

(GCF-1, 3, 4, 5, 6, 7+7A, 8+8A, 9, 12, 13 & 14, VCF-1,2 & 4, ACF-1,2 & 5, JCF-1 & 3, DCF-5,6,7 & 8, Drive-2)

DATE: 01.11.2023

MAXIMUM MARKS: 100

TIMING: 3^{1/4} 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) XY को 100 टन तेल बेचने को सहमत होता है निम्न मामलों में वैधानिक स्थिति की विवेचना कीजिए—
- (a) यदि X जो सिर्फ नारियल तेल का डीलर है 10,000 रु. प्रति टन की दर पर बेचने का निर्णय लेता है।
 - (b) यदि X नारियल तेल का डीलर है और मूल्य Z द्वारा निर्धारित किया जायेगा।
 - (c) यदि X नारियल तेल का डीलर है व 10,000 रु. प्रति टन या 11,000 रु. प्रति टन पर विक्रय करने को सहमत होता है।
 - (d) यदि X नारियल तेल व सरसों के तेल का डीलर है।

(4 Marks)

- (b) एक कम्पनी के पार्षद सीमा नियम कम्पनी पंजीकार का पंजीकरण के लिए प्रस्तुत किया गया और पंजीकार ने निगमन का प्रमाण-पत्र कम्पनी को जारी कर दिया। सभी वैधानिक औपचारिकताएँ पूरी कर लेने के बाद कम्पनी अपने उद्देश्य वाक्य के अनुरूप कार्य करना आरम्भ कर दिया जो कि स्पष्ट रूप में अवैधानिक व्यवसाय था। कम्पनी का कहना है कि उसके व्यापार की प्रकृति और स्वरूप में नहीं जाया जा सकता है क्योंकि उसका निगमन निश्चयात्मक है। इस प्रश्न का उत्तर दीजिए कि क्या कम्पनी का मत ठीक है या नहीं।

(4 Marks)

- (c) श्रीमान यादव ने अपने कर्मचारियों की वर्दी बनाने के लिए विवेक से गहरे नीले रंग का कपड़ा तो खरीदा परन्तु उसे खरीदी का उद्देश्य नहीं बताया। लेकिन जब कर्मचारियों द्वारा वर्दी को पहना गया तो वर्दी सही उपर्युक्तता की नहीं निकली। हालाँकि इस बात का साक्ष्य था कि कपड़ा टोपी, बूट व गाड़ी का अस्तर बनाने के लिए उचित था। क्या श्रीमान यादव वस्तु विक्रय अधिनियम के अन्तर्गत नुकसान भरपाई के हकदार है?

(4 Marks)

Question 2:

- (a) भारतीय अनुबंध अधिनियम 1872 के अनुसार अव्यस्क की स्थिति के बारे में बताएं ?

(7 Marks)

- (b) सीमित दायित्व साझेदारी के सम्मेलन के चरण बताएं।

(5 Marks)

Question 3:

- (a) साझेदारी की सही जाँच क्या है ?

(6 Marks)

- (b) X, Y और Z ने संयुक्त रूप से A से रु. 50,000 उधार लिये। Y ने A को सारी राशि का भुगतान कर दिया। भारतीय अनुबंध अधिनियम, 1872 के प्रावधानों के अनुसार निर्णय कीजिए कि क्या:

1. Y, X व Z से अंशदान की मांग कर सकता है।

2. X की मृत्यु की दशा में उसके उत्तराधिकारी दायी है।
3. Z के दिवालिया होने की स्थिति में Y सम्पत्तियों में से अंशदान की मांग कर सकता है।

(6 Marks)

Question 4:

- (a) नीलामी द्वारा विक्रय से सम्बन्धित प्रावधान बताएं ?

(6 Marks)

- (b) अक्ष, आशीष और अन्यन एक फर्म के साझेदार हैं अन्यन के दुराचरण, जानबुझ कर लापरवाही के कारण फर्म को नुकसान हुआ चेतावनी देने के बाद अक्ष और आशीष ने अन्यन को फर्म से निकालने का प्रस्ताव पारित किया। एक अन्य प्रस्ताव द्वारा अभिषेक को साझेदार के रूप में प्रवेश करवाया अनिल ने आपत्ति उठाई क्या उसकी आपत्ति उठाना उचित है।

(6 Marks)

Question 5:

- (a) वस्तु विक्रय अधिनियम 1930 के अनुसार बताइये कि यदि वस्तु को “विक्रय या वापसी” के आधार पर बेचा गया है तो क्रेता को सम्पत्ति का हस्तांतरण कब होता है? 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) “शक्तिबाह्यता का सिद्धान्त” व उसके प्रभाव के बारे में वर्णन कीजिए ?

(6 Marks)

Question 6:

- (a) एक दुकानदार अपने शोरूम में एक जोड़ा ड्रेस प्रदर्शित करता है जिस पर रु. 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।

(5 Marks)

- (b) A एण्ड कम्पनी को 2015 में एक साझेदारी फर्म के रूप में पंजीकृत किया जाता है जिसमें A, B और C साझेदार हैं। 2016 में A की मृत्यु हो जाती है। 2017 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 2017 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।

(4 Marks)

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

(3 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) Marie Curie was one of the most accomplished scientists in history. Together with her husband, Pierre, she discovered radium, an element widely used for treating cancer, and studied uranium and other radioactive substances. Pierre and Marie's amicable collaboration later helped to unlock the secrets of the atom.

