

**MAY 2018**

**Foundation (New Syllabus)  
Paper - 2  
Business Law & Business  
Correspondence and Reporting MKHZ**

**Roll No. ....**

**Total No. of Printed Pages : 12**

**Total No. of Questions : 11**

**Maximum Marks : 100**

**Time allowed : 3 Hours**

**IMPORTANT INSTRUCTIONS TO CANDIDATES**

1. Questions in Section A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi medium, his/her answers in Hindi, will not be evaluated.
2. Questions in Section B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.
3. Answers to both the Sections are to be written in the same answer book.

**SECTION A — (60 Marks)**

**Question No. 1 is compulsory.**

**Answer any FOUR questions from the remaining FIVE questions.**

**In case, any candidate answers extra question(s)/sub-question(s) over and above the required number, then only the requisite number of questions first answered in the answer book shall be valued and subsequent extra question(s) answered shall be ignored.**

**SECTION A**

1. (a) X, Y and Z are partners in a firm. They jointly promised to pay Rs. 3,00,000 to D. Y become insolvent and his private assets are sufficient to pay 1/5 of his share of debts. X is compelled to pay the whole amount to D. Examining the provisions of the Indian Contract Act, 1872, decide the extent to which X can recover the amount from Z. (4 Marks)

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- (b) Ravi Private Limited has borrowed Rs. 5 crores from Mudra Finance Ltd. This debt is ultra vires to the company. Examine, whether the company is liable to pay this debt? State the remedy if any available to Mudra Finance Ltd.? (4 Marks)
- (c) What is meant by delivery of goods under the Sale of Goods Act, 1930? State various modes of delivery. (4 Marks)
2. (a) State the exceptions to the rule "An agreement without consideration is void". (5 Marks)
- (b) What are the essential elements to form a LLP in India as per the LLP Act, 2008? (5 Marks)
- (c) (i) Distinguish between wagering agreement and contract of insurance. (2 Marks)
- OR**
- (ii) Examine with reason that the given statement is correct or incorrect "Minor is liable to pay for the necessities supplied to him". (2 Marks)
3. (a) Distinguish between dissolution of firm and dissolution of partnership. (2 Marks)
- (b) What are the consequences of Non-Registration of a Partnership Firm? Discuss. (4 Marks)
- (c) M Ltd., contract with Shanti Traders to make and deliver certain machinery to them by 30.6.2017 for Rs. 11.50 lakhs. Due to labour strike, M Ltd. could not manufacture and deliver the machinery to Shanti Traders. Later, Shanti Traders procured the machinery from another manufacturer for Rs. 12.75 lakhs. Due to this Shanti Traders was also prevented from performing a contract which it had made with Zenith Traders at the time of their contract with M Ltd. and were compelled to pay compensation for breach of contract. Advise Shanti Traders the amount of compensation which it can claim from M Ltd., referring to the legal provisions of the Indian Contract Act, 1872. (6 Marks)

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4. (a) What is appropriation of goods under the Sale of Goods Act, 1930? State the essentials regarding appropriation of unascertained goods. (6 Marks)
- (b) X, Y and Z are partners in a Partnership Firm. They were carrying their business successfully for the past several years. Spouses of X and Y fought in ladies club on their personal issue and X's wife was hurt badly. X got angry on the incident and he convinced Z to expel Y from their partnership firm. Y was expelled from partnership without any notice from X and Z. Considering the provisions of the Indian Partnership Act, 1932, state whether they can expel a partner from the firm. What are the criteria for test of good faith in such circumstances? (6 Marks)
5. (a) Mr. D sold some goods to Mr. E for Rs.5,00,000 on 15 days credit. Mr.D delivered the goods. On due date Mr. E refused to pay for it. State the position and rights of Mr.D as per The Sale of Goods Act, 1930. (6 Marks)
- (b) Define OPC (One Person Company) and state the rules regarding its membership. Can it be converted into a non-profit company under Section 8 or a private company? (6 Marks)
6. (a) Define Fraud. Whether "mere silence will amount to fraud" as per the Indian Contract Act, 1872? (5 Marks)
- (b) What is the conclusive evidence of partnership? State the circumstances when partnership is not considered between two or more parties. (4 Marks)
- (c) State the limitations of the doctrine of indoor management under the Companies Act, 2013. (3 Marks)

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### IMPORTANT INSTRUCTIONS TO CANDIDATES

1. भाग 'अ' के प्रश्नों का उत्तर परीक्षार्थी ने जो माध्यम चुना है, उस में ही देना है। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।
2. सभी परीक्षार्थियों (हिन्दी माध्यम के परीक्षार्थियों को सम्मिलित करके) को भाग 'ब', के प्रश्नों का उत्तर अंग्रेजी में ही लिखना है।
3. इसी उत्तर पुस्तिका में दोनों भागों का उत्तर देना है।

