

SELF ASSESSMENT TEST

CA-IPC

[NOV-2016]

By

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Self-Assessment Test (SAT)-Nov 2016

Total Questions:-07
Time Allowed:-3 Hours

Maximum Marks:-100
No. of Printed Pages:-4

SET-1

Note:- Question No. 1 is compulsory. Attempt any five questions from the remaining Six Questions

Question-1 (20 Marks)

(a) 'A' stands surety for 'B' for any amount which 'C' may lend to B from time to time during time to time during the next three months subject to a maximum of Rs 50,000. One month later A revokes the guarantee, when C had lent to B RS. 5,000. Referring to the provisions of the Indian Contract Act, 1872 decide whether 'A' is discharged from all the liabilities to 'C' for any subsequent loan. What would be your answer in case 'B' makes a default in paying back to 'C' the money already borrowed i.e. RS 5,000? 5

(b) Explain the meaning of the term 'Sweat Equity'. What are the provisions of the Companies Act, 1956 relating to issue of 'Sweat Equity'? 5

(c) State with Reasons whether the following statements are correct or incorrect

(i) Fairness and honesty are the pillars of success in the business.

(ii) There is no difference between ethics and morals.

(d) Explain clearly the different types of grapevine chains in an informal communication 5

Question-2 (16 Marks)

(a) (i) In 2009, the Electronics Corporation, a public sector enterprise establishment under the department of Science and Technology, Government of Rajasthan starts to sell mobile sets manufactured by it, in addition to TV sets, so as to complete with private sector establishments of mobile sets in the market. The income from sale of mobile sets is 30% of the gross income of the corporation. The employees of the corporation went to strike for demand of bonus. Decide, whether the demand of the employees is tenable under the Provisions of Payment Act, 1965. Would your answer be different if the income from sale of mobile sets is only 10% of the gross income of the Corporation? 4

(ii) K is an employee of RST limited, a software company which works five days in a week. K was not in continuous service during the financial year 2009-10. However, she worked only for 150 days because she was on maternity leave with full pay for 50 days. Referring to provisions of the Payment of Gratuity Act, 1972. Decide, whether K is entitled to gratuity payable under the Act. Would your answer remain same in case RST Limited works in six days in a week? 4

(b) Which threats are existing in environment which adversely affect the fundamental principles of ethics?

(c) Explain the various forms of formal communication 4

Question-3 (16 Marks)

(a) A gives to C a continuing guarantee to the extent of Rs 5,000 for the vegetables to be supplied by C to B from time to time on credit. Afterwards, B became embarrassed and without the knowledge of A, B and C contract that C shall continue to supply B with vegetables for ready money, and that the payments shall be applied to then existing debts between B & C

Examining the provisions of the Indian Contract Act, 1872, decide whether A is liable on his guarantee given to C. 4

Self-Assessment Test (SAT)-Nov 2016

(b) Sunil delivered his car to Mahesh for repairs. Mahesh completed the work, but did not return the car to Sunil within reasonable time. Though Sunil repeatedly reminded Mahesh for the return of car. In the meantime a big fire occurred in the neighbourhood and the car was destroyed. Decide whether Mahesh can be held liable under the Provisions of the Indian Contract Act, 1872. 4

(c) Describe the seven social sins listed by Mahatma Gandhi 4

(d) Explain the concept of Negotiation. What are its techniques? 4

Question-4 (16 Marks)

(a) Explain formation of company with charitable objects under section 8 of the Companies Act, 2013. 4

(b) K, a member of MNO limited appoints L as his proxy to attend the general meeting of the company. Later he (K) also attends the meeting. Both K (the member) and L (the proxy) vote on a particular resolution in the meeting and K's vote was declared invalid by the Chairman stating that since he has appointed the proxy and L's vote has been considered as valid. K objects to decision of the chairman. 4
Decide, under the provision of the Companies Act, 2013 whether K's objections shall be tenable.

(c) What are the fundamental principles of ethics applicable to the person of finance and accounting profession? 4

(d) Draft a notice for calling the meeting of the Board of Directors of a company. In this meeting following transactions have to be proposed.

