदारी के समापन क मध्य अन्तर बताएँ?

(4 Marks)**Question 2:**

- (a) LLP के निस्तार तथा समापन संबंधित प्रावधानों की विवेचना कीजिए?

(6 Marks)

- (b) गारण्टी कम्पनी से क्या अभिप्राय होता है? गारण्टी कम्पनी एवं अंश पूँजी कम्पनी में क्या समानताएँ व असमानताएँ होती हैं?

(6 Marks)**Question 3:**

- (a) सुश्री प्रीति एक कार की स्वामी थी जो कि उस को श्री जोशी को देती है “क्रय या वापसी” के आधार पर, एक सप्ताह बाद श्री जोशी उस कार को श्री गणेश को गिरवी रख देते हैं। सुश्री प्रीति अपनी कार श्री गणेश से वापिस मांगना चाहती है। वस्तु विक्रय अधिनियम के संदर्भ में निर्णय लें क्या सुश्री प्रीति को कार वापिस प्राप्त होगी।

(6 Marks)

- (b) X, एक अवयस्क को M/s ABC and Co. में लाभ लेने के लिए सभी साझेदारों की राय से साझेदार बनाया गया। वयस्क होने पर, छः मास से अधिक बीत गए किन्तु X यह सार्वजनिक सूचना देने से चूक गया कि यह फर्म में साझेदार बनना चाहता है अथवा नहीं चाहता है। बाद में, L जो कि M/s ABC and Co. को सामग्री की पूर्ति करता है, ने M/s ABC and Co. के विरुद्ध देय ऋण की पूर्ति के लिए वाद प्रस्तुत किया। भारतीय साझेदारी अधिनियम 1932 के संदर्भ में व्याख्या करें:-

- (i) X किस सीमा तक उत्तरदायी होगा यदि वह व्यस्क होने के बाद सार्वजनिक सूचना देने में असफल रहा?

(ii) क्या L, X से ऋण की पूर्ति कर सकता है?

(6 Marks)

Question 4:

(a) A, B, C एक फर्म में साझेदार हैं। उन्होंने संयुक्त रूप से C को रु. 1,50,000 देने का वचन दिया। C दिवालिया हो गया तथा उसकी निजी सम्पत्ति से उसके ऋण के दायित्व का केवल $1/5$ भाग ही प्राप्त हो सका। A को P का पूरा भुगतान करने के लिए बाध्य किया गया। भारतीय अनुबंध अधिनियम, 1872 के प्रावधान की जांच करके निर्णय दीजिए कि किस सीमा तक A, B से अपना धन वसूल सकता है?

(6 Marks)

(b) P नीलामी द्वारा Q को एक घोड़ा बेचता है जो P जानता है कि अस्वस्थ है। निम्न परिस्थितियों में क्या समझौता वैध है बताये –

(a) यदि P Q को घोड़े की अस्वस्थता के बारे में कुछ नहीं बताता

(b) यदि P Q को कुछ नहीं बताता व P, Q की पुत्री है।

(c) यदि Q P से कहता है कि यदि तुम मना नहीं करोगे तो मैं मान लूँगा कि घोड़ा स्वस्थ है। P कुछ नहीं कहता है।

(6 Marks)

Question 5:

(a) A एण्ड कम्पनी को 1970 में एक साझेदारी फर्म के रूप में पंजीकृत किया जाता है जिसमें A, B और C साझेदार हैं। 1971 में A की मृत्यु हो जाती है। 1972 में B और C, A एंड कम्पनी के नाम और उसके आधार पर X पर मुकदमा करते हैं, परन्तु फर्म का पुनः पंजीकरण नहीं करवाते। अब प्रथम प्रश्न, जिस पर हमें विचार करना है, वह है कि क्या मुकदमा किया जा सकता है ?

अब उपरोक्त उदाहरण में क्या अन्तर हो जायेगा यदि 1972 में B और C ने एक साझेदार D को शामिल कर लिया था और उसके पश्चात् X के विरुद्ध बिना पंजीकरण कराये मुकदमा किया था।

(6 Marks)

(b) कब शर्त भंग को आश्वासन भंग के समान माना जा सकता है ?

(4 Marks)

(c) कारण सहित बताइए कि क्या निम्नलिखित दशा में भारतीय अनुबंध अधिनियम, 1872 के अनुसार कोई अनुबंध पक्षों के बीच है ? J रेलवे स्टेशन पर लगी हुई प्लेटफॉर्म टिकट बेचने वाली मशीन में रु. एक के 3 सिक्के डाल देता है।

(2 Marks)

Question 6:

(a) रवि प्रा0लि0 कम्पनी ने 5 करोड़ का उधार मुद्रा कम्पनी से लिया। यह ऋण कम्पनी के अधिकार क्षेत्र से बाहर था। क्या कम्पनी ऋण चुकाने के लिए बाध्य है? क्या मुद्रा कम्पनी को कोई अधिकार प्राप्त है।

(5 Marks)

(b) क्रेता सावधान रहो का सिद्धान्त बताएँ व नियम के अपवाद भी बताएं ?

