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FOR CA FOUNDATION EXAM PREPARATION

CA Foundation 2020 Question Paper · Paper 2 Business Laws and Business Correspondence and Reporting

EXAM
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2020

TYPE
Question Paper

SUBJECT
Paper 2 Business Laws and Business Correspondence and Reporting

DATE
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Foundation (New Syllabus)
Paper - 2
Business Law & Business
Correspondence and Reporting

NOV 2020

Roll No. .....

Total No. of Questions – **11**

Total No. of Printed Pages – **16**

Time Allowed – **3** Hours

Maximum Marks – **100**

HYB-H

Questions in Section–A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answer in Hindi, will not be evaluated.

Questions in Section – B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.

Answer to both the Sections are to be written in the same answer book.

SECTION-A

Marks : 60

Question No. **1** is compulsory.

Answer any **four** questions from the remaining **five** questions.

Marks

1. (a) Mr. X a businessman has been fighting a long drawn litigation with Mr. Y an industrialist. To support his legal campaign he enlists the services of Mr. C a Judicial officer stating that the amount of ₹ 10 lakhs would be paid to him if he does not take up the brief of Mr. Y. **4**

Mr. C agrees but, at the end of the litigation Mr. X refuses to pay to Mr. C. Decide whether Mr. C can recover the amount promised by Mr. X under the provisions of the Indian Contract Act, 1872 ?

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			Marks
	(b)	ABC Limited has allotted equity shares with voting rights to XYZ Limited worth ₹ 15 Crores and issued Non-Convertible Debentures worth ₹ 40 Crores during the Financial Year 2019-20. After that total Paid-up Equity Share Capital of the company is ₹ 100 Crores and Non-Convertible Debentures Stands at ₹ 120 Crores. Define the Meaning of Associate Company and comment on whether ABC Limited and XYZ Limited would be called Associate Company as per the provisions of the Companies Act, 2013 ?	4
	(c)	Write any four exceptions to the doctrine of Caveat Emptor as per The Sale of Goods Act, 1930.	4
2.	(a)	Define Misrepresentation and Fraud. Explain the difference between Fraud and Misrepresentation as per the Indian Contract Act, 1872.	7
	(b)	State the circumstances under which LLP may be wound up by the Tribunal under the Limited Liability Partnership Act, 2008.	5
3.	(a)	(i) What do you mean by 'Partnership at will' as per the Indian Partnership Act, 1932 ?	2
		OR	
		(ii) Comment on 'the right to expel partner must be exercised in good faith' under the Indian Partnership Act, 1932.	

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Marks

(b) Referring to the Provisions of the Indian Partnership Act, 1932, answer the following : 4

(i) What are the consequences of Non-Registration of Partnership firm ?

(ii) What are the rights which won't be affected by Non-Registration of Partnership firm ?

(c) In light of provisions of the Indian Contract Act, 1872 answer the following : 6

(i) Mr. S and Mr. R made contract wherein Mr. S agreed to deliver paper cup manufacture machine to Mr. R and to receive payment on delivery. On the delivery date, Mr. R didn't pay the agreed price. Decide whether Mr. S is bound to fulfil his promise at the time of delivery ?

(ii) Mr. Y given loan to Mr. G of INR 30,00,000. Mr. G defaulted the loan on due date and debt became time barred. After the time barred debt, Mr. G agreed to settle the full amount to Mr. Y. Whether acceptance of time barred debt Contract is enforceable in law ?

(iii) A & B entered into a contract to supply unique item, alternate of which is not available in the market. A refused to supply the agreed unique item to B. What directions could be given by the court for breach of such contract ?

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Marks

4. (a) Explain any six circumstances in detail in which non-owner can convey better title to Bona fide purchaser of goods for value as per The Sale of Goods Act, 1930. **6**

(b) P, Q, R and S are the partners in M/S PQRS & Co., a partnership firm which deals in trading of Washing Machines of various brands. **6**

Due to the conflict of views between partners, P & Q decided to leave the partnership firm and started competitive business on 31st July, 2019, in the name of M/S PQ & Co. Meanwhile, R & S have continued using the property in the name of M/S PQRS & Co. in which P & Q also has a share.

Based on the above facts, explain in detail the rights of outgoing partners as per the Indian Partnership Act, 1932 and comment on the following :

(i) Rights of P & Q to start a competitive business.

(ii) Rights of P & Q regarding their share in property of M/S PQRS & Co.

