

Section A

Question No. 1 is compulsory.

Answer any FOUR questions from the remaining FIVE questions.

Q.1 (a) Natwarlal, offered to sell his farm to the Chotulal for ₹500,000. Chotulal declined the offer. Natwarlal again reinstated his offer for selling the farm at ₹500,000 to Chotulal's agent stating that it is the final offer from their side. Chotulal through a letter, offered to buy the farm for ₹400,000. Natwarlal refused to sell the farm at that price. Chotulal, after several days, offered to buy the farm at the initial price of ₹500,000. Natwarlal did not send any agreement to that and refused to sell the farm, because of which Chotulal sued for breach of contract. Explain, under provisions of Indian Contract Act, 1872, whether Chotulal will succeed.

(4 Marks)

(b) A company was in the process of being incorporated. On 12th July, 2019 the necessary documents were delivered to the Registrar for registration. Two days later he issued the certificate of incorporation but dated it 12th July, 2019 instead of 14th July, 2019.

On 13th July, 2019, company allotted shares to Mr.Sushant. Was the allotment of shares valid? On which day, the company has come into existence?

(4 Marks)

(c) Explain the implied warranties which are contained in the Sale of Goods Act.

(4 Marks)

Q.2 (a) Explain types of damages under Indian Contract Act, 1872. **(7 Marks)**

(b) Explain Cessation of partnership interest under Limited Liability Partnership Act, 2008

(5 Marks)

Q.3 (a) Explain Property of the firm under Indian Partnership Act, 1932 **(2 Marks)**

OR

Explain Transfer of partner's interest under Section 29 of Indian Partnership Act, 1932.

(2 Marks)

(b) Explain types of Partners under Indian Partnership Act, 1932 **(4 Marks)**

(c) Mr. Ramesh an industrialist has been fighting a long drawn litigation with Mr.Mohan another industrialist. To support his legal campaign Mr. Ramesh enlists the services of Mr. Hiten, a legal expert stating that an amount of Rs.10 lakhs would be paid, if Mr. Hiten does not take up the case of Mr. Mohan. Mr. Hiten agrees, but at the end of the litigation Mr. Ramesh refuses to pay. Decide whether Mr. Hiten can recover the amount promised by Mr. Ramesh under the provisions of the Indian Contract Act, 1872.

(6 Marks)

Q.4 (a) Explain the rule of "Nemo dat quod non-habet" and state its exceptions. **(6 Marks)**

(b) Chetan purchased cartloads of cotton from a third party and Ravi held half the share in the profit or the loss arising out of the said transaction. Since the price began to fall, the Ravi told Chetan to sell it. Chetan did so and in order to recover the extra loss caused due to selling off the Ravi's share of the cotton, Chetan sued Ravi for his half share in the loss. Ravi argued that the said transaction, even if accepted as joint transaction, can't be basis for Chetan's claim under Indian Partnership Act, 1932 as there is no partnership firm but it is just a joint transaction. Explain whether an isolated adventure for the purchase and sale of cotton entered into by two persons who agree to share the profits or the losses makes them partners within the meaning of the Indian Partnership Act, 1932 and is the suit filed by Chetan maintainable?

(6 Marks)

Q.5 (a) Goldie, a boy of six, bought a plastic catapult from John, a stationer. Goldie used the catapult properly, but it broke in his hands as it was made in an indifferent manner and part of it ruptured Goldie's eye. John had bought a quantity of these catapults from Anthony, a wholesaler, by sample and John's wife had tested the sample, before placing the order, by pulling back its elastic.

Explain under provisions of Sale of Goods Act, 1930, whether Goldie could recover the price and damages from John and whether John could recover the price and damages from Anthony.

(6 Marks)

(b) Define 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? Whether it be converted to a public company?

(6 Marks)

Q.6 (a) Explain the rules for time and place for performance under Section 46 to 50 of Indian Contract Act, 1872.

(5 Marks)

(b) Whether a minor may be admitted in the business of a partnership firm? Explain the rights of a minor in the partnership firm.

(4 Marks)

(c) The Articles of Association of Mayank Ltd. provides that Board of Directors has authority to issue bonds provided such issue is authorized by the shareholders by a necessary resolution in the general meeting of the company. The company was in dire need of funds and therefore, it issued the bonds to Mr. Atul without passing any such resolution in general meeting. Can Mr. Atul recover the money from the company? Decide referring the relevant provisions of the Companies Act, 2013.

