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**UNIVERSITY OF PETROLEUM
AND ENERGY STUDIES**



End Semester Examination, April, 2018

Program/course: MBA General
Subject: Corporate legal Environment
Code : HRES 8002
: 3 Hrs

Semester – IV
Max. Marks : 100
Duration

No. of page/s: 3

- 1. Attempt any FOUR questions from Section- A**
- 2. Marks are indicated against each question**

Section- A

(20 x 4)

Q. 1. Define consideration. What is the importance of consideration in a contract? Can there be a valid contract without consideration?

Q. 2. Who is 'consumer' under Consumer Protection Act, 1986? Explain briefly the redressal Forum available for the settlement of consumer disputes.

Q. 3. "It is an essential condition for challenging a contract on the basis of undue influence that one of the parties should be in a position to dominate the will of the other". Examine this statement and explain the effect of undue influence on the validity or otherwise of a contract. (10, 10)

Q. 4. Discuss the rights of "Unpaid Seller" when the property in goods has already passed to the buyer. State the various rights which an unpaid seller may have against the goods by implication of law.

Q.5. Explain briefly any **FOUR** of the following:

- Doctrines of ultra vires
- Sale by description and sample
- Prevention of Oppression & Mis-management
- Doctrines of Caveat Emptor
- Consequences of wrong statement in the Prospectus
- Winding up of the company

Section-B

(4x5)

Attempt any FOUR of the following with valid reasons as per the provisions of the Law

a) “Good Girl” soap co. advertised that it would give a reward of Rs.1,000 who developed skin disease after using “Good Girl” soap of the company for a certain period of time according to the printed directions. Rakhi purchased the “Good Girl” soap and developed skin disease in spite of using the same according to the printed instructions. She claimed reward of Rs.1,000. The company refused the reward on the ground that offer was not made to her and she had not communicated her acceptance of the offer. Decide whether Rakhi can claim the reward or not. .

b) Jagdish boarded an Express train at Mumbai to go to Delhi on some professional work. He was carrying with him a suit case in which there were research material and cash of Rs.10, 000. He complained to the ticket examiner that a stranger without reservation had entered into the compartment and despite protest from him and other co-passengers, the stranger occupied the berth and the ticket examiner did not do anything to detain the stranger. When Jagdish woke up at 4.00 a.m. the next day, to his surprise, he found that his suit case was ransacked, and important documents and cash are missing. Is Jagdish a consumer under Consumer Protection Act. .

c) X sells a car by auction to Y, who is the highest bidder. Y offers to pay for the car by a cheque and he is allowed to do so provided he signs a document stating that the property in the car would not pass to him. until the amount of the cheque has been credited to the seller’s account. The cheque is subsequently dishonored. X asks Y to return back the car, as he has not become the owner of the car because the cheque given by him has been dishonored . Is ‘X’ s contention justified?

d) X delivers some jewelry to Y on “sale or return” basis without specifying any time for its return in case of no-acceptance. Y allows the jewelry to remain with himself without signifying his approval or refusal. After a month a burglary takes place in Y’s house and the jewelry is stolen. Can X sue Y for the price of the jewelry?

e) The directors of the company were authorized “to make payment towards any charitable/benevolent object or for any general public interest object”. The main object of the company was to manufacture and sell readymade garments. In accordance with a shareholder’s resolution, the directors paid 10 lakhs to a group staging Durga Puja. Is the payment to the group ultra vires?

f) Mohan purchased a fan for installation in his business premises and the fan has been found defective. To whom Mohan should approach to get a relief. Justify your answer.