(i) Mr X to be co-opted as an Additional Director

(ii) Decision to be taken to buy-back company's equity shares. 4

Question-5 (16 Marks)

(a) (i) A induced B by fraud to draw a cheque payable to C or order. A obtained the cheque, forged C's endorsement and collected proceeds to the cheque through his bankers. B, the drawer, wants to recover the amount from C's bankers.

Proceeds in the light of the provisions of the Negotiable Instruments Act, 1881-

i. Whether B, the drawer, can recover the amount of the cheque from C's banker?

ii. Whether C is the fictitious payee?

iii. Would your answer be still the same in case C is a fictitious person? 4

(ii) J accepted a bill of exchange and gave it to K for the purpose of getting it discounted and handing over the proceeds to J. K having failed to discount it returned the bill to J. J tore the bill on two pieces with the intention of cancelling it and threw the pieces in the street. K picked up the pieces and pasted the two pieces together, in such manner that the bill seemed to have been folded for safe custody rather than cancelled. K put it into circulation and it ultimately reached L, who took it in good faith and for value. Is J liable to pay the bill under the provisions of the Negotiable Instruments Act, 1881? 4

(b) A company was incorporated on 6th October, 2003. The certificate of incorporation of the company was issued by the Registrar on 15th October, 2003. The company on 10th October, 2003 entered into a contract which created its contractual liability. The company denies the said liability on the 'ground that company is not bound by the contract entered into prior to issuing of certificate of incorporation. Decide, under the provisions of the Companies Act, 2013 whether the company can be exempted from the said contractual liability. 4

Self-Assessment Test (SAT)-Nov 2016

(c) Write a note on harassment at workplace

4

Question-6 (16 Marks)

(a) Explain issue and redemption of preference shares as per section 55 of the Companies Act, 2013.

4

(b) Examine the provisions of the Companies Act, 2013 regarding 'nomination' in case of transmission of shares.

(c) Draft a 'Gift Deed' assuming our own facts regarding parties and subject matter relating to gift.

4

(c) State whether following statements are correct or incorrect:-

4

(i) The power to conduct EGM is with the members only

(ii) 'All contracts are agreements, but all agreements may not be contracts'

(iii) An acceptance with mere signature without writing the word 'Signature' is valid

(iv) Creation of Company with a Single member is not tenable as per law.

Question-7 (16 Marks)

Answer any four of the following:-

(a) R, a 57 years old district judge was appointed by Central government as Presiding Officer of the Employees provident fund Appellate Tribunal from a period of five years. After three years, he Resigns from his office and ceases to work with immediate effect without handing over the charge to the successor, who has not appointed by the Government till that date. Examine the validity of its action to cease work under the provisions of the Employees provident fund and Miscellaneous Provisions Act, 1952.

4

(b) X, a minor purchased 500 equity shares of rs. 10 each of a company, on which only rs.5 per share were paid, from the Mumbai stock exchange and submitted to the company for transfer of these shares in his name. Examining the provisions of the Companies Act, 2013, decide whether these shares can be transferred to X.

(c) Explain the following definitions as provided in the Companies Act, 2013 (any one):-

(i) Private Company

(ii) Subsidiary Company

(iii) Associate company

(iv) Small company

(d) State the reasons for accepting the change in the present of management set – up of the corporate culture in a business organization.

4

(e) Write a note on ecological ethics

4

Self-Assessment Test (SAT)-Nov 2016

Total Questions:-07
Time Allowed:-3 Hours

Maximum Marks:-100
No. of Printed Pages:-3

SET-2

Note:- Question No. 1 is compulsory. Attempt any five questions from the remaining Six Questions

Question-1 (20 Marks)

(a) Mr Singh an old man, by a registered deed of gift, granted certain locked property to A, By the terms of the deed, it was stipulated that an annuity of Rs. 2000 should be paid every year to B, who was the brother of Mr. Singh.. On the same day, A made a promise with B and executed in favour an agreement to give effect to stipulation. A failed to pay the stipulated sum. In an action against her by B, she contended that since B had not furnished any consideration, he has no rights of action.