(3 Marks)

SECTION – B: BUSINESS CORRESPONDENCE AND REPORTING**Question No. 7 is compulsory****Answer any three questions from the remaining four questions****Q.7****(a)****Read the passage carefully and answer the questions given below:**

Organizations are institutions in which members compete for status and power. They compete for resource of the organization, for example – finance to expand their own departments, for career advancement and for power to control activities of others. In pursuit of these aims, groups are formed and sectional interests emerge. As a result policy decisions may serve the ends of political and career systems rather than those of the concern. In this way, the goals of the organization may be displaced in favor of sectional interests and individual ambition. These preoccupations sometimes prevent the emergence of organic systems. Many of the electronic firms in the study had recently created research and development departments employing highly qualified and well- paid scientists and technicians. Their higher pay and expert knowledge were sometimes seen as a threat to the established order of the rank, power and privilege. Many senior managers had little knowledge of technicality and possibility of new developments and electronics. Some felt that close co-operation with the experts in an organic system would reveal their ignorance and show their experience was now redundant.

1. What is the theme of the passage? **(1 Mark)**
2. What does “Organic system” as related to the organisation imply? **(1 Mark)**
3. What would policy decision in organisation involve? **(1 Mark)**
4. Write a summary of the above passage. **(2 Marks)**

(b)**Read the Passage:**

1. Make Notes using Headings, Subheadings and abbreviations wherever necessary. **(3 Marks)**
2. Write Summary **(2 marks)**

Occasional self-medication has always been part of normal living. The making and selling of drugs has a long history and is closely linked, like medical practice itself, with belief in magic. Only during the last hundred years or so, as the development of scientific techniques made it possible diagnosis has become possible. The doctor is

now able to follow up the correct diagnosis of many illnesses-with specific treatment of their causes. In many other illnesses of which the causes remain unknown, he is still limited, like the unqualified prescriber, to the treatment of symptoms. The doctor is trained to decide when to treat symptoms only and when to attack the cause. This is the essential difference between medical prescribing and self-medication.

The advance of technology has brought about much progress in some fields of medicine, including the development of scientific drug therapy. In many countries public health organization is improving and people's nutritional standards have risen. Parallel with such beneficial trends are two which have an adverse effect. One is the use of high- pressure advertising by the pharmaceutical industry which has tended to influence both patients and doctors and has led to the overuse of drugs generally. The other is emergence of eating, insufficient sleep, excessive smoking and drinking. People with disorders arising from faulty habits such as these, as well as well from unhappy human relationships, often resort to self –medication and so add the taking of pharmaceuticals to the list. Advertisers go to great lengths to catch this market.

Clever advertising, aimed at chronic sufferers who will try anything because doctors have not been able to cure them, can induce such faith in a preparation, particularly if steeply priced, that it will produce-by suggestion-a very real effect in some people .Advertisements are also aimed at people suffering from mild complaints such as simple cold and coughs which clear up by themselves within a short time.

These are the main reasons, why laxatives, indigestion-remedies, painkillers, cough-mixtures, tonics, vitamin and iron tablets, nose drops, ointments and many other preparations are found in quantity in many households. It is doubtful whether taking these things ever improves a person's health, it may even make it worse. Worse, because the preparation may contain unsuitable ingredients; worse because the taker may become dependent on them; worse because they might be taken excess; worse because they may cause poisoning , and worst of all because symptoms of some serious underlying cause may be asked and therefore medical help may not be sought. Self-diagnosis is a greater danger than self-medication.

Q.8**(a)**

Explain Wheel and Spoke Network with the help of a simple diagram.

(2 Marks)**(b)**

1. Choose the word which best expresses the meaning of the given word:

Burgeoning

- i. Stretching
- ii. Intensifying
- iii. Expanding
- iv. Succeeding

(1 Mark)

2. Select a suitable antonym for the word given in the question:

Epilogue

- i. Dialogue
- ii. Post script
- iii. Prelude
- iv. Epigram

(1 Mark)

3. Change the following sentence to indirect speech:

He said in a loud voice, "As your king, I need to know if all of you are contented.

Do you have enough for your meals?"

