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FOR CA FOUNDATION EXAM PREPARATION

CA Foundation 2021 Question Paper · Paper 2 Business Laws and Business Correspondence and Reporting

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SUBJECT
Paper 2 Business Laws and Business Correspondence and Reporting

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

PDZ-H

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Roll No. .....

Total No. of Printed Pages : 16

Total No. of Questions : 11

Maximum Marks : 100

Time allowed : 3 Hours

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. 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 answers in Hindi, will not be evaluated.
2. Questions in Section – B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.
3. Answers to both the Sections are to be written in the same answer book.

SECTION A — (60 Marks)

Question **No. 1** is compulsory.

Answer any **FOUR** questions from the remaining **FIVE** questions.

1. (a) A, B, C and D are the four partners in a firm. They jointly promised to pay ₹ 6,00,000 to F. B and C have become insolvent. B was unable to pay any amount and C could pay only ₹ 50,000. A is compelled to pay the whole amount to F. Decide the extent to which A can recover the amount from D with reference to the provisions of the Indian Contract Act, 1872. (4 Marks)

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(b) AK Private Limited has borrowed ₹ 36 crores from BK Finance Limited. However, as per memorandum of AK Private Limited the maximum borrowing power of the company is ₹30 crores. Examine, whether AK Private Limited is liable to pay this debt? State the remedy, if any available to BK Finance Limited. (4 Marks)

(c) "A breach of condition can be treated as a breach of warranty". Explain this statement as per relevant provisions of the Sale of Goods Act, 1930. (4 Marks)

2. (a) Explain any five circumstances under which contracts need not be performed with the consent of both the parties. (7 Marks)

(b) State the rules regarding registered office of a Limited Liability Partnership (LLP) and change therein as per provisions of the Limited Liability Partnership Act. 2008. (5 Marks)

3. (a) Define partnership and name the essential elements for the existence of a partnership as per the Indian partnership Act, 1932. Explain any two such elements in detail. (3 + 3 = 6 Marks)

(b) Examine the validity of the following contracts as per the Indian Contract Act, 1872 giving reasons. (6 Marks)

(i) X aged 16 years borrowed a loan of ₹ 50,000 for his personal purposes. Few months later he had become major and could not pay back the amount borrowed on due date. The lender wants to file a suit against X.

(ii) J contracts to take in cargo for K at a foreign port. J's government afterwards declares war against the country in which the port is situated and therefore the contract could not be fulfilled. K wants to file a suit against J.

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4. (a) Distinguish between 'Sale' and 'Hire Purchase' under the Sale of Goods Act, 1930. (6 Marks)

(b) State whether the following are partnerships: (6 Marks)

(i) A and B jointly own a car which they used personally on sundays and holidays and let it on hire as taxi on other days and equally divide the earnings.

(ii) Two firms each having 12 partners combine by an agreement into one firm.

(iii) A and B, co-owners, agree to conduct the business in common for profit.

(iv) Some individuals form an association to which each individual contributes ₹ 500 annually. The objective of the association is to produce clothes and distribute the clothes free to the war widows.

(v) A and B, co-owners share between themselves the rent derived from a piece of land.

(vi) A and B buy commodity X and agree to sell the commodity with sharing the profits equally.

5. (a) (i) TK ordered timber of 1 inch thickness for being made into drums. The seller agreed to supply the required timber of 1 inch. However, the timber supplied by the seller varies in thickness from 1 inch to 1.4 inches. The timber is commercially fit for the purpose for which it was ordered. TK rejects the timber. Explain with relevant provisions of the Sales of Goods Act, 1930 whether TK can reject the timber. (3 Marks)

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(ii) AB sold 500 bags of wheat to CD. Each bag contains 50 Kilograms of wheat. AB sent 450 bags by road transport and CD himself took remaining 50 bags. Before CD receives delivery of 450 bags sent by road transport, he becomes bankrupt. AB being still unpaid, stops the bags in transit. The official receiver, on CD's insolvency claims the bags. Decide the case with reference to the provisions of the Sale of Goods Act, 1930. (3 Marks)

(b) What do you mean by the term Capital? Describe its classification in the domain of Company Law. (1 + 5 = 6 Marks)