(7 Marks)

PAPER : BUSINESS CORRESPONDENCE & REPORTING

The Question Paper comprises of 5 questions of 10 marks each.
Question No. 7 is compulsory. Out of questions 8 to 11, attempt any three.

SECTION-B : BUSINESS CORRESPONDENCE & REPORTING (40 MARKS)**Question 7:**

(a) Read the passage carefully and answer the questions that follow:

'The difference between technology and slavery is the slaves are fully aware that they are not free' Nassim Nicholas Taleb

How is technology impacting our lives? Many research studies are seeking answers to this question and coming up with data and information that is worrisome. As the human race increasingly depends on devices for work and leisure, technology invades every aspect of our lives. We have appliances in our kitchens and homes, machines and computers in offices, and of course, and innumerable gadgets without which people feel lost and incomplete.

In fact, we now try to measure every aspect of our lives with gadgets and gizmos available in the market. These health devices can track routine activities like sleep, exercise, diet, heartbeat, breathing rate, steps taken, water intake and every conceivable aspect of life. Health and fitness is measured by a smart watch, fitness band and other wearable apps available in the market. Though many of these apps are truly useful to measure health parameters like blood pressure, heart rate, etcetera for the ailing; they have begun to dominate the lives of people for whom it becomes their personal health information guru. If the health parameters do not match the desired outcome of the application they are using, it causes anxiety and stress. Many health freaks end up with obsessive compulsive disorders.

Several psychiatrists disapprove of our dependence on gadgets to assess our health. They refer to it as the over monitoring syndrome. Instead of listening to our own bodies, which are best judges of our physical and mental health, we look at the numbers on the gadget to tell us whether we had a good workout or sufficient and restful sleep at night. Since every human being is different, can an app accurately match and measure the parameters of each individual using it? Another downside is that instead of enjoying the simple health benefits and pleasure of a sport/ workout, the completion of the target becomes the focal point of the exercise.

The advice given by medical practitioners is that a healthy life is judged by your physical, mental and social wellbeing and not machines of any kind. So use gadgets judiciously and do not let them dictate your life.

1. Health devices are useful for
 - (a) checking our moods.
 - (b) keeping fit and happy.
 - (c) keeping a track of everyday activities like exercise, sleep etc.
 - (d) monitoring work and leisure activities.
2. Medical practitioners' advice is that we should measure health by
 - (a) physical fitness
 - (b) mental fitness
 - (c) social wellbeing
 - (d) all of the above.
3. The drawbacks of health devices are
 - (a) they are too bulky.
 - (b) they are very costly.
 - (c) they cause pressure and anxiety in users.
 - (d) they are a cause of too much distraction.

4. We should assess our health by
 - (a) using health gadgets which measure all our parameters.
 - (b) talking to a doctor.
 - (c) listening to our own body.
 - (d) asking family and health experts.
5. Find words in the passage which are similar in meaning to the ones given below
 - (a) Dimensions
 - (b) Supervising or overseeing

(5 Marks)

- (b)** Explain difference between vertical Network and circuit Network

(3 Marks)

- (c)** Identify the idiom in the given sentences and determine the meaning from the context.

1. Tara jumped on the bandwagon and got her ear pierced after all of her classmates pierced their ears.
2. Tommy's mother didn't even lecture him after he came home late again; it was like beating a dead horse.

(2 Marks)

Question 8:

- (a)** Write an article of about 250 words on the topic "The Fearless Indian Army":

(5 Marks)

- (b)** Explain concrete and coherent as the characteristics of effective communication.

(3 Marks)

- (c)** Fill in the blanks with the most suitable option.

- (1) The music played in the function was _____ lots of people were complaining about it.
 - (a) Melodious
 - (b) Destructive
 - (c) Confusing
 - (d) Boisterous
- (2) The rich businessman has donated a _____ amount from his savings.
 - (a) Colossal
 - (b) Agrarian
 - (c) Ultimate
 - (d) Cowardly

(2 Marks)

Question 9:

- (a)** Write a precis 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 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 in 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)

- (b)** Explain Emotional Awareness and control as characteristics of effective communication.

(3 Marks)

- (c)** Change the following sentences to indirect speech.

- (a) The clerk asked his manager, "Shall I email this letter again, Sir?"
(b) She said to me, "How have you done this sum?"

(2 Marks)

Question 10:

- (a)** Write A memo letter informing the office Manager about the purchase of office furniture.

(5 Marks)

- (b)** Explain cultural barriers as a barrier in communication.

(3 Marks)

- (c)** Rewrite the following sentences in passive voice.

- (a) The Corporation's sales and Service organization covers the country.
(b) FCS are only marketing their new dental equipment in Europe.

(2 Marks)

Question 11:

- (a)** 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.

Draft a Resume

(5 Marks)

- (b)** Explain Attitude barriers as barriers in communication.

(3 Marks)

- (c)** Rewrite the following sentences in the active voice.

- (a) The man who saved the child from the burning house was being cheered by the crowd of onlookers.
(b) Seven movie goers were booked in city for disrespecting national anthem.

(2 Marks)

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