5. (a) Ms. R owns a Two Wheeler which she handed over to her friend Ms. K on sale or return basis. Even after a week Ms. K neither returned the vehicle nor made payment for it. She instead pledged the vehicle to Mr. A to obtain a loan. Ms. R now wants to claim the Two Wheeler from Mr. A. Will she succeed ? **6**

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(i) Examine with reference to the provisions of the Sale of Goods Act, 1930, what recourse is available to Ms. R ?

(ii) Would your answer be different if it had been expressly provided that the vehicle would remain the property of Ms. R until the price has been paid ?

(b) What are the significant points of Section 8 Company which are not applicable for other companies ? Briefly explain with reference to provisions of the Companies Act, 2013. **6**

6. (a) Enumerate the differences between 'Wagering Agreements' and 'Contract of Insurance' with reference to provision of the Indian Contract Act, 1872. **5**

(b) Explain in detail the circumstances which lead to liability of firm for misapplication by partners as per provisions of the Indian Partnership Act, 1932. **4**

(c) Mike Limited company incorporated in India having Liaison office at Singapore. Explain in detail meaning of Foreign Company and analysis on whether Mike Limited would be called as Foreign Company as it established a Liaison office at Singapore as per the provisions of the Companies Act, 2013 ? **3**

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HYB-H

(Hindi Version)

उन परीक्षार्थियों को छोड़कर जिन्होंने हिन्दी माध्यम चुना है, भाग–**अ** में प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं।

वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।

सभी परीक्षार्थियों द्वारा भाग–**ब** के प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं, उन परीक्षार्थियों द्वारा भी जिन्होंने हिंदी माध्यम का चयन किया है।

दोनों भागों के उत्तर एक ही उत्तर–पुस्तिका में लिखने हैं।

भाग–अ

Marks : 60

प्रश्न संख्या **1** अनिवार्य है।

शेष **पाँच** प्रश्नों में से किन्हीं **चार** प्रश्नों के उत्तर दीजिए।

Marks

1. (a) X एक व्यवसायी है जो एक उद्योगपति Y के साथ लम्बी खींची मुकदमेबाजी में मुकदमा लड़ रहा है। अपने कानूनी अभियान का समर्थन पाने के लिए उसने C, एक न्यायिक अधिकारी की सेवाओं को सूचीबद्ध किया कि वह C को ₹ 10 लाख देगा यदि C, Y का पक्ष नहीं लेता है। **4**

C इसके लिए सहमत हो गया परन्तु मुकदमेबाजी के अंत में X ने C को धन देने से मना कर दिया। निर्णय लें कि भारतीय अनुबन्ध अधिनियम, 1872 के प्रावधानों के अंतर्गत क्या C, X से यह राशि वसूल कर सकता है ?

(b) ABC लि. ने ₹ 15 करोड़ मूल्य के मताधिकार वाले समता अंश तथा ₹ 40 करोड़ मूल्य के अपरिवर्तनशील ऋणपत्र वित्तीय वर्ष 2019-20 के दौरान XYZ लि. को निर्गमित किए। इसके पश्चात् कम्पनी की प्रदत पूँजी ₹ 100 करोड़ तथा अपरिवर्तनशील ऋणपत्रों का मूल्य ₹ 120 करोड़ हो गया। **4**

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सहायक कम्पनी का अर्थ परिभाषित करें और टिप्पणी करें कि क्या ABC लि. और XYZ लि. को भारतीय कम्पनी अधिनियम, 2013 के अनुसार सहायक कम्पनी कहा जाएगा ?

(c) वस्तु विक्रय अधिनियम, 1930 के अनुसार "क्रेता सावधान रहे" के सिद्धांत के कोई चार अपवाद लिखें । 4

2. (a) मिथ्यावर्णन तथा कपट को परिभाषित करें । भारतीय अनुबन्ध अधिनियम, 1872 के अनुसार कपट तथा मिथ्यावर्णन के अंतरों की विवेचना करें । 7

(b) सीमित दायित्व साझेदारी अधिनियम, 2008 के अन्तर्गत ट्रिब्यूनल के द्वारा किन परिस्थितियों में सीमित दायित्व साझेदारी का समापन किया जा सकता है । 5

3. (a) (i) भारतीय साझेदारी अधिनियम, 1932 के अनुसार स्वैच्छिक साझेदारी से आप क्या समझते हैं ? 2

अथवा

(ii) "साझेदार को निष्काषित करने के अधिकार का प्रयोग सद्भाव में होना चाहिए" भारतीय साझेदारी अधिनियम, 1932 के अन्तर्गत उपरोक्त कथन पर टिप्पणी करें ।

(b) भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के संदर्भ में निम्नलिखित का उत्तर दे : 4

(i) साझेदारी फर्म के द्वारा पँजीकरण न कराने के क्या परिणाम होंगे ?

