

5. What is meant by the term 'crossing a cheque' ? What are the various types of crossings; under what circumstances must a banker refuse payment ?

OR

Distinguish between a public and private limited company. Write down steps for formation of a public limited company.

6. How a complaint under the Consumer Protection Act is made ? Describe the procedure for disposal of a complaint.

OR

What is a digital signature ? Discuss the procedure for issue and use of a digital signature.

Printed Pages—4

MBA022

(Following Paper ID and Roll No. to be filled in your Answer Book)

PAPER ID : 270209 Roll No.

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MBA.

(SEM. II) THEORY EXAMINATION 2013-14

BUSINESS LAWS

Time : 3 Hours

Total Marks : 100

- Note :-* (i) The question paper contains three parts.
(ii) All questions are compulsory.

PART-I

1. Attempt any **four** parts of the following : **(5×4=20)**
- (a) What are the rights and duties of a bailor and bailee.
 - (b) When is consent said to be induced by coercion, undue influence, fraud and misrepresentation.
 - (c) What are the rules of determining the amount of compensation payable in case of dishonor of the negotiable instrument ?
 - (d) Define and distinguish between conditions and warranty.
 - (e) What is the meaning of indoor management, explain with examples ?
 - (f) Explain the provisions regarding secure electronic records and secure digital signature.

PART-II

2. Attempt the following giving reasons : (5×6=30)

- (a) The Memorandum and Articles of a company were delivered to the Registrar for registration on 8th March 2006. On 10th March, 2006 the registrar issued a certificate of incorporation and dated it 8th March 2006. On 8th March 2006 before the certificate was issued, the company allotted shares to Vikas. Is the allotment valid ?
- (b) Bimal is sick and goes to government hospital, where he is treated free of charge by Ashwini, a doctor who prescribes an injection of penicillin. Sahayika who is a nurse in the hospital administered the injection without testing Bimal for reaction of penicillin. As Bimal was allergic to penicillin, he died after the injection was administered to him. Saket who is Bimal's son wants to file a case under consumer protection act, 1986 against the hospital, Ashwini and Sahayika and approach you for advice. Give your advice along with reasons.
- (c) Kanchan delivered her gold jewellery to Joharimal who is a goldsmith for the purpose of making new one out of it. Every evening she used to receive the unfinished jewellery and to put it into a box kept at Joharimal's shop. She kept the key of that box with herself. Is there a contract of bailment ? Give your decision along with reasons.
- (d) X makes a contract on 15th July, 2007 to sell to Y 100 tons of sugar to be produced in the winter seasons and to be delivered on 15th November, 2007. Is this a valid contract of sale ? If so, is it a 'sale' or an 'agreement to sell' ? Explain with reasoning.

- (e) The Directors of a company were authorized by the articles to borrow on bonds such sums of money as should from time to time, by a resolution of the company in general meeting, be authorized to be borrowed. The Directors gave a bond to Taufiq without the authority of any resolution. Is the company liable on the bond ? Decide giving reasons for your answer.
- (f) Pal decided to purchase a piece of land from Mr. Singh for 20 lakhs. Advance of Rs. 5 lakhs was paid to Mr. Singh on 26 Feb. 2004 and the deal was to be completed by 26th March 2004. On 26th March Mr. Singh did not come to court for registry and returned the advance money received by him. What are the remedies available to Pal ? Can Mr. Singh call off the deal ?

PART-III

(12.5×4=50)

3. "A quasi contract is not a contract at all. It is an obligation which the law creates." Exemplify and state the quasi contracts recognized under the Indian Contract Act.

OR

"Impossibility of performance is one of the modes to discharge the contract." In the light of this statement discuss the effect of Impossibility of performance on the performance of a contract.

4. What are the exceptions to the rule of "Caveat Emptor" ? What are the remedies available to a buyer for breach of contract ?

OR

Explain the various ways in which a firm may be dissolved. Also discuss the rights and liabilities of partners after the dissolution of partnership firm.