

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 4

## PART—A

*(Answer Question No.1 which is compulsory  
and any two of the rest from this part.)*

1. Attempt any four of the following :

(i) Sahil & Co. booked a flat for Rs.16 lakh with Dafodil Construction Ltd. in 2003 and paid all installments due upto June, 2006 amounting to Rs.10 lakh. Due to delays in construction, the possession of the flat could not be given within 3 years, as originally promised. The applicant did not pay for cost escalation amounting to Rs.5 lakh. The respondent cancelled the allotment and returned Rs.8 lakh after deducting and forfeiting Rs.2 lakh of the earnest money from the amount paid by the applicant. The applicant challenged before the MRTP Commission the forfeiture of earnest money deposit by the company and claimed refund and compensation. Discuss, citing case law, whether the action taken by the company amounted to 'unfair trade practice' and whether the applicant will succeed.

*(5 marks)*

(ii) Unit Trust of India (UTI) issued cheques to various unit-holders on maturity of the units held by them. Some of the unit-holders did not receive the cheques sent by registered post. Unit-holders approached the consumer disputes redressal forum claiming compensation for 'deficiency in service' on the part of UTI. Will they succeed in their claim ?

*(5 marks)*

(iii) A non-resident Indian (NRI) deposited an amount in 'foreign currency (non-resident)' [FCNR] account which was re-invested from time to time upon maturity. The depositor found after 15 years that the deposit was withdrawn in the year 1992. Depositor filed a complaint before the State Commission. Money decree was passed. National Commission upheld the decree. Bank appealed to the Supreme Court. Comment in the light of decided case law whether a depositor is a 'consumer' under the Consumer Protection Act, 1986.

*(5 marks)*

(iv) A manufacturer reduced the price of his products considerably as a result of which his only competitor lost his business. Is it possible to challenge the above action under the Monopolies and Restrictive Trade Practices Act, 1969 ? Give reasons in support of your answer.

*(5 marks)*

(v) State the procedure for submission of 'industrial entrepreneurs memorandum' (IEM).

*(5 marks)*

2. (a) Re-write the following sentences after filling-up the blank space with appropriate word(s)/figure(s) so as to convey the correct meaning :
- (i) While calculating the value of plant and machinery for the purpose of small scale/ancillary industrial undertaking \_\_\_\_\_ price thereof shall be taken into account.
  - (ii) An Indian company is permitted to issue shares to the depository for the purpose of raising resources through \_\_\_\_\_ mechanism.
  - (iii) Under the FEMA, an appeal against the order of appellate tribunal lies to \_\_\_\_\_ and must be filed within \_\_\_\_\_ days from the date of communication of the decision.
  - (iv) The value of goods or services for the jurisdiction of State Commission under the Consumer Protection Act, 1986 must exceed Rs. \_\_\_\_\_ but should not exceed Rs. \_\_\_\_\_.
  - (v) Under the India's Power Policy regarding generation of electricity, upto \_\_\_\_\_ foreign equity participation through automatic route is permitted for projects set up by foreign private investors.
  - (vi) \_\_\_\_\_ plays the role of a watch-dog for the telecom sector and promotes orderly and healthy telecommunication infrastructure in the country.
  - (vii) Joint venture scheme for ports enables the major ports to enter into joint ventures with a joint venture company. The maximum period for collaboration is \_\_\_\_\_.
- (1 mark each)*
- (b) Write short notes on *any two* of the following :
- (i) Procedure for acquisition and transfer of immovable property outside India by a person resident in India
  - (ii) Exchange Earner's Foreign Currency (EEFC) Account Scheme
  - (iii) Special Economic Zone (SEZ).
- (4 marks each)*
3. (a) What are the salient features of the 'Power Vision 2010' drawn up by the Union Power Ministry ?
- (5 marks)*
- (b) State the highlights of the Satellite Communication Policy.
- (5 marks)*
- (c) Mention the powers of the Central Government to prevent, control and abate environmental pollution under the Environment (Protection) Act, 1986.
- (5 marks)*

4. (a) Describe the provisions for making an application for claim of compensation under the National Environment Tribunal Act, 1995. (4 marks)
- (b) Mention the salient features of the Competition Act, 2002. (4 marks)
- (c) What is meant by 'value added telecom services' ? Name the value added telecom services which were opened for licensing to private/public limited companies registered in India in terms of the National Telecom Policy, 1994. (4 marks)
- (d) What are the situations in which drawal of foreign exchange is prohibited ? (3 marks)

### PART—B

(Answer Question No.5 which is compulsory and any two of the rest from this part.)

5. Attempt any four of the following :
- (i) In an arbitration award, the arbitral tribunal awarded interest *pendente lite* except in relation to Claim No.4. The petitioner in whose favour the award was made challenged it on the ground that interest was not awarded in Claim No.4. Decide with reference to case law. (5 marks)
- (ii) A hire-purchase agreement provided for financier's right to re-possess the vehicle in the event of default of payment of installment dues. Upon default, the financier took possession of the vehicle. The hirer approached the court. Decide with reference to case law. (5 marks)
- (iii) Ahmed & Co., appellant, and Vijay Engineering Ltd., respondent, were party to a contract, which did not provide for escalation. However, while deciding the dispute, the arbitral tribunal allowed escalation of price to the respondent. This was challenged unsuccessfully before the High Court by the appellant, who ultimately approached the Supreme Court. Discuss in the light of a decided case whether the petition will be allowed. (5 marks)
- (iv) Bijoy, an Export Manager, was found guilty of gross negligence. Draft an order of dismissal of Bijoy. (5 marks)
- (v) Draft a specimen deed for surrender of lease. (5 marks)

6. (a) What are the important principles which a draftsman should keep in mind in drafting and conveyancing ?  
(3 marks)
- (b) Distinguish between *any three* of the following :
- (i) 'Licence' and 'lease'.
  - (ii) 'Revocable power of attorney' and 'irrevocable power of attorney'.
  - (iii) 'Deed' and 'instrument'.
  - (iv) 'Discharge' and 'dismissal'.
- (4 marks each)
7. (a) Re-write the following sentences after filling-up the blank space with appropriate word(s)/figure(s) so as to convey the correct meaning :
- (i) If the apprentice is a minor, *i.e.*, between the age of 14 and 18 years, the apprenticeship agreement will be entered into through the \_\_\_\_\_ of the apprentice.
  - (ii) Mortgage by deposit of title deed is called in English Law as \_\_\_\_\_.
  - (iii) According to section 105 of the Transfer of Property Act, 1882, a lease of immovable property is a transfer of a right to enjoy \_\_\_\_\_.
  - (iv) Gift deed of immovable property is \_\_\_\_\_ as per section 123 of the Transfer of Property Act, 1882 and section 17(i)(a) of the Registration Act, 1908 whatever may be the value.
  - (v) Article 136 of the Constitution of India empowers \_\_\_\_\_ with wide discretionary powers to entertain appeals even in cases where an appeal is not otherwise provided for.
- (1 mark each)
- (b) Draft a specimen trust deed for creating a superannuation fund.  
(4 marks)
- (c) Draft a specimen deed of assignment of a registered trade mark.  
(6 marks)
8. (a) Draft a specimen deed of gift of immovable property in favour of one of the sons of the donor.  
(7 marks)
- (b) Draft a specimen power of attorney to sell a specific immovable property.  
(8 marks)