

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 4

P A R T – A

*(Answer Question No.1 which is compulsory
and any two of the rest from this part.)*

1. Attempt **any four** of the following :

- (i) Kavita, an industrial employee contributing to ESI Fund, was treated in a ESI hospital. Due to negligent diagnosis at the hospital, her health deteriorated and she was shifted to a private hospital. Kavita filed a complaint before the Consumer Disputes Redressal Forum seeking compensation from the ESI hospital. Consumer Disputes Redressal Forum dismissed the complaint on the ground that medical services provided by the ESI hospital were gratuitous in nature. The State Commission and the National Commission upheld the decision of the Consumer Disputes Redressal Forum. Kavita appealed to the Supreme Court of India.

Discuss in the light of decided case law the possible outcome of the appeal to the Supreme Court of India by Kavita.

- (ii) Kanak Electronic Appliances Ltd. in an agreement with the dealers for electronic equipments included the following conditions :

- The dealer shall sell the products only to end users;
- Servicing shall be done only by authorised persons; and
- The dealership will be withdrawn if any of the above conditions are not complied with.

Do any of these conditions amount to restrictive or unfair trade practices ? Discuss with reference to case law.

- (iii) Goods of the consignor worth Rs.9.30 lakh entrusted to the carrier for being transported had not been delivered to the consignee. The consignor recovered the cost of goods from the insurer. Before making payment, the insurer took from the consignor a letter of subrogation and a special power of attorney. The insurer filed a complaint in the consumer forum for payment to it the sum paid to the consignor in respect of goods not delivered. In the complaint, the insurer made the consignor a party. Will the insurer succeed ? Discuss and decide with reference to case law.

- (iv) What are the reasons for repeal of the Monopolies and Restrictive Trade Practices Act, 1969 and the enactment of the Competition Act, 2002 ?

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- (v) You are the Company Secretary of Modern Industries Ltd. The managing director of the company has sent a note to you to advise him on the industrial park scheme promoted by the Central Government. Prepare a note on the objectives and requirements of the scheme.

(5 marks each)

2. (a) Write short notes on **any two** of the following :

- (i) Competition advocacy
- (ii) Advantages of Build, Operate and Transfer (BOT) projects.
- (iii) Nature and scope of remedies under the Consumer Protection Act, 1986.

(3 marks each)

- (b) Expand **any three** of the following acronyms and write short notes thereon (relevant to the topics in brackets) :

- (i) FCNR (B) Scheme (FEMA)
- (ii) FDI in SEZ (IDRA)
- (iii) EHTP and STP Schemes (IDRA)
- (iv) TRAI (As per Telecom)
- (v) NHAI (As per Roads).

(3 marks each)

3. (a) Mention the cases under which export of goods or services has been allowed without furnishing declaration under the Foreign Exchange Management Act, 1999.

(6 marks)

- (b) Distinguish between **any two** of the following :

- (i) 'Defect' and 'deficiency' under the Consumer Protection Act, 1986.
- (ii) 'Rules' and 'regulations' under the Foreign Exchange Management Act, 1999.
- (iii) 'Non-resident ordinary (NRO) account' and 'Non-resident external (NRE) account'.

(3 marks each)

- (c) What are the steps required for taking samples from a factory under the environment protection rules ?

(3 marks)

4. (a) Summarise the broad features of India's power policy.

(5 marks)

- (b) State the powers of the Central Government to prevent, control and abate environmental pollution under the Environment (Protection) Act, 1986.

(5 marks)

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- (c) State who all are eligible to make application for claim for compensation under the provisions of the National Environment Tribunal Act, 1995 and the time limit to file the claim.

(5 marks)

P A R T – B

*(Answer Question No.5 which is compulsory
and any two of the rest from this part.)*

5. Attempt **any four** of the following :

- (i) Mahi Industries, Mumbai has entered into an agreement for fabrication of certain machinery and equipments to Evergreen Industries Ltd., Ahmedabad. The agreement provided for arbitration in the event of disputes under the Arbitration and Conciliation Act, 1996. The arbitral tribunal passed an award in favour of Mahi Industries, but immediately thereafter a competent court ordered winding-up of Evergreen Industries Ltd. Advise Mahi Industries with reference to case law.
- (ii) Draft a specimen deed of mortgage by conditional sale.
- (iii) Rahul Ltd. has entered into a contract with Sahil for supply of original equipments needed for their main product sold in the market. They have further agreed to resolve any difference/dispute that may arise in the course of their dealings by resorting to arbitration. You are asked to draft an arbitration agreement for execution by the parties.
- (iv) Explain 'supplemental deeds' and 'endorsements'. How do they differ from each other ?
- (v) What do you understand by an 'affidavit' ? Briefly explain its importance in judicial proceedings and the care to be taken while drafting an affidavit.

(5 marks each)

6. (a) Write short notes on the following :

- (i) Conditional gift
- (ii) 'Pledge' under the Indian Contract Act, 1872
- (iii) Indenture.

(3 marks each)

- (b) State the rules laid down by Fowler for drafting.

(3 marks)

- (c) Draft a suspension order to be issued to an employee. Assume facts.

(3 marks)

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7. (a) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :
- (i) Equitable mortgage is _____ by the lenders/banks/creditors as well as the commercial enterprises because of the advantage.
 - (ii) If the mortgagee advances further sums of money to the mortgagor on the same security and on the same condition, the deed executed to secure the advance of further sums of money is called deed of _____.
 - (iii) Registration and stamp duty is compulsory in case of mortgage value of Rs. _____ and above.
- (1 mark each)
- (b) Explain the reasons for investigation of title and making a report thereof for purchase of immovable property.
- (6 marks)
- (c) Draft a specimen dealership agreement between a public limited company and a partnership firm for marketing company's products. (Ensure that provisions of the Companies Act, 1956 regarding appointment of sole-selling agents are not violated.)
- (6 marks)
8. (a) Draft a special leave petition (SLP) to be filed by a public limited company in the Supreme Court of India under Article 136 of the Constitution of India. Assume facts about (i) judgement and order of the High Court; (ii) a possible error in law of the High Court order; and (iii) any other ground for seeking relief in SLP.
- (6 marks)
- (b) Draft a specimen deed of assignment of business debts.
- (3 marks)
- (c) Distinguish between the following :
- (i) 'Revision application' and 'review application'.
 - (ii) 'Writ of mandamus' and 'writ of quo warranto'.
- (3 marks each)

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