(ii) पँजीकरण न कराने की दशा में साझेदारी फर्म के कौन से अधिकार प्रभावित नहीं होंगे ?

(c) भारतीय अनुबन्ध अधिनियम, 1872 के प्रावधानों के संदर्भ में निम्न का उत्तर दे : 6

(i) S और R के मध्य अनुबन्ध हुआ कि S पेपर कप बनाने वाली मशीन की सपुर्दगी R को देगा और सपुर्दगी के समय ही भुगतान लेगा । सपुर्दगी की तिथि पर R ने देय राशि का भुगतान नहीं किया । निर्णय कीजिए कि क्या S सपुर्दगी के समय अपने वचन को निभाने के लिए बाध्य है ?

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(ii) Y ने G को ₹ 30,00,000 का ऋण दिया । G देय तिथि पर ऋण का भुगतान नहीं कर पाया और ऋण समय बाधित हो गया । ऋण समय बाधित होने के बाद G, Y के साथ पूरी राशि निपटाने के लिए सहमत हो गया । क्या समय बाधित ऋण अनुबन्ध की स्वीकृति कानून के अन्तर्गत प्रवर्तनीय है ?

(iii) A तथा B ने अद्वितीय वस्तुओं की आपूर्ति का अनुबन्ध किया, ऐसी वस्तुएँ जिनका बाजार में कोई विकल्प न हो । A ने B को निश्चित अद्वितीय वस्तुओं की आपूर्ति करने से मना कर दिया । ऐसे अनुबन्ध के खण्डित होने की दशा में न्यायालय द्वारा क्या निर्देश दिए जा सकते हैं ?

4. (a) वस्तु बिक्री अधिनियम, 1930 के अनुसार किन्हीं छः परिस्थितियों का विस्तारपूर्वक वर्णन करें जिनमें गैर-स्वामी वास्तविक क्रेता को मूल्य के बदले वस्तुओं का अच्छा स्वामित्व प्रदान कर सकता है । 6

(b) M/S PQRS & Co, एक साझेदारी फर्म में P, Q, R, S साझेदार हैं जो कि कपड़े धोने वाली मशीन के विभिन्न ब्राण्डों में व्यापार करती है । 6

साझेदारों के मध्य विवाद उत्पन्न होने के कारण, P और Q ने साझेदारी फर्म को छोड़ने का निर्णय लिया और 31 जुलाई, 2019 को प्रतियोगी व्यापार प्रारम्भ किया जिसका नाम M/S PQ & Co. रखा । इसी दौरान R और S ने सम्पत्ति का प्रयोग करते हुए M/S PQRS & Co. के नाम से व्यवसाय जारी रखा जिसमें P और Q का भी हिस्सा था ।

उपरोक्त कथनों के आधार पर, भारतीय साझेदारी अधिनियम, 1932 के अनुसार छोड़कर जाने वाले साझेदारों के पास क्या अधिकार हैं और निम्नलिखित पर टिप्पणी करें :

(i) P और Q के प्रतियोगी व्यापार करने के अधिकार

(ii) P और Q के M/S PQRS & Co. की सम्पत्तियों में हिस्से का अधिकार

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5. (a) R जो कि दो पहिया वाहन की मालकिन है, उसने अपनी मित्र K को विक्रय या वापसी के आधार पर वाहन सौंपा । एक सप्ताह बीतने के बाद भी K ने न तो वाहन वापिस किया और न ही उसका भुगतान किया । इसके बजाए उसने ऋण प्राप्त करने के लिए वाहन को A के पास गिरवी रख दिया । अब R, A से दो पहिया वाहन वसूल करना चाहती है । क्या वह सफल होगी ? 6

(i) वस्तु बिक्री अधिनियम, 1930 के प्रावधानों के संदर्भ में R के पास उपलब्ध विकल्पों का निरिक्षण करें ।

(ii) क्या आपका उत्तर भिन्न होगा यदि यह स्पष्ट किया गया होता कि वाहन R की ही सम्पत्ति रहेगी जब तक कीमत का भुगतान नहीं किया जाता ?

