

Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 4

NOTE : Answer ALL Questions.

1. (a) “AB” is the owner of a land. He wants to donate the land in charity to a trust for the construction of Serai. Draft a deed of gift of land to trust. Assume necessary facts.
- (b) Draft Board Resolution for convening Extra-ordinary General Meeting on requisition.
- (c) ABC Ltd. proposes to install plant and machinery through Leasing arrangements. The company has authorized “Y” an employee as its Attorney to negotiate and finalize the deal. Draft a Power of Attorney by the company in favour of “Y”. Assume necessary facts.
- (d) “X” is the tenant of “Y” under a tenancy at will. Draft a notice of determination of tenancy on behalf of “Y”. Assume necessary facts.

(5 marks each)

Attempt all parts of either Q. No. 2 or Q. No. 2A

2. (a) What is the guidance as per Secretarial Standard-I in respect of Meeting of Board of Directors in the following matters :
 - (i) If the Meeting of Directors is proposed to be held on 15th September 2023, what will be the last date for giving the Notice in case Notice is to be sent by e-mail or by any other electronic means to the Directors ?

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- (ii) If the Meeting of Directors is proposed to be held on 15th September 2023, what will be the last date for giving the Notice in case Notice is to be sent by speed post or by registered post or by courier to the Directors ?
- (iii) If a company is incorporated on 15th July, 2023, the first meeting of Board of Directors should have been held latest by ?
- (iv) If a Meeting of Board is held and concluded on 16th June 2023, the draft Minutes thereof should have been circulated by ?
- (b) Explain Appeal by a person Denying Liability to Deduct Tax under the Income Tax Act, 1961.
- (c) What is the guidance as per Secretarial Standard II in respect of prohibition on withdrawal of resolutions, rescinding of resolutions and modifications to resolutions ?
- (d) Explain the functions of Directorate of Enforcement.

(4 marks each)

OR (Alternate question to Q. No. 2)

2A. Distinguish between the following :

- (i) Conveyance and Contract
- (ii) Deed Pool and Deed Poll
- (iii) Finance and Operating lease
- (iv) Retirement of a partner and Expulsion of a partner.

(4 marks each)

: 3 :

Attempt all parts of either Q. No. 3 or Q. No. 3A

3. (a) What are the pre-requisites of Arbitration and requisites of an Award ?
 (b) Discuss the provisions relating to authentication of Power of Attorney.
 (c) Stages of criminal trial in warrant case when a complainant instituted in a case.
 (d) Explain the types of Hire-Purchase Agreements.
- (4 marks each)

OR (Alternate question to Q. No. 3)

- 3A. Elucidate the following :
- (i) In *Kale v. Dy. Director of Consolidation*, AIR 1976 SC 807 the Supreme Court has laid down certain propositions to put a binding effect and the essentials of a family settlement. What are the said propositions ? Discuss.
- (ii) Guidance as per Secretarial Standard I regarding disclosure of compliance with Secretarial Standards in the report of Board of directors. Draft a disclosure paragraph.
- (iii) Define Summons. What orders can be given by the court in respect of service of summons where the summons cannot be served in an ordinary way ?
- (iv) Define Slump Sale and factors to be considered in deal structuring of slump sale.
- (4 marks each)

4. Explain the following :
- (a) Role of Company Secretary in Practice under Real Estate (Regulation and Development) Act, 2016.
- (b) Contents of Trust deed to ensure reasonable certainty.
- (c) Writ of Mandamus. Against whom this writ cannot be issued ?
- (d) Conditions of reference u/s 395 of Code of Criminal Procedure, 1973. Justify with reasons whether a reference can be made on a point of law on which different views have been expressed by some High Courts ?
- (4 marks each)

5. (a) “A” is running the business of trading in textiles. He has decided to sell the business and goodwill to “P”. Draft a deed of sale. Assume necessary facts.
(6 marks)
- (b) ABC Ltd. an electronics manufacturer having a registered office at Jaipur supplied goods to XYZ Ltd. The purchaser company made part payment only. ABC Ltd filed suit before the District Judge for recovery of the balance amount. The suit was dismissed by a learned District Judge on the ground that the evidence led by the plaintiff did not establish the claim. Draft an appeal to be filed before High Court against the Judgement of District Judge. Assume necessary facts.
(6 marks)
- (c) Explain in detail the duties of a Company Secretary in practice towards the Clients.
(4 marks)
6. (a) The liability of the surety is co-extensive with that of the principal debtor”. Comment in the light of provisions of section 128 of the Indian Contract Act, 1872.
(4 marks)
- (b) “W” is the wife of “H” who is employed as an accountant in a company on a monthly salary of ₹ 50,000. She was driven out of the matrimonial home by her husband and came to her father’s place. “H” leads a life of drunkenness and debauchery, he is also a man of uncertain temperament having the habit of beating. As “W” does not want to live with “H” due to his violent nature. Draft a petition on behalf of “W” for her maintenance.
(6 marks)
- (c) Draft a Notice of Extra-Ordinary General Meeting for shifting the registered office of Company from Hyderabad (Telangana) to Jaipur (Rajasthan).
(6 marks)