

Name: Enrolment No:	
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UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2023

Course: COMPANY LAW II

Semester: VIII

Program: B. Tech LL. B. (Hons.) (Cyber Laws)

Time : 03 hrs.

Course Code: CLCC 3006

Max. Marks: 100

Instructions: Do not write a Provision verbatim in support of your Answer.

Make sure that Your Name and Enrolment number is correctly written on your answer sheet.

You are expected to answer all question along with relevant provisions and case law.

SECTION A
(5Qx2M=10Marks)

S. No.		Marks	CO
Q 1	Define "Convertible debentures".	2	CO1
Q 2	Define the term "Moratorium" as per Insolvency and Bankruptcy Code,2016.	2	CO1
Q 3	What is the meaning of word "Charge" under Companies Act, 2013.	2	CO1
Q 4	How "winding up" is defined under the Companies Act, 2013.	2	CO1
Q 5	What is information utility under Insolvency and Bankruptcy Code,2016	2	CO1

SECTION B
(4Qx5M= 20 Marks)

Q 6	What is the difference between a merger and a reverse merger?	5	CO2
Q7	Discuss the composition of Nomination and Remuneration Committee.	5	CO2
Q8	What is the fundamental difference between Insolvency and Bankruptcy under Insolvency and Bankruptcy Code, 2016.	5	CO2
Q9	Discuss the term Floating charges? Under what conditions the concept of crystallization of charges emerges out?	5	CO2

SECTION-C
(2Qx10M=20 Marks)

Q 10	Critically analyze the ongoing debate relating to constitutional validity of Insolvency and Bankruptcy Code 2016. Also discuss the standpoint of judiciary with help of relevant case laws	10	CO3
Q 11	Explain in detail the Corporate Insolvency Resolution Process for a financial creditor under Insolvency and Bankruptcy Code 2016.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12.	<p>The Companies Act 2013 has specially designed provisions in such a manner so that an equitable balance can be maintained between the different classes of shareholders. A company called Sudhakar Rao limited (SRL) entered a series of transactions with Reliance Limited which were only favorable to a class of shareholders and aggrieved by this Minority shareholder opposed this transaction, but the Company never cared for their concern. Minority shareholders have approached you.</p> <p>You as legal counsel are required to advise on the following.</p> <ol style="list-style-type: none"> 1. Whether oppression and minority protections rights have been enshrined in the company law? (12.5 Marks) 2. With the help of case laws, explain the concept of Class action suits in Indian Scenario. (12.5 Marks) 	25	CO4
Q 13.	<p>The Board of directors of Julian Segal Ltd., passed a resolution at its meeting and decided to provide a loan of Rs. 50 Crore to Kewaranta Ltd. The paid-up share capital of Julian Segal Ltd on the date of resolution was Rs.90 Crore and the aggregate balance in the Free Reserves and Securities Premium Account is Rs. 35 Crore.</p> <p>You are required to examine the provisions of the Companies Act, 2013, to decide whether the Board's resolution to provide a loan of Rs. 50 Crore to Kewranta Ltd. is valid?</p>	25	CO4