6. (a) What is meant by 'Quasi-Contract'? State any three salient features of a quasi-contract as per the Indian Contract Act, 1872. (5 Marks)

(b) "Sharing in the profits is not conclusive evidence in the creation of partnership". Comment. (4 Marks)

(c) BC Private Limited and its subsidiary KL Private Limited are holding 90,000 and 70,000 shares respectively in PQ Private Limited. The paid-up share capital of PQ Private Limited is ₹ 30 Lakhs (3 Lakhs equity shares of ₹ 10 each fully paid). Analyse with reference to provisions of the Companies Act, 2013 whether PQ Private Limited is a subsidiary of BC Private Limited. What would be your answer if KL Private Limited is holding 1,60,000 shares in PQ Private Limited and no shares are held by BC Private Limited in PQ Private Limited? (3 Marks)

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PDZ-H

(HINDI VERSION)

IMPORTANT INSTRUCTIONS TO CANDIDATES

1. उन परीक्षार्थियों को छोड़कर जिन्होंने हिन्दी माध्यम चुना है, भाग – अ में प्रश्नों के उत्तर केवल अंग्रेजी में ही देनें 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।
2. 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।
3. दोनों भागों के उत्तर एक ही उत्तर–पुस्तिका में लिखने हैं।

भाग अ – (60 Marks)

प्रश्न **संख्या 1** अनिवार्य है।

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

1. (a) A, B, C, D एक फर्म में चार साँझेदार है। उन्होंने F को ₹6,00,000 संयुक्त रूप से देने का वचन दिया। B और C दिवालिया हो गए। B कुछ भी राशि देने में असमर्थ था और C केवल ₹50,000 ही दे सका। F को सम्पूर्ण राशि देने के लिए A को बाध्य किया गया। निर्णय कीजिए कि भारतीय अनुबन्ध अधिनियम 1872 के प्रावधानों के सदर्भ में A किस सीमा तक D से राशि वसूल कर सकता है? (4 अँक)

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(b) AK Private Limited ने BK Finance Limited से ₹36 करोड़ का ऋण लिया। जबकि AK private Limited के सीमानियम के अनुसार कम्पनी की ऋण लेने की अधिकतम सीमा ₹30 करोड़ है। जाँच कीजिए, क्या AK private Limited इस ऋण को देने के लिए उतरदायी है? BK Finance Limited के पास क्या कोई उपाए है, बताएँ? (4 अँक)

(c) 'शर्त भँग को आश्वासन भँग के रूप में माना जा सकता है' वस्तु विक्रय अधिनियम, 1930 के प्रासंगिक प्रावधानों के संदर्भ में इस कथन का वर्णन करे। (4 अँक)

2. (a) किन्हीं पाँच परिस्थितीयों का वर्णन करे, जिनके अर्न्तगत दोनों पक्षों की सहमति से अनुबन्धों को पूरा करने की आवश्यकता नहीं रहती। (7 अँक)

(b) सीमित दायित्व साँझेदारी के पंजीकृत कार्यालय के नियम तथा उसमें परिवर्तन से सबन्धित प्रावधानों का सीमित दायित्व साँझेदारी अधिनियम 2008 के अनुसार वर्णन करे। (5 अँक)

3. (a) साँझेदारी को परिभाषित करे और साँझेदारी अधिनियम 1932 के अनुसार साँझेदारी अस्तित्व के लिए आवश्यक तत्वों के नाम बताऐं। किन्हीं दो तत्वों का विस्तारपूर्वक का वर्णन करे। (3 + 3 = 6 अँक)

(b) भारतीय अनुबन्ध अधिनियम 1872 के अनुसार निम्न अनुबन्धों की वैधता की कारणो सहित जाँच कीजिए (6 अँक)

(i) 16 वर्षीय X ने अपने निजि उदेश्यों के लिए ₹ 50,000 का ऋण लिया। कुछ मास पश्चात् वह व्यस्क हो गया और देय तिथि पर ऋण की राशि का भुगतान नहीं कर पाया। ऋणदाता X के विरूद्ध मुकदमा दर्ज करना चाहता है।