Examining the Provisions of the Indian Contract Act, 1872, decide whether the contention of A is valid? 5

(b) In a private limited company it is discovered that there are, in fact, 205 members. On an enquiry, it is ascertained that 7 of such members had been employees of the company in the recent past and that they acquired their shares while they were still employees of the company. Is it necessary to convert the company into a public limited company? Comment. 4

(c) State with Reasons whether the following statements are correct or incorrect

(i) The institution of business exists only if it fulfills the society's expectations 3

(ii) Business ethics helps to promote public reputation 2

(d) Explain the advantages of formal communication. 5

Question-2 (16 Marks)

(a)

(i) Standard Airways Limited was incorporated at Chennai in the year 2005 employing 125 workmen. Due to strike of workers, mismanagement in the company and accidental loss of the assets the company suffered heavy losses continuously since its incorporation, resulting which the large part of the capital and assets were wiped out. Consequently, the company moved an application to the Government of Tamilnadu requesting to exempt the company fully from the application of provisions of the Payment of Bonus Act, 1965.

Decide, whether the Government of Tamilnadu may grant exemption to the company. State the provisions of law in this regard as stated under the Payment of Bonus Act, 1965. 4

(ii) When an employee becomes disabled due to accident or disease and is unable to do the same work and re-employed on the reduced wages, how the gratuity of such employee shall be computed under the Provisions of The Payment of Gratuity Act, 1972. 4

(b) What do you understand the term "Acid Rain"? How does it adversely affect the environment? 4

(c) Why is the "Active Listening" important for an individual? State the guidelines for 'Active Listening'. 4

Question-3 (16 Marks)

(a) Explain in brief the rules relating to "acceptance" of an offer under the Provisions of the Indian Contract Act, 1872. 8

Self-Assessment Test (SAT)-Nov 2016

- (b) Explain the term "Consumer" as provided in the Competition Act and Consumer Protection Act. 4
- (c) What do you understand by Group conflicts? How shall these be managed effectively? 4

Question-4 (16 Marks)

- (a) Explain the provisions of the Companies Act, 2013 relating to the procedure to be followed for transacting business of the general meeting of members of a company through postal ballot 4
- (b) The Object clause of the Memorandum of Association of RST Limited, authorises it to publish and sell text books for students. The company, however, entered into an agreement with Q to supply 100 laptops of worth Rs. 5 lac for resale purposes. Subsequently, The company, subsequently refused to make payment on the ground that the transaction was 'Ultra Vires' the company. Examine the validity of the company's refusal for payment to Q under the provisions of Companies Act, 2013.
- (c) Explain Ethical Conflict Resolution. 4
- (d) Board of Directors of Prakesh Traders Pvt. Ltd. Proposes to convene an Extraordinary General Meeting for changing the names of the company to prakesh International Pvt. Ltd. Draft the notice for calling the extraordinary general meeting of the members 4

Question-5 (16 Marks)

- (a)
- (i) V makes a gift of Rs. 10,000 to W through a cheque issued in favour of W. Later, he (W) informs W not to present the cheque for payment and informs the bank also to stop payment. Examining the provisions of the Negotiable Instruments Act, 1881. Decide whether V's above acts constitute an offence. 4
- (ii) X draws a bill on Y but signs it in the fictitious name of Z. The bill is payable to the order of Z. The bill is duly accepted by Y. M obtains the bill from X thus becoming its holder in due course. Can Y avoid payment of the bill? Decide in the light of the provisions of the Negotiable Instruments Act, 1881. 4
- (b) Explain the power of company to close Register of Members and Register of Debenture-holders as provided in Section 91 of the Companies Act, 2013. 4
- (c) State the ethical issues which are belong faced by an individual at the workplace of an industrial organization. 4

Question-6 (16 Marks)

- (a) Explain conditions of Buy-Back as mentioned in Section 67 of Companies Act, 2013 4
- (b) Explain conditions for private placement as provided u/s 42 (along with rules) of Companies Act, 2013 4
- (c) Explain the procedure for change of name of a company, as provided in the Companies Act, 2013 4
- (d) State whether following statements are correct or incorrect:- 4
- (i) Debentures provides voting rights.
 - (ii) 'An agreement with an alien friend is valid but an agreement with an alien enemy is void'
 - (iii) A cheque marked 'Not Negotiable' is not transferable.
 - (iv) If a register able charge is not registered, the debt is not recoverable.