(b) धारा 8 के अन्तर्गत स्थापित कम्पनियों के क्या महत्त्वपूर्ण बिन्दु हैं जो कि दूसरी कम्पनियों पर लागू नहीं होते ? कम्पनी अधिनियम, 2013 के प्रावधानों के अनुसार संक्षेप में बताएँ । 6

6. (a) भारतीय अनुबन्ध अधिनियम, 1872 के प्रावधानों के अनुसार बाजी के ठहराव और बीमा अनुबन्ध के अंतर स्पष्ट करें । 5

(b) भारतीय साझेदारी अधिनियम, 1932 के अनुसार साझेदार द्वारा किए गए गबन के लिए फर्म के दायित्वों का विस्तारपूर्वक वर्णन करें । 4

(c) Mike लि. कम्पनी जो कि भारत में सम्मिलित हुई है, उसका सम्पर्क कार्यालय सिंगापुर में है । कम्पनी अधिनियम, 2013 के प्रावधानों के अनुसार एक विदेशी कम्पनी का अर्थ बताएँ और विश्लेषण करें कि क्या Mike लि. को एक विदेशी कम्पनी कहा जा सकता है क्योंकि उसका सम्पर्क कार्यालय सिंगापुर में स्थापित है ? 3

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Marks

SECTION-B **Marks : 40**

Question No. **7** is compulsory.

Answer any **three** questions from the remaining **four** questions.

7. (a) Mr. Ramesh, the HR Head of ABC Insurance Co. Ltd., who is having charge of training and development also, during his twelve years with the Company. He had the experience of training and developing numerous employees, only to see many of them leave the firm after getting their advanced degrees. The Company has a Policy of reimbursement of 90% of the cost incurred on tuition fee, books etc. for acquiring such qualifications. Only those employees who have taken prior permission of HR before enrolment in such program/degree and completed three years of service are eligible for seeking the reimbursement. A proof of its popularity was that most of the junior and middle level managers had availed this facility to advance their qualifications.

Mr. Kumar, a Sales Executive, who had joined the Company just three years ago had also availed the aforesaid facility for pursuing a course in Business Management and had recently competed his master's degree in business management and submitted the same to the Company for seeking reimbursement and recording additional qualifications acquired in official records.

Mr. Ramesh congratulated him and added the additional qualifications acquired by him in the Company records and assured him to consider him for higher position keeping in view his qualifications in near future and of course subject to availability of vacancy as per the approved Organisation Chart. Further Mr. Ramesh allowed reimbursement of 90% of the cost incurred as per the Policy. Mr. Kumar on his achievement when he came to see and thank HR

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Head, but was strongly taken aback when he expressed his intention to leave the Company in favour of a competitor because he did not see any future for himself in ABC Insurance Co. Ltd. Head HR was annoyed as this had happened so many times in the past. He immediately rushed to see the Marketing Director to seek support for reviewing and discontinuing the Policy of educational reimbursement with immediate effect or to put a condition that all those employees who acquired such qualifications and reimbursed 90% of the expenses shall at least serve the Company for a minimum of 3 years after seeking such reimbursement.

(i) What could be the possible reasons behind employees quitting the Company after acquiring higher qualifications ? **2**

(ii) Is there any need to amend or abandon the Policy of educational reimbursement ? **1**

(iii) What measures do you suggest for overcoming high employee attrition problem ? **2**

(b) Read the Passage :

(i) Make Notes, using Headings, Subheadings and abbreviations whenever necessary. **3**

(ii) Write Summary **2**

Recycling is simply the process of reusing the items from which utility can still be derived. It is important to recycle waste so that we can at least conserve some of our natural resources for the generations to come. Many products such as paper, cardboards, and cups come from trees. In fact trees are our natural assets; you can conserve trees by recycling the paper products as by doing so we can minimize the number of trees cut down a year. This is one form of waste recycling.

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Marks

Recycling waste will not only save our natural resources but will also help save energy. By simply recycling an item or making a basic fix to it, we can save all the energy that would have been consumed in the process of making it. The same example can be taken with plastic items. A large amount of energy can be saved by simply reusing the plastic items. To recycle waste is to simply reduce pollution. By recycling plastic material, we can reduce air pollution as well as water pollution. Plastic factories produce a large amount of smoke while producing plastic material at the same time; if we don't have a proper waste disposal system then those waste emissions will cause water pollution. Recycling helps reduce pollution too.