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(ii) J विदेशी बन्दरगाह पर K का सामान ले जाने के लिए उससे अनुबन्ध करता है। J के देश की सरकार कुछ समय पश्चात् उस देश के साथ युद्ध घोषित करती है। जहाँ बन्दरगाह स्थित है और इसलिए J इस अनुबन्ध को पूरा नहीं कर सका। K, J के विरुद्ध मुकदमा दर्ज करना चाहता है।

4. (a) वस्तु विक्रय अधिनियम 1930 के अन्तर्गत बिक्री एवँ किराया-क्रय में अन्तर स्पष्ट करे। (6 अँक)

(b) बताएँ क्या निम्नलिखित साँझेदारी है? (6 अँक)

(i) A और B एक कार के संयुक्त स्वामी है जो कि रविवार और छुट्टी के दिनों में उसका निजि प्रयोग करते है जबकि अन्य दिनों में वो कार का टैक्सी के रूप में प्रयोग करते है और आय को बराबर बाँट लेते है।

(ii) दो फर्में जिनमें प्रत्येक फर्म में 12 साँझेदार है ठहराव के द्वार एक फर्म बन जाते है।

(iii) A और B सह-स्वामी है, लाभ के लिए व्यवसाय चलाने के लिए सहमत होते है।

(iv) कुछ व्यक्तियों ने एक संस्था की स्थापना की जिसमें प्रत्येक व्यक्ति ₹ 500 वार्षिक अंशदान देता है। इस सँस्था का उदेश्य कपड़े निर्मित करना तथा उन कपड़ों को शहीदों की विधवाओं को नि:शुल्क वितरित करना।

(v) A और B सह-स्वामी होने के नाते जमीन से प्राप्त होने वाली किराए की राशि को आपस बाँटते है।

(vi) A और B, X वस्तु खरीदते है और वस्तु को बेचने से प्राप्त होने वाले लाभ को बराबर बाँटने के लिए सहमत होते है।

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5. (a) (i) TK ने ड्रम बनाने में प्रयोग होने वाली 1 इँच मोटी लकड़ी का आदेश दिया। विक्रेता 1 इँच मोटाई वाली लकड़ी की पूर्ति के लिए सहमत हो गया। जब कि विक्रेता द्वारा पूर्ति की गई लकड़ी की मोटाई 1 इंच से 1.4 इँच तक की थी। व्यापारिक रूप से लकड़ी ड्रम बनाने के लिए सही थी। TK लकड़ी अस्वीकार कर देता है। वस्तु विक्रय अधिनियम, 1930 के प्रावधानों के अनुसार बताएँ क्या TK लकड़ी अस्वीकार कर सकता है?

(3 अँक)

(ii) AB ने CD को 500 बोरी गेहूँ की बेची। प्रत्येक बोरी में 50 किलोग्राम गेहूँ है। AB ने 450 बोरी गेहूँ की सड़क यातायात से भेजी तथा बची 50 बोरी CD ने स्वँय ले ली। सड़क यातायात से 450 बोरी की सपुर्दगी से पूर्व ही CD दिवालिया हो गया। AB को भुगतान न होने के कारण मार्ग में ही बोरियाँ रोक ली गई। राजकीय प्रापक ने, CD के दिवालिया होने पर बोरियाँ वापिस माँगी। वस्तु विक्रय अधिनियम 1930 के प्रावधानों के संदर्भ में इस मामले को निर्धारित करे। (3 अँक)

(b) पूँजी से आप क्या समझते है? कम्पनी अधिनियम के अनुसार इसके वर्गीकरण का वर्णन करे। (1 + 5 = 6 अँक)

6. (a) गर्भित अनुबन्ध से क्या अभिप्राय है? भारतीय कम्पनी अधिनियम 1872 के अनुसार गर्भित अनुबन्ध की कोई तीन विशेषताएँ बताएँ। (5 अँक)

(b) 'लाभों का बँटवारा होना साँझेदारी के निर्माण का निर्णायक प्रमाण नहीं है'। टिप्पणी कीजिए। (4 अँक)