(1 Mark)**(c)**

Write a precis and give appropriate title to the passage given below:

Despite India's vociferous advocacy of global disarmament under Nehru's leadership, several significant events in the 1960s made it increasingly likely that India would pursue a nuclear weapons capability: China's defeat of India in a 1962 territorial war, China's 1964, nuclear test, the 1965 war with Pakistan, and China's discomfiting support of Pakistan in that conflict. Declassified documents from the US Department of State indicate that throughout the 1960s, foreign policy analysts considered India likely to develop a nuclear weapons capability and began exploring ways to prevent India from doing so. As early as 1961, embassies were directed to begin collecting information on India's inclinations both towards its civilian nuclear energy program and a putative nuclear weapons capability. In 1966, Washington sent a cable to the US

embassy in New Delhi stating that “Although there is no evidence that India has decided to develop nuclear weapons, a nuclear device could probably be ready for testing within a year following such a decision.” In the aftermath of the Chinese test, several options were followed to dissuade India from pursuing a nuclear weapons program, including: cooperation in peaceful areas of nuclear energy, sharing intelligence about Chinese nuclear tests, and flirtations with security guarantees against Chinese nuclear aggression.

Taking the above evidence at face value, it appears that throughout the 1960s the United States knew that India had both the capability and motivation to test. However, throughout the decade, US opposition to the Indian program was not coherent. In the early 1960s, New Delhi’s discord with China made India an attractive collaborator to contain China. Consequently, the US exerted brief and limited efforts to improve relations with India. After 1965, South Asia once again became less salient to US interests. It is also useful to note that from the 1950s onward, Pakistan was allied to the United States through two military alliances (the Central Treaty Organization, CENTO, or the Baghdad Pact) and the Southeast Asia Treaty Organization (SEATO). In addition, by the late 1970s, many within India believed that Pakistan was very near to acquiring a nuclear capability. However, these concerns about Pakistan began to arise in the early and mid-1970s and no doubt exacerbated New Delhi’s security perceptions. Despite the expectation that India had the capability and growing interest in testing, India’s 1974 test at Pokhran still took many in the United States and beyond by surprise.

Q.9**(a)**

Clear and Concise are imperative features of communication. Examine the validity of this statement

(2 Marks)**OR**

Are Physical and Physiological barriers the same? Comment.

(b)

Choose the word which best expresses the meaning of the given word.

1. Salacity

- i. Bliss
- ii. Depression
- iii. Indecency
- iv. Recession

(1 Mark)

2. Inebriate

- i. Dreamy
- ii. Unsteady
- iii. Drunken
- iv. Stupefied

(1 Mark)

3. Change the following sentence into indirect speech:

He told the shopkeeper, "I don't have money now. Can you please hold it for me?"

(1 Mark)

(c)

What is the difference between a memo and a circular? Draft a circular for all employees about new norms to be followed in the office after Covid 19.

(5 Marks)

Q.10

(a)

Understanding various cultures is absolutely necessary in this era of globalization. Comment.

(2 Marks)

(b)

- i. Change the sentence from Active to Passive Voice:
This much could be said for the arrangement. (1 Mark)
- ii. Change the sentence from Passive to Active Voice:
The burden of loan waivers will ultimately be borne by the taxpayer. (1 Mark)
- iii. Classify the following sentence as Simple, Compound or Complex:
Having adopted the role of protector of his parkland, he plucked a pedigreed Chihuahua dog off the ground. (1 Mark)

(c)

Your institute organized a seminar on “ CA/CMA – A golden career awaits you “. Write a report on the seminar for your institute’s monthly magazine. (5 Marks)

Q.11

(a)

Why is Visual Communication an essential part of official presentations, these days? (2 Marks)

(b)

Select the correct meaning of idioms/phrases given below:

1. Long and the short of it
- i. Think properly
 - ii. All that need be left unsaid
 - iii. All that can and need be said
 - iv. Stoutly
- (1 Mark)
2. Get hauled over the coals
- i. To ignore a person
 - ii. To harm a person
 - iii. To censure a person
 - iv. To dismiss a person
- (1 Mark)

3. Change the voice:

Let me give him an anecdote.

(1 Mark)

4. Choose the word which best expresses the meaning of the given phrase:

Clumsy or ill – bred fellow

- i. Oaf
- ii. Lout
- iii. Yokel
- iv. All of these

(1 Mark)

(c)

Write a mail to Mr. Bharat Patel, reminding him of a quotation you have sent to him regarding bulk supply of PVC pipes to his company 'Descon Infrastructures'. You are Mr. Ashmit Desai, Marketing Head of Module Pipes and Fittings.

(4 Marks)