Self-Assessment Test (SAT)-Nov 2016

Question-7 (16 Marks)

Answer any four of the following:-

(a) Write a short note on the composition and functions of the Central Board of Trustees under the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

4

(b) Articles of a public company clearly stated that Mr. L will be the Solicitor of the company. The company in its general meeting of the shareholders resolved unanimously to appoint Mr. L as the Solicitor of the Company by altering the articles of association. State with reasons, whether the company can do so? If L files a case against the company for removal as a Solicitor. Will he Succeed?

4

(c) Explain the following definitions as provided in the Companies Act, 2013:-

- (i) Net worth
- (ii) Member
- (iii) Employee stock option
- (iv) Public Financial Institution

(d) State the various components required to draft a partnership deed.

4

(e) The Articles of Association of PQR Ltd. Provided that documents upon the company may be served only through E-mail. Arvind sent a document to the company by registered post. The company did not accept the document on the ground that sending documents to the company by post was in violation of the articles. As a result Arvind suffered loss.

Decide the validity of argument of the company and claim of Arvind for damages in the light of provisions of the Companies Act, 2013.

4

OR

Discuss the provisions of law contained in the Companies Act, 2013 as regards to the service of documents.

(f) S retired from the services of PQR limited on 31st march 2009. He had a sum of rs. 5 lakh in his provident fund account. It has become due for the payment to S on 30th April 2009 but the company made the payment of the said amount after one year, S claimed for the payment of interest on due amount at the rate of 15% per annum for one year. Decide whether the claim of S tenable under the provisions of the Employees provident fund and Miscellaneous Provisions Act, 1952.

Self-Assessment Test (SAT)-Nov 2016

Total Questions:-07
Time Allowed:-3 Hours

Maximum Marks:-100
No. of Printed Pages:-4

SET-3

Note:- Question No. 1 is compulsory. Attempt any five questions from the remaining Six Questions

Question-1 (20 Marks)

- (a) A contracts with B for fixed price to construct a house for B within a stipulated time. B would supply the necessary material to be used in the construction. C guarantees A's performance of the contract. B does not supply the material as per the agreement. Is C discharged from liability?
- (b) Whether a company may issue shares at discount? State the punishment imposed on Company in case of issue of shares at discount. 5
- (c) State with Reasons whether the following statements are correct or incorrect
- (i) The responsibility of the corporate management lies towards shareholders only 3
 - (ii) A good environmental practice improves corporate performance 2
- (d) Explain clearly the process of communication 5

Question-2 (16 Marks)

- (a) (i) ABC textiles Ltd. Employed 20 full-time and 5 part-time employees who were drawing salary of less than rs. 10000/month. The completing service of 28 days, in accounting year, 10 full-time submitted their resignations and left the service of the company. The Board of directors of this company decided not to give the bonus to the employees, who were resigned, to the remaining full-time employees and to the part-time employed. Against the decision, all the employees applied to the authorities for the relief. Decide, stating the provisions of the Payment of Bonus Act, 1965. Whether the employees, who resigned, remaining full-time employees and part-time employees will get relief. 4
- (ii) 14 Mr X an employee of Mutual Developers Limited. He retired from the company after completing 30 years of continuous service. He applied to the company for the payment of gratuity within the prescribed time. The company refused to pay the gratuity and contended that due to stringent financial conditions the company is unable to pay the gratuity. Mr X applied to the appropriate authority for the recovery of the amount of gratuity. Examine the validity of the contention of the company and also state the provisions of law to recover the gratuity under the Payment of Gratuity Act, 1972. 4
- (b) Explain "Trusteeship Concept" in Ethics 4
- (c) Explain Barriers to communication (especially semantic/psychological). 4

Question-3 (16 Marks)

- (a) Are there any circumstances under which a contract, under the provisions of the Indian Contract Act, 1872 without consideration is valid? Explain. 8
- (b) Distinguish between 'Morals' and 'Ethics'. 4
- (c) State Suggested Guidelines to handle communication ethics dilemmas. 4

Self-Assessment Test (SAT)-Nov 2016

OR

In what way is the 'Ethical Communication' advantageous to a business establishment? Explain

Question-4 (16 Marks)