In simple words, recycling waste is essential for both the natural environment and humans. To sum up, recycling minimizes the need for raw materials so that the rainforests can be preserved. Great amounts of energy are used when making products from raw materials. Recycling requires much less energy and therefore helps to preserve natural resources. One needs to know the importance of recycling; at the same time being earth friendly can help make our planet a better place to live in.

8. (a) Body language speaks the truth while speaker may play with words to hide the truth, comment ? **2**

(b) (i) Choose the word which best expresses the meaning of the given word : **1**

SCINTILLATING

(1) Smouldering

(2) Glittering

(3) Touching

(4) Warming

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Marks

(ii) Select a suitable antonym for the word given under : 1

Fidelity

(1) Commitment

(2) Inconstancy

(3) Ambitious

(4) Devotion

(iii) Change the following sentence to indirect speech : 1

Varun Said, "Every Kid should learn coding".

(c) Write a précis and give an appropriate title to the passage given below : 5

These days, it is not unusual to see people listening to music or using their electronic gadgets while crossing busy roads or travelling on public transport, regardless of the risks involved. I have often wondered why they take such risks, is it because they want a sense of independence, or is it that they want to tell everybody to stop bothering them ? Or is it that they just want to show how cool they are? Whether it is a workman or an executive, earphones have become an inseparable part of our lives, sometimes even leading to tragicomic situations.

The other day, an electrician had come to our home to repair iron. We told him in detail what the fault was and needed to be done. But after he left, I found that the man had done almost nothing and iron was not working even after repair. It later turned out that he could not hear our directions clearly because he had an earphone on. Many of such earphones addicts commute by the Metro every day. While one should not be grudge anyone their moments of privacy or their love for music, the fact is 'iPod oblivion' can sometimes be very dangerous.

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Recently, I was travelling with my wife on the Metro. Since the train was approaching the last station, there weren't too many passengers. In our compartment, other than us, there were only two women sitting on the other side of the aisle. And then suddenly, I spotted a duffel bag. The bomb scare lasted for several minutes. Then suddenly, a youth emerged from nowhere and picked up the bag. When we tried to stop him, he looked at us, surprised. Then he took off his earpieces, lifted the bag, and told us that the bag belonged to him and that he was going to get off at the next station.

We were stunned but recovered in time to ask him where he was all this while. His answer was that in the compartment, leaning against the door totally involved in the music. He had no clue about what was going on around him. When he got off, earplugs in his hand, we could hear strains of the song.

9. (a) What is formal communication, explain. **2**

OR

Encoding the matter is an important element of communication, comments ? **2**

(b) (i) Choose the word which best expresses the meaning of the given word : **1**

Concise

(1) Brief

(2) Better

(3) Important

(4) Interesting

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(ii) Choose the word which best expresses the meaning of the given word : 1

Cryptic

(1) Pertinent

(2) Common

(3) Mysterious

(4) Loyalty

(iii) Change the following sentence to indirect speech : 1

"Do you suppose you know better than your own father ?" jeered his angry mother.

(c) Draft Newspaper Report on "Project to interconnect rivers in India" to be published in a national newspaper. 5

10. (a) Explain how listening for Understanding helps in communication. 2

(b) (i) Change the sentence from Active to Passive Voice. 1

Question – The crew cleaned the entire stretch of highway.

(ii) Change the sentence from Passive to Active Voice. 1

Question – The house was remodelled by the homeowners to help it sell.

(iii) Change the following sentence to indirect speech. 1

Question – Socrates said, "Virtue is its own reward."

(c) Write an article of about 250 words on the topic, "The Pros and cons of online education in India". 5

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Marks

11. (a) Explain Wheel & Spoke network in communication. 2

(b) Select the correct meaning of Idioms/Phrases given below :

(i) To be a mastermind 1

(1) To be a pioneer

(2) To be an entrepreneur

(3) To be an amateur

(4) To be a villain

(ii) At wit's end 1

(1) Impoverished

(2) Drained

(3) Completed

(4) Perplexed

(iii) Change the sentence into Passive voice : 1

Question – Will you tell me a story ?

(iv) Choose the word which best expresses the meaning of the given word : 1

COMBAT

(1) Conflict

(2) Quarrel

(3) Feud

(4) Fight

(c) Write a letter to an applicant informing him about the postponement of his interview date. 4

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