Marie was born in 1867 in Warsaw, Poland, where her father was a professor of physics. At an early age, she displayed a brilliant mind and a blithe personality. Her great exuberance for learning prompted her to continue with her studies after high school. She became disgruntled, however, when she learned that the university in Warsaw was closed to women. Determined to receive a higher education, she defiantly left Poland and in 1891 entered the Sorbonne, a French university, where she earned her master's degree and doctorate in physics.

Marie was fortunate to have studied at the Sorbonne with some of the greatest scientists of her day, one of whom was Pierre Curie. 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. Marie was stunned by this horrible misfortune and endured heartbreaking anguish. 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 chemistry 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. (Source: internet)

- (1) A word in the passage which is a synonym of 'friendly' is:
 - (a) revealing
 - (b) distress
 - (c) amicable
 - (d) stunned
- (2) What increased the distress of Marie Curie?
 - (a) The sudden death of her husband.
 - (b) She would have to raise her daughters all alone
 - (c) She could not continue with her radium discovery
 - (d) The knowledge of her fatal illness.
- (3) Which of the following statements is false according to the passage?
 - (a) Marie Curie did not attend any University because women were not allowed to do so.
 - (b) Pierre was killed in accident involving horse wagons.
 - (c) Curie also worked on the element Uranium.
 - (d) Curie got a chance to teach Physics at Sorbonne.

- (4) Give the passage a suitable title
- (a) Madam Curie and Pierre Curie
 - (b) Discovery of Radium and Uranium
 - (c) Mysteries of the physical world
 - (d) Madam Curie: struggles turn to achievements!
- (5) Choose an option that describes Madam Curie, based on the information given in the passage:
- (a) heartbroken, coward, weak
 - (b) bold, dedicated, confident
 - (c) complaining, disgruntled, arrogant
 - (d) despondent, tired, ruthless

(5 Marks)

- (b)** Read the following passage/news story and make proper notes following the guidelines of Note making. (Source: internet, newspaper articles)

- (1) The decision of the Ministry of Environment and Forests to revalidate the environmental clearance issued to South Korean steelmaker Posco for the proposed steel plant in Odisha is based on a piecemeal approach, rather than a comprehensive and cumulative assessment of all parts of the project. It cannot claim to rely on sound judgment. What distinguishes the proposal from the welter of projects before the Ministry is its major Foreign Direct Investment potential, estimated at more than Rs. 50,000 crore. There is little doubt that it will take massive investments to pull the masses out of deep poverty, and new industries are vital to achieving this goal. Significant expansion of the economy has taken place over the past two decades, creating much wealth. Unfortunately, this has also coincided with grossly uneven distribution of negative externalities. In the case of Posco, the acquisition of land has been a contentious issue, evoking strong protest from local communities which remain unconvinced about the benefits. Evidently, neither the project proponent nor the Odisha government has come up with persuasive arguments over the past eight years on why villagers should part with their land when their livelihood is linked to it. Moreover, there is no effort to reach a consensus on the renewal of environmental clearance, now for a production capacity of eight million tonnes per annum, even with conditionalities that include spending on 'social commitments' by Posco.

(5 Marks)

Question 8:

- (a)** List at least 5 barriers of communication. Explain any two of them in your own words.

(3 Marks)

- (b) (i) Give the suitable meaning**
Bury the Hatchet

(1 Mark)

- (ii) Active Passive Questions**

The melody has been composed wonderfully by A.R. Rahman.

(1 Mark)

- (c) Précis Writing**

Read the following passages and write a précis for the same. Follow the basic rules of précis writing while writing.

- (1) 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 helps us to understand many fields of study, science, medicine, the arts and so on. Moreover, television benefits very old people, who can't often leave the house as well as patients in hospitals. 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 of television. Of course, it provides us with a pleasant way to relax and spend our free time, but in some countries, people watch the 'blood 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 & sleeping. It's clear that the tube has a powerful influence on their lives and that its influence is often negative.

(5 Marks)

Question 9:

- (a) Differentiate between the Vertical Network and the Wheel and spoke method of communication.
- (2 Marks)**
- (b) (i) **Active Passive Questions**
Nisha will speak to her parents tomorrow
- (1 Mark)**
- (ii) **Give the suitable meaning**
By Hook or By crook
- (1 Mark)**
- (iii) **Give the suitable meaning**
Out of the Blue
- (1 Mark)**
- (c) As the HR Manager of your organization, draft a circular for all the employees of your company, informing them about New Year party being organized over the weekend in the office campus. Mention a few events and request for active participation.
- (5 Marks)**

Question 10:

- (a) Define the term 'communication'. How is it relevant in daily life?
- (2 Marks)**
- (b) **Active Passive Questions:**
- (i) He had left the job.
- (ii) The news has not been brought to my attention by anybody.
- (iii) The government is worrying about the severe natural calamity in the northern region.
- (3 Marks)**
- (c) Draft a resume for Mr. Raghav Shetty, a resident of Pune, a qualified MBA. Raghav now plans to switch his job and is applying to one of the Big fours. Drafts combination format.
- (5 Marks)**

Question 11:

(a) Write about the cultural barriers in communication.

(3 Marks)

(b) Give the suitable meaning

- (i) Come off with flying colours
- (ii) A close shave

(2 Marks)

(c) Your company, is launching a new product. Prepare minutes of the meeting for the same. Members in the meeting: MD, Head of the Sales and Marketing, Product Head, Consultants and few team members.

(5 Marks)

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