(a) The paid up shares capital of ABC Private Limited is Rs. 1 crore consisting of 8,00,000 equity shares of Rs. 10 each and 2,00,000 cumulative preference shares of Rs. 10 each, both fully paid up. PQR Private Limited and MNO Private Limited are holding 3,00,000 equity Shares and 1,50,000 equity shares respectively in ABC Private Limited. PQR private Limited and MNO Private Limited are the subsidiaries of UMC Private Limited. Examine with reference to the provisions of the Companies Act, 2013. Whether ABC Private Limited is a subsidiary of UMC Private Limited. Would your answer be different, if UMC Private Limited controls the composition of Board of Directors of ABC private Limited? 4

(b) What is MCA-21? Explain some advantages of using it. Name some services available in MCA-21. 4

(b) Explain the reasons for unethical behavior among finance and accounting professionals 4

(c) Fifth Annual General Meeting of the shareholders of Devrishi Limited was held on 20th August, 2009 at its registered office at Mumbai. 55 shareholders attended the meeting in person and 6 shareholders in proxy. Several ordinary business regarding adoption of audited Balance Sheet, declaration of dividend appointment and re- appointment of directors and auditors were transacted at the meeting. Draft the minutes of the Fifth Annual General Meeting of the Shareholders of Devrishi Limited. 4

Question-5 (16 Marks)

(a)
(i) B obtains A's acceptance to a bill of exchange by fraud. B endorses it to C who is a holder in due course. C endorses the bill to D who knows of the fraud. Referring to the Provisions of the Negotiable Instruments Act, 1881, decide whether d can recover the money from A in the given case. 4

(ii) In case of Dishonour of cheque, in which court, payee can file a suit against drawer, comment citing the provisions of Section 142(2) of Negotiable Instrument Act, 1881 4

b) Modern Furnitures Limited was willing to purchase teakwood estate in Chhattisgarh state. Its prospectus contained some important extracts from an expert report giving the number of teakwood trees and other relevant information in the estate in Chhattisgarh State. The report was found inaccurate. Mr. 'X' have any remedy against the company? When an expert will not be liable? State the provisions of the Companies Act, 2013 in this respect. 4

(c) Explain external standards and guidelines for CSR Reporting. 4

Question-6 (16 Marks)

(a) Explain the terms provided in the Companies Act, 2013 (Any one)

(i) Red Herring Prospectus

(ii) Abridged Prospectus

(iii) Shelf Prospectus

(iv) Deemed prospectus 4

(b) State the ordinary business which may be transacted at an Annual General Meeting of a Public Ltd Company incorporated under the Companies Act, 2013.

Self-Assessment Test (SAT)-Nov 2016

(c) A partnership firm was constituted by A, B, and C. A, the partner of the firm expressed his desire to retire from the partnership firm by Mutual consent. Draft a "Partnership Retirement Deed". 4

(d) State whether following statements are correct or incorrect:- 4

(i) Every shareholder is a member, but every member may not be a shareholder of the company.

(ii) In contract of Guarantee there are three contracts

(iii) Agency cannot be created without consideration.

(iv) An oral acceptance is enough for validating negotiable instrument.

Question-7 (16 Marks)

Answer any four of the following:-

(a) M/s Hitech Ltd has been regularly depositing the Provident fund Contributions to the government. Owing to adverse market conditions, the company suffered loss for the Past two years. The management is considering the reduction of salary of the employees to reduce the company's contribution to Provident Fund and instead to pay compensatory allowance, so that, the employees pay packet remains the same. Explain in terms of Employees provident fund and Miscellaneous Provisions Act, 1952. Whether the company can effect such reduction. 4

(b) Explain the conditions to be complied for issuing bonus shares under the provisions of Companies Act, 2013 4

OR

Board of directors of ABC limited wants to transact the following matters at the forthcoming Annual general meeting of the company:

a. Approval of financial statements – balance sheet and profit and loss account.

b. Declaration of dividend.

c. Election of directors

d. Appointment of auditors.

e. Fixation of auditor's remuneration

f. Setting up a subsidiary company in UK in collaboration with a company incorporated thereat.

You are directed by the board of directors to classify the above matters into ordinary and special business to be transacted at the above meeting and state the types of resolution required to be passed for transacting the above matters.