(c) BC Private Limited और उसकी सहायक कम्पनी KL Private Limited के पास PQ Private Limited के क्रमश: 90,000 और 70,000 अंश हैं। PQ Private Limited की प्रदत्त पूँजी ₹ 30 लाख है (3 लाख समता अँश प्रति ₹10 पूर्ण भुगतान वाले)। कम्पनी अधिनियम 2013 के प्रावधानों के संदर्भ में विश्लेषण करे कि क्या PQ Private Limited, BC Private Limited की सहायक कम्पनी है? आपका उत्तर क्या होगा यदि KL Private Limited के पास PQ Private Limited के 1,60,000 अँश हो तथा BC Private Limited के पास PQ Private Limited का कोई अंश न हो? (3 अँक)

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SECTION B — (40 Marks)

Question **No.7** is compulsory.

Answer any **THREE** questions from the remaining **FOUR** questions.

7. (a) Read the passage given below and answer the questions that follows :

Academics has always been an essential part of human development. It prepares us to survive in the outside world and establish an identity of our own. In India, from an early age, we have been taught that education is limited to the boundaries of academics only; the idea of getting out into the field, for gaining practical experience, is always considered a hoax. This has hindered students' development. But, the truth is that education represents a considerably broader field than we know of it. Our teaching, from the basics, has been focused on getting good grades and job offers, rather than being creative and unique.

In the 21st century, the pure academic type of education is slowly paving way for a whole new type. The paradigm shift in the whole education system is evident. People have now come to understand that education is a 360 degree activity that should focus on students' overall development, rather than restricting him/her to the classroom. Co-curricular activities that take place outside the classroom but reinforce or supplement classroom curriculum, in some way, have become a point of focus today. Participating in such activities helps youngsters grow mentally, socially and individually. Intellectual development of a student is developed in the classroom, but for the aesthetic development such as team-building, character building, and physical growth, students must step out into the outside world.

Similarly, in colleges and institutions, there is a need for practical exposure so that the students can experience the actual working of an industry. Catering to this change, most professional colleges including B schools have started providing practical exposure to students through regular guest lectures, industrial visits, conferences, seminars, cultural festivals, and so on. With industry visits, students are able to better identify their prospective areas of work in the overall organizational function.

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Through such events, students are made to participate and coordinate different events wherein, they get to know how exactly things are managed. Co-curricular or extra-curricular activities provide practical exposure and opportunities to implement what students learn in the classroom. This helps in developing the overall personality of the students, inculcating various soft-skills in them, which otherwise are difficult to teach. Clearly, life beyond academics creates creative and empowered professionals.

(i) What has not been the focus of education from earlier times? (1 Mark)

(ii) Where should students go for aesthetic development? (1 Mark)

(iii) What kind of co-curricular activities have become points of focus today? (1 Mark)

(iv) What will give children a better insight into industry? (1 Mark)

(v) Why are soft skills difficult to teach in the classroom? (1 Mark)

(b) Read the Passage :

(i) Make notes, using headings, sub-headings and abbreviation whenever necessary giving a suitable title. (3 Marks)

(ii) Write a summary. (2 Marks)

Keeping cities clean, free of any kind of pollution, is essential for keeping their residents healthy. Our health depends not just on personal hygiene and nutrition, but critically also on how clean we keep our cities and their surroundings. The spread of dengue, chikungunya and corona virus are intimately linked to the deteriorating state of public health conditions in our cities as well.

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The waste management to keep cities clean is now getting attention through the Swachh Bharat Mission. People are now more aware of the importance of cleanliness and necessary safety precautions to be observed on day to day basis.

However, much of the attention begins and stops with the brooms and the dustbins, extending at most to the collection and transportation of the mixed waste to some distant or not so distant place, preferably out of sight. The challenge of processing and treating the different streams of solid waste, and safe disposal of the residuals in scientific landfills, has received much less attention in municipal solid waste management than is expected from a health point of view. One of the problems is that instead of focusing on waste management for health, we have got sidetracked into "waste for energy". If only we were to begin by not mixing the biodegradable component of solid waste (close to 60 percent of the total) in our cities with the dry waste, and instead use this stream of waste for composting and producing a gas called methane.

