

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 4

**NOTE** : Answer **ALL** Questions.

## PART – A

1. (a) What are the factors which the Competition Commission of India shall take into consideration to ascertain whether an agreement has an appreciable adverse effect on competition under the Competition Act, 2002 ?
- (b) What is meant by 'money laundering' ? Mention the provisions of the Prevention of Money Laundering Act, 2002 regarding the obligations of banking companies, financial institutions and intermediaries.
- (c) Which organisations/individuals are specifically prohibited from receiving foreign contribution under the Foreign Contribution (Regulation) Act, 2010 ?
- (d) Enumerate the properties which cannot be transferred under the provisions of the Transfer of Property Act, 1882.
- (e) What are the grounds for setting aside an arbitral award under the Arbitration and Conciliation Act, 1996 ?

(5 marks each)

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

2. (a) How does a valid contract get discharged by impossibility of performance ?
- (b) Distinguish between 'moveable property' and 'immoveable property'.
- (c) Distinguish between 'assignment of a trademark' and 'transmission of a trademark' under the Trade Marks Act, 1999.

(5 marks each)

*OR (Alternate question to Q.No. 2)*

- 2A. (i) What do you understand by 'crystallisation of floating charge' under the Transfer of Property Act, 1882 ?  
(5 marks)
- (ii) What is meant by 'bid rigging' ? What are the most commonly used ways in which bid rigging may occur ?  
(5 marks)
- (iii) "Every agreement in which anyone is restrained from exercising a lawful profession, trade or business of any kind is, to that extent, *void*." Discuss.  
(5 marks)
3. (a) "If once the 'instrument' has been admitted in evidence, it shall not be questioned later on in the same suit on the ground that it does not bear the adequate stamp duty or no stamp." Discuss briefly with reference to case law.  
(5 marks)
- (b) "Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be voidable at the option of any creditor so defeated or delayed, for which he may move to the court." Comment.  
(5 marks)
- (c) What is meant by alternative dispute resolution (ADR) ? Which are the areas in which ADR works ?  
(5 marks)
4. (a) Explain the meaning of the term 'consumer' as defined in the Consumer Protection Act, 1986.  
(3 marks)

: 3 :

- (b) Ramesh purchased a tractor from Mahi Ltd. for tilling the land but he used it in idle time for transportation of agricultural produce on hire. Some defects were developed in the engine of the tractor. He complained to Mahi Ltd., but all in vain. Then he filed a suit in Consumer Disputes Redressal Forum for damages caused by the defects. Mahi Ltd. pleaded that Ramesh is not a 'consumer' within the definition of section 2(1)(d) of the Consumer Protection Act, 1986, as he is using the tractor for commercial purposes. Whether Ramesh will succeed in his case ? Refer to relevant provisions of law in support of your answer with reference to case law, if any.

(5 marks)

- (c) What is meant by 'onerous gift' ?

(4 marks)

- (d) If the gift of an immovable property is accepted but not registered, does it amount to a valid gift ? Give reasons.

(3 marks)

### PART – B

5. (a) Gyan, a trustee, improperly leaves trust property outstanding. If such trust property is subsequently lost, is Gyan liable to make good the property lost ? Explain.

(5 marks)

- (b) An enterprise which is engaged in hazardous or inherently dangerous activity and an industry which poses a potential threat to the health and safety of the persons and of those residing in the surrounding areas owes an absolute and non-delegatable duty to the community. Discuss.

(5 marks)

- (c) Distinguish between 'seizure' and 'confiscation' of an essential commodity under the Essential Commodities Act, 1955.

(5 marks)

*Attempt all parts of either Q.No. 6 or Q.No. 6A*

6. (a) Mention the provisions of the Societies Registration Act, 1860 regarding the vesting of property of the society. (5 marks)
- (b) Write a note on the jurisdiction and powers of the National Green Tribunal under the National Green Tribunal Act, 2010. (5 marks)
- (c) Distinguish between the 'day of acceptance' and the 'day of deemed acceptance' under the Micro, Small and Medium Enterprises Development Act, 2006. (5 marks)

*OR (Alternate question to Q.No. 6)*

- 6A. (i) What is meant by 'noise pollution' ? How can noise pollution be controlled ? (5 marks)
- (ii) Explain the circumstances under which the Central Government can takeover the management or control of an industrial undertaking without investigation under the Industries (Development and Regulation) Act, 1951. (5 marks)
- (iii) Mention the provisions of the Indian Trusts Act, 1882 regarding extinction of a trust. (5 marks)