

(GCF-2,3,4,5,6, VCF-1,2, VDCF-1,2 & SCF-1,2)	DATE: 06.10.2021	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 form part of the answer.

Question 1:

- (a) M promised to pay N for his services at his (M) sole discretion found to be fair and reasonable. However, N dissatisfied with the payment made by M and wanted to sue him. Decide whether N can sue M under the provisions of the Indian Contract Act, 1872?

(2 Marks)

- (b) Explain Corporate veil theory and when this corporate veil can be lifted.

(6 Marks)

- (c) Give rights of transferee of a partner's interest?

(4 Marks)

Question 2:

- (a) Give doctrine of privity of contract and give exceptions also ?

(7 Marks)

- (b) Referring to the provisions of the Sale of Goods Act, 1930, state the circumstances under which when goods are delivered to the buyer "on approval" or "on sale or return" or other similar terms, the property therein passes to the buyer. Ms. Preeti owned a motor car which she handed over to Mr. Joshi on sale or return basis. After a week, Mr. Joshi pledged the motor car to Mr. Ganesh. Ms. Preeti now claims back the motor car from Mr. Ganesh. Will she succeed? Referring to the provisions of the Sale of Goods Act, 1930, decide and examine what recourse is available to Ms. Preeti.

(5 Marks)

Question 3:

- (a) J the owner of a Fiat car wants to sell his car. For this purpose he hand over the car to P, a mercantile agent for sale at a price not less than Rs. 50,000. The agent sells the car for Rs. 40, 000 to A, who buys the car in good faith and without notice of any fraud. P misappropriated the money also. J sues A to recover the Car. Decide given reasons whether J would succeed.

(6 Marks)

- (b) Explain the types of partnership?

(6 Marks)

Question 4:

- (a) Alfa school started imparting education on 1.4.2010, with the sole objective of providing education to children of weaker society either free of cost or at a very nominal fee depending upon the financial condition of their parents. However, on 30th March 2018, it came to the knowledge of the Central Government that the said school was operating by violating the objects of its objective clause due to which it

was granted the status of a section 8 company under the Companies Act, 2013. Describe what powers can be exercised by the Central Government against the Alfa School, in such a case?

(4 Marks)

- (b)** Distinguish between right of lien and stoppage in transit?

(4 Marks)

- (c)** ABC Pvt. Ltd., is a Private Company having five members only. All the members of the company were going by car to Mumbai in relation to some business. An accident took place and all of them died. Answer with reasons, under the Companies Act, 2013 whether existence of the company has also come to the end?

(4 Marks)

Question 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. 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)** What are the steps to incorporate LLP?

(6 Marks)

Question 6:

- (a)** What is effect of subsale or pledge by buyer?

(6 Marks)

- (b)** M Ltd., contracts with Shanti Traders to make and deliver certain machinery to them by 30.6.2004 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. 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)

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:

A sanctuary may be defined as a place where Man is passive and the rest of Nature active. Till quite recently Nature had her own sanctuaries, where man either did not go at all or went only as a tool-using animal in comparatively small numbers. But now, in this machine age, there is no place left where man cannot go with overwhelming forces at his command. He can strangle to death all the nobler wild life in the world to-day. Tomorrow he certainly will have done so, unless he exercises due foresight and self-control in the mean time.

There is not the slightest doubt that birds and mammals are now being killed off much faster than they can breed. And it is always the largest and noblest forms of life that suffer most. The whales and elephants, lions and eagles, go. The rats and flies, and all mean parasites, remain. This is inevitable in certain cases. But it is wanton killing off that is of concern. Civilized man begins by destroying the very forms of wild life he learns to appreciate most when he becomes still more civilized. The obvious remedy is to begin conservation at an earlier stage, when it is easier and better in every way, by enforcing laws for close seasons, game preserves, the selective protection of certain species, and sanctuaries.

I have just defined a sanctuary as a place where man is passive and the rest of Nature active. But this general definition is too absolute for any special case. The mere fact that man has to protect a sanctuary does away with his purely passive attitude. Then, he can be beneficially active by destroying pests and parasites, like bot-flies or mosquitoes, and by finding antidotes for diseases like the epidemic which periodically kills off the rabbits and thus starves many of the carnivores to death. But, except in cases where experiment has proved his intervention to be beneficial, the less he upsets the balance of Nature the better, even when he tries to be an earthly Providence.

1. What can man do to avoid killing all wild life in the future?

- (a) Experiment more
- (b) Have a foresight
- (c) Maintain self-control
- (d) Both a and b

(1 Mark)

2. What according to the author is a sanctuary?

- (a) A place where Man is active and so is Nature
- (b) A place where Man is passive and so is Nature
- (c) A place where Man is passive but Nature is active
- (d) A place where Man and Nature do not co-exist.

(1 Mark)

3. What according to the author can lead to the death of carnivores?

- (a) Finding antidotes for epidemics, which might kill animal that are food for carnivores
- (b) Conservation at a later stage
- (c) Carnivores can die anytime.
- (d) Man is egoistic and wants to be powerful than carnivores.