8. (a) Completeness is an important characteristic of effective communication. Comment.

(2 Marks)

(b) (i) Choose the word that best expresses the meaning of the given word: (1 Mark)

Sloppy

(1) Drunk

(2) Careless

(3) Tired

(4) Untrustworthy

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

Fallacy

(1) Truth

(2) Liberal

(3) Tolerant

(4) Persist

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

Alex said, "I am working day and night".

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

The most alarming of man's assaults upon the environment is the contamination of air, earth, rivers and sea with lethal materials. This pollution is for the most part irrevocable; the chain of evil it initiates is for the most part irreversible. In this contamination of the environment, chemicals are the sinister partners of radiation in changing the very nature of the world; radiation released through nuclear explosions into the air, comes to the earth in rain, lodges into the soil, enters the grass or wheat grown there and reaches the bones of a human being, there to remain until his death. Similarly, chemicals sprayed on crops lie long in soil, entering living organisms, passing from one to another in a chain of poisoning and death. Or they pass by underground streams until they emerge and combine into new forms that kill vegetation, sicken cattle, and harm those who drink from once pure wells.

It took hundreds of millions of years to produce the life that now inhabits the earth and reached a state of adjustment and balance with its surroundings. The environment contained elements that were hostile as well as supporting. Even within the light of the sun, there were short-wave radiations with power to injure. Given time, life has adjusted and a balance reached. For time is the essential ingredient, but in the modern world there is no time.

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The rapidity of change and the speed with which new situations are created follow the heedless pace of man rather than the deliberate pace of nature. Radiation is no longer the bombardment of cosmic rays: it is now the unnatural creation of man's tampering with the atom. The chemicals to which life is asked to make adjustments are no longer merely calcium and silica and copper and all the rest of the minerals washed out of the rocks and carried in the rivers to the sea; they are the synthetic creations of man's inventive mind, brewed in his laboratories, and having no counterparts in nature.

9. (a) What is the informal communication? (2 Marks)

OR

State the common networks used in organisations. (2 Marks)

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

Defray

(1) Sudden
(2) Rash
(3) Disclaim
(4) Spend

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

Immaculate

(1) Spotless
(2) Tarnished
(3) Defiled
(4) Pleasing

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

He said to her, "Are you coming to the party?

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(c) You are a student of Mother's Global Institute. Your institute celebrated the annual day on 30th November 2021. Draft a report on annual day celebration to be included in your institute's annual magazine. (5 Marks)

10. (a) Write about the cultural barriers in communication. (2 Marks)

(b) (i) Change the sentence from active to passive voice. (1 Mark)

By this time tomorrow we will have signed the deal.

(ii) Change the sentence from passive to active voice. (1 Mark)

The minister was welcomed by the people.

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

She said to me, "Do you know this man?"

(c) (i) As a Finance head of Zeeta Private Limited, draft a circular to be distributed to all employees of finance department informing them to attend a meeting to finalise financial statements for the quarter ending 30th September 2021. (3 Marks)

(ii) Write a formal email to the Reporting Manager (E-mail : RM@kkpvt.com) as the Assistant Manager (E-mail : AM@kkpvt.com) of KK Private Limited to request for leave of one week for personal work. (2 Marks)

11. (a) Explain horizontal communication. (2 Marks)

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

(i) **Notch up** (1 Mark)

(1) To win or create a record.

(2) To look disappointed.

(3) To get annoyed.

(4) To be agitated.

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(ii) **To play second fiddle** (1 Mark)

(1) To be happy, cheerful and healthy

(2) To reduce importance of one's senior

(3) To support the role and view of another person

(4) To do back seat driving

(iii) Change the sentence into passive voice: (1 Mark)

Mohan will tell you later.

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

Novice

(1) Beginner

(2) Concrete

(3) Reality

(4) Veteran

(c) You are Vishnu Shreshth, 16 KY Nagar, Delhi. You wish to apply for the post of the Marketing Manager in a reputable firm in Mumbai. Write a letter on 1st December 2021 to the Public Relations Officer, ZZ Enterprises, Mumbai, applying for the job. Write the letter including your bio-data. (4 Marks)

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