(c) Explain the following definitions as provided in the Companies Act, 2013:-

(i) Financial Year

(ii) Expert

(iii) KMP

(iv) Relative

(d) State the contents that are required for drafting an Annual Report of Company. 4

(e) 'Consumer interest' and 'Public interest' are synonymous 4

(f) The amount of bonus payable to N, a probationer chemist in Global Chemical limited, is rs 12000, during the accounting year 2007-08. A sum of rs 10000 was paid to her and rs 2000 was deducted by the company under the pretext of proportionate deduction in bonus for two months maternity leave on full day availed by her during the year. N files against the company for recovery of the deducted amount, examine the validity of N's claim under the Provisions of the Payment of bonus Act, 1965. 4

(g) An Executive Committee is to be constituted to assist the Central Board under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. State the composition of such Executive Committee.

4

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Self-Assessment Test (SAT)-Nov 2016

Total Questions:-07
Time Allowed:-3 Hours

Maximum Marks:-100
No. of Printed Pages:-4

SET-4

Note:- Question No. 1 is compulsory. Attempt any five questions from the remaining Six Questions

Question-1 (20 Marks)

(a) M lends a sum of RS 5000 to B, on the security of two shares of a limited company on 1st April 2007. On 15th June 2007, the company issued two bonus shares. B returns the loan amount of RS 5000 with interest but M returns only two shares which were pledged and refuses to give the two bonus shares. Advise B in the light of the provisions of the Indian Contract Act, 1872. 5

(b) Explain the provisions of the Companies Act, 2013, relating to the utilization by a company of the amount standing to the credit of Securities premium Account. 5

(c) State with Reasons whether the following statements are correct or incorrect

- (i) Ethical behavior is essential to working environment at the working place 3
- (ii) Knowledge without morality is a social sin 2

(d) Explain the key elements involved in innovation framework of an organization 5

Question-2 (16 Marks)

(a) (i) The management of shakthi Mills Ltd entered into an agreement with their employees to pay them bonus based on production in lieu of bonus based on profits from the accounting year 2007. The employees further agreed to forego their right to receive minimum bonus and instead accept 25% of their salary/wage as bonus based on productivity. IS such an agreement valid? Examine in the light of the Provisions of the Payment of Bonus Act, 1965. 4

OR

In an accounting year, a company to which the payment of bonus Act, 1965 applies, suffered heavy losses. The Board of directors of the said company decided not to give bonus to employees. The employees of the company move to the court for relief. Decide in the light of the provisions of the said act whether the employees will get relief

(ii) Mr. Mahavir joined the company on 25.05.1987 and retired on 30.11.2012 when his salary was Rs. 70,000 per month. He also received conveyance allowance Rs. 20,000 per month and average overtime Rs. 1000 per month, calculate the amount of gratuity. 4

(b) Describe sources of ethical standards. 4

(c) Explain group dynamics. 4

Question-3 (16 Marks)

(a) M lends a sum of RS 5000 to B, on the security of two shares of a limited company on 1st April 2007. On 15th June 2007, the company issued two bonus shares. B returns the loan amount of RS 5000 with interest

Self-Assessment Test (SAT)-Nov 2016

but M returns only two shares which were pledged and refuses to give the two bonus shares. Advise B in the light of the provisions of the Indian Contract Act, 1872. 4

(b) Mr. Wise obtains fraudulently from 'R' a crossed cheque 'Not Negotiable'. He transfers the cheque to 'V', who gets the cheque encashed from ANS Bank limited which is not the drawee bank, 'R' on coming to know about the fraudulent act of Mr. Wise sues ANS Bank for the recovery of money. Examine with reference to the relevant provisions of the Negotiable Instruments Act, 1881. Whether 'R' will succeed in his claim? Would your answer be still the same in case Mr. 'Wise' does not transfer the cheque and gets the cheque encashed from ANS Bank himself? 4

(c) Describe the benefits of business ethics. 4

(d) What is meant by Emotional Intelligence? Explain the self-awareness and Self-Management Personal Competencies associated with emotional intelligence. 4

Question-4 (16 Marks)

(a) The paid up shares capital of ABC Private Limited is Rs. 1 crore consisting of 8,00,000 equity shares of Rs. 10 each and 2,00,000 cumulative preference shares of Rs. 10 each, both fully paid up. PQR Private Limited and MNO Private Limited are holding 3,00,000 equity Shares and 1,50,000 equity shares respectively in ABC Private Limited. PQR private Limited and MNO Private Limited are the subsidiaries of UMC Private Limited. Examine with reference to the provisions of the Companies Act, 2013. Whether ABC Private Limited is a subsidiary of UMC Private Limited. Would your answer be different, if UMC Private Limited controls the composition of Board of Directors of ABC private Limited? 4