- (1 Mark)**
4. Find the word in the passage that means 'unprovoked' or 'deliberate'
- Beneficially
 - Wanton
 - Inevitable
 - Providence
- (1 Mark)**
5. What does the author mean by the phrase 'earthly Providence' in the last line of the passage?
- The Earth is God.
 - Man is inferior to God.
 - God will not take care of the Earth
 - Man wants to be like God on Earth.
- (1 Mark)**
- (b)** What is visual communication?
- (1 Mark)**
- (c)** (i) Choose the word which best expresses the meaning of the given word.
Contingency
- Existence
 - Evidence
 - Rebel
 - Emergency
- (1 Mark)**
- (ii) Select a suitable antonym for the word given in question.
Proximity
- Approximation
 - Assumingly
 - Remoteness
 - Cure
- (1 Mark)**
- (iii) Change the following sentences into passive voice.
Who wrote this essay?
- (1 Mark)**
- (iv) Change the following sentences to indirect speech.
Sheila said, 'How smart Seema is'
- (1 Mark)**
- Question 8:**
- (a)** Draft a Memo informing the staff about the dismissal of the Sales Head on being proved guilty of charges of misappropriation of funds/accounts.
- (5 Marks)**
- (b)** What is network in communication?
- (1 Mark)**
- (c)** (i) Choose the word which best expresses the meaning of the given word.
Inherent
- Intrinsic
 - Inevitable
 - Innovation
 - Intent
- (1 Mark)**
- (ii) Choose the appropriate antonym (opposite) for the word

Serene

- (a) Valley
- (b) Young
- (c) Unrest
- (d) Harmless

(1 Mark)

- (iii) Change the following sentences into passive voice
Rajesh uses a pen to sketch figures.

(1 Mark)

- (iv) Change the following sentence to indirect speech.
Elders always say, 'If you work hard, you will succeed.'

(1 Mark)

Question 9:

- (a)** Write an Article of about 250-300 words on the topic "What is more important—Physical fitness or Mental fitness?"

(5 Marks)

- (b)** Explain briefly the characteristics of effective communication.

(2 Marks)

- (c)** (i) Select the suitable antonym for the given word:

- Vigilant
- (a) Careful
 - (b) Curious
 - (c) Concerned
 - (d) Inattentive

(1 Mark)

- (ii) Rewrite the following sentences in active voice
Work could be done by us only by next week.

(1 Mark)

- (iii) Change the following sentence into Indirect speech.
Teacher said, 'Please use a blue pen for your homework'

(1 Mark)

Question 10:

- (a)** Write a précis and give appropriate title to the passage given below.

After years of questioning the potential health hazards of second hand cigarette smoke, a growing number of scientists and health officials are becoming persuaded that the dangers are real, broader than once believed and parallel those of direct smoke.

It has long been established that smoking harms the health of those who do the smoking. Now new epidemiological studies and reviews are strengthening the evidence that it also harms the health of other people nearby who inhale the toxic fumes generated by the smoker, particularly from the burning end of the cigarette. Such indirect, or second hand, smoking causes death not only by lung cancer, but even more by heart attack, the studies show. The studies on passive smoking, as it is often called, also strengthen the link between parental smoking and respiratory damage in children.

What has swayed many scientists is a remarkable consistency in findings from different types of studies in several countries with improved methods over those used in the first such studies a few years ago. The new findings confirm and advance two landmark reports in 1986 from the Surgeon General, who concluded that passive smoking caused lung cancer, and from the National Research Council, which said passive smoking is associated with lung cancer.

"The links between passive smoking and health problems are now as solid as any finding in epidemiology," said, an expert in the epidemiology of smoking at the University of California at San Diego.

(5 Marks)

(b) What do you mean by completeness in effective communication?

(1 Mark)

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

Embezzle

- (a) Shine
- (b) Steal
- (c) Busy
- (d) Shocked

(1 Mark)

(ii) Select a suitable antonym for the word given in question.

Applaud

- (a) Organize
- (b) Compose
- (c) About
- (d) Condemn

(1 Mark)

(iii) Change the following sentences into passive voice.

You should write an apology letter.

(1 Mark)

(iv) Change the following sentences to indirect speech.

Uncle said, 'I am unwell'

(1 Mark)

Question 11:

(a) As the Manager, HR of Net Solutions Ltd, Mumbai, draft a complaint letter to the Administration Head of Food for you Solutions, Mumbai, stating your concern about the bad quality of food being supplied to your company's cafeteria.

(5 Marks)

(b) What is nonverbal communication? Explain its types.

(2 Marks)

(c) (i) Select the suitable antonym for the given word:

Concealed

- (a) To hide
- (b) Uninteresting
- (c) Known
- (d) Related

(1 Mark)

(ii) Rewrite the following sentences in active voice

A conservative lifestyle was led by women in olden days.

(1 Mark)

(iii) Change the following sentence into Indirect speech.

The girl asked, 'Where do you live'?

(1 Mark)

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