

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. (a) The manufacturer of a famous milk product advertised a scheme called 'Hidden Wealth Prize Offer'. Under this scheme, gift coupons were inserted in some bottles of the milk product and the buyers of such bottles were entitled to a gift.

Discuss whether the manufacturer has indulged in 'unfair trade practice' and whether the said practice is prejudicial to the public interest.

- (b) Having lost two demand drafts for Rs.1,91,27,000 each, a customer demanded duplicate drafts from State Bank of India, Secunderabad. The bank required the complainant to comply with certain formalities including bank guarantees/indemnity bonds from complainant's bank, inserting advertisements in national and local dailies, keeping 25% of the two demand drafts at drawer bank branch as margin money by way of term deposit for six months as collateral security. The customer complied with all the required formalities and duplicate demand drafts were issued after 4 months' delay. Under section 45 of the Negotiable Instruments Act, 1881, only an indemnity bond is required. Discuss whether the State Bank of India, Secunderabad was right in its various demands in the light of provisions of the Consumer Protection Act, 1986.

- (c) Firm-X is engaged in the production of a branded shampoo. Its rival firm, Firm-Y also engaged in the production of a branded shampoo, is issuing advertisements in TV Channels claiming that its product, though costlier, is superior to the product made by Firm-X. Firm-X has filed a complaint before the MRTP Commission alleging that Firm-Y is indulging in disparagement of goods produced by it. Does the act of Firm-Y amount to an 'unfair trade practice' ? Give reasons in support of your answer and refer to decided case law, if any.
- (d) Company-X appointed Yuvi as a dealer to sell its products in a territory where it had another dealer. The dealership was terminated by the Company-X on the ground of non-performance. Yuvi, the dealer, filed a complaint before the MRTP Commission alleging various types of 'restrictive trade practices'. Explain with reference to decided case law the remedies available to both the parties.

(5 marks each)

2. (a) State briefly the benefits available to 100% EOUs and the procedure to register them with the Development Commissioner/Board of Approval.
- (b) A unit located in a Special Economic Zone (SEZ) wants to operate a Foreign Currency Account with an authorised dealer in India. Mention the conditions subject to which a Foreign Currency Account can be opened, held and maintained.
- (c) Mention the procedure to be followed by the Appellate Tribunal while disposing off an appeal under the Foreign Exchange Management Act, 1999.

(5 marks each)

3. (a) Distinguish between 'small scale industries' and 'ancillary industries'.
- (b) State the penal provisions for non-compliance of any order of the Tribunal and for offences committed by a company under the National Environment Tribunal Act, 1995.
- (c) Write a note on the powers of the Competition Commission of India.
- (5 marks each)*
4. (a) Write notes on the following :
- (i) Private sector participation in ports.
- (ii) Functions of National Highways Authority of India (NHAI).
- (4 marks each)*
- (b) Discuss the circumstances under which foreign technology collaborations/agreements are accorded automatic approvals to industries by the Reserve Bank of India.
- (7 marks)*

PART—B

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

5. (a) Precious Gems Ltd. had submitted a sealed tender to Beautiful Watches Ltd. for the award of a contract to supply gems. However, its tender was not accepted. The document of tender contained an arbitration clause. Precious Gems Ltd. invoked the said arbitration clause and sought an interim relief on the ground that the floating of a tender and the response thereto constituted an arbitration agreement. Will the company be entitled to relief under the Arbitration and Conciliation Act, 1996 ? Refer to decided case law in support of your answer.

- (b) Draft five important clauses of a lease deed.
- (c) What is meant by 'recitals' as a component in a deed? What is its evidentiary value ?
- (d) What do you mean by 'irrevocable power of attorney' ? Whether a power of attorney requires registration ?
(5 marks each)
6. (a) State the grounds on which a review of the order passed by the court can be sought.
(5 marks)
- (b) Define and differentiate between the following terms :
(i) Instrument;
(ii) Document; and
(iii) Deed.
(10 marks)
7. (a) Distinguish between 'contract' and 'conveyance'.
(5 marks)
- (b) Draft a reconstitution deed of partnership while introducing a new partner in the firm.
(10 marks)
8. (a) "Drafting of document is a skilled man's job." Explain this statement with some important do's and don'ts in drafting.
- (b) Draw a deed of gift for love and affection. Assume facts.
- (c) Draft five important clauses of a debenture trust deed.
(5 marks each)