(b) Elucidate the circumstances in which a company cannot buy back its own shares as per the provisions of the Companies Act, 2013. M/s Growmore Pharma Limited is planning to buyback of its shares during the current year but the company has defaulted in the payment of term loan & interest thereon to its bankers. The company seeks your advice as to how and when the company can buy back its shares under these circumstances as per the provisions of the Companies Act, 2013. 4

(c) What do you understand by "Lease Deed"? Draft a lease deed assuming necessary facts. 4

(d) Write short notes on Press Communique 4

Question-5 (16 Marks)

(a) (i) 'A' issued a cheque for Rs. 5000/- to 'B'. 'B' did not present the cheque for payment within reasonable period. The Bank fails, However, when the cheque was ought to be presented to the bank, there was sufficient fund to make payment of the cheque. Now, 'B' demands payment from 'A'. Decide the liability of 'A' under the Negotiable Instruments Act, 1881. 4

(ii) A owes a certain sum of money to B. A does not know the exact amount and hence he makes out a blank cheque in favour of B, signs and delivers it to B with a request to fill up the amount payable by him. B fills up fraudulently the amount larger than the amount due, payable by A and endorses the cheque to C in full Payment of dues to B. Cheque of A is dishonoured. Referring to the provisions of the Negotiable Instruments Act, 1881, discuss the rights of B and C. 4

(b) XY Ltd has its registered office at Mumbai in the state of Maharashtra. For better administrative conveniences the company wants to shift its registered office from Mumbai to Pune(State of

Self-Assessment Test (SAT)-Nov 2016

Maharashtra). What formalities the company has to comply with under the provisions of the Companies Act, 2013 for shifting its registered office as stated above? Explain. 4

(c) Examine the concept of CSR and also explain some of the key strategies which can be used by companies while implementing CSR policies and practices. 4

Question-6 (16 Marks)

(a) A charge requiring registration with Registrar of companies was created on 1st February 2008 by XYZ limited. The Secretary of the Company realized on 15th march 2008 that the charge was not filed with the Registrar. State the steps to be taken by the Secretary to get the charge registered with the Registrar. 4

(b) India Cosmetics Ltd was registered company under Indian Companies Act, 1956. Later on, another company by name India Cosmetics and Accessories Limited was formed & registered. Being similarity in the names of both the companies. India Cosmetics Ltd lodged the complaint against India Cosmetics and Accessories Ltd to the registrar of Companies that there is sufficient similarity between these two names, which may mislead or defraud to the Public. India Cosmetics and Accessories Ltd is intending to alter its name. 4

Advise the India Cosmetics and Accessories Ltd to alter the name of the company according to the Provisions of the Companies Act, 2013.

(b) Draft a power of attorney by an assessee authorizing a professional to appear before the Income tax Authorities in respect of a pending tax matter. 4

(c) State whether following statements are correct or incorrect:- 4

- (i) The power to conduct EGM is with the members only
- (ii) 'All contracts are agreements, but all agreements may not be contracts'
- (iii) An acceptance with mere signature without writing the word 'Signature' is valid
- (iv) Creation of Company with a Single member is not tenable as per law.

Question-7 (16 Marks)

Answer any four of the following:-

(a) State the provisions of Employees provident fund and Miscellaneous Provisions Act, 1952 relating to the protection of the credited amount in the Provident Fund against attachment. 4

(b) What is meant by Minimum Subscription? State the Provisions of the Companies Act, 2013 regarding the refund and deposit of minimum subscription. 4

(c) What is "Return of Allotment"? List the documents which have to be enclosed when shares are allotted on discount. 4

(d) What are the features/characteristics of groups in an organization? 4

(e) Write a note on Green Accounting System 4

(f) The management of shakthi Mills Ltd entered into an agreement with their employees to pay them bonus based on production in lieu of bonus based on profits from the accounting year 2007. The

employees further agreed to forego their right to receive minimum bonus and instead accept 25% of their salary/wage as bonus based on productivity. IS such an agreement valid? Examine in the light of the Provisions of the Payment of Bonus Act, 1965.

4

CA Ankit Oberoi