भाग अ – (60 Marks)

प्रश्न संख्या 1 अनिवार्य है।

शेष पाँच प्रश्नों में से किन्हीं चार प्रश्नों के उत्तर दीजिए।

यदि कोई परीक्षार्थी निर्धारित संख्या से अधिक प्रश्न (प्रश्नों)/प्रश्न भाग (प्रश्न भागों) का उत्तर देता है, उस स्थिति में जिनके उत्तर उत्तर पुस्तिका में पहले लिखे गए हैं, उनका ही मूल्यांकन किया जाएगा एवं तदपश्चात अधिक उत्तर दिए गए प्रश्नों को उपेक्षित कर दिया जाएगा।

1. (a) X, Y तथा Z एक फर्म में साझेदार हैं। उन्होंने संयुक्त रूप से D को रु. 3,00,000 चुकाने का वचन दिया। Y दिवालिया हो गया तथा उसकी व्यक्तिगत सम्पत्ति उसके हिस्से के ऋण का केवल 1/5 भाग ही चुकाने हेतु पर्याप्त है। X को D के द्वारा सम्पूर्ण ऋण चुकाने हेतु बाध्य किया गया। भारतीय अनुबंध अधिनियम, 1872, के प्रावधानों के अन्तर्गत बताइये कि X, Z से किस सीमा तक राशि वसूल कर सकता है। (4)
- (b) रवि प्राइवेट लिमिटेड ने मुद्रा फाइनेन्स लिमिटेड से 5 करोड़ रुपये उधार लिये। यह ऋण कम्पनी के अधिकारों के बाहर है। जाँच कीजिये कि क्या कम्पनी यह ऋण-चुकाने हेतु दायी है? बताइये कि क्या मुद्रा फाइनेन्स लिमिटेड को कोई उपचार उपलब्ध है? (4)
- (c) वस्तु विक्रय अधिनियम, 1930, के अन्तर्गत माल की सुपुर्दगी से क्या आशय है? सुपुर्दगी की विधियाँ बताइये। (4)

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2. (a) “बिना प्रतिफल का ठहराव व्यर्थ होता है” नियम के अपवाद बताइये। (5)
- (b) सीमित दायित्व साझेदारी अधिनियम, 2008, के अर्न्तगत भारत में सीमित दायित्व साझेदारी के निर्माण हेतु आवश्यक तत्व कौन से हैं? (5)
- (c) (i) बीमा के अनुबंध एवं बाजी के ठहराव में अन्तर कीजिये। (2)

**अथवा**

- (ii) कारण सहित जाँच कीजिये कि निम्नलिखित कथन सत्य है या असत्य:

“अवयस्क उसको प्रदान की गई जीवन निर्वाह अनिवार्यताओं के भुगतान के लिये उत्तरदायी होता है।”

3. (a) साझेदारी के विघटन एवं फर्म के विघटन में अन्तर कीजिये। (2)
- (b) साझेदारी फर्म का पंजीयन न करवाने के क्या प्रभाव होते हैं? विवेचना कीजिये। (4)
- (c) M लिमिटेड ने शान्ति लिमिटेड को निश्चित मशीन 11.50 लाख में 30.6.2017 तक निर्मित करके देने का अनुबंध किया। श्रमिक हड़ताल के कारण, M लिमिटेड मशीन का निर्माण नहीं कर पाई तथा शान्ति लिमिटेड को सुपुर्दगी नहीं दे पाई। शान्ति लिमिटेड ने किसी अन्य निर्माता से 12.75 लाख में मशीन क्रय की। इसी वजह से शान्ति लिमिटेड, जेनिथ लिमिटेड के साथ किया गया अपना अनुबंध भी पूरा नहीं कर पाई जो उसने M लिमिटेड के साथ अनुबंध करते समय ही किया था तथा इसके लिये उसको, अनुबंध भंग का हर्जाना भी देना पड़ा। शान्ति लिमिटेड को सुझाव दीजिये कि भारतीय अनुबंध अधिनियम 1872 के अर्न्तगत वह M लिमिटेड से हर्जाने की कितनी राशि माँग सकती है? (6)

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4. (a) वस्तु विक्रय अधिनियम, 1930, के अन्तर्गत वस्तु का विनियोजन क्या है? अनिश्चित माल के विनियोजन हेतु आवश्यक तत्व बताइये। (6)
- (b) X, Y तथा Z एक साझेदारी फर्म में साझेदार हैं। वे पिछले कई वर्षों से अपना व्यवसाय सफलतापूर्वक संचालित कर रहे हैं। X तथा Y की पत्नियों का महिला क्लब में व्यक्तिगत मुद्दे पर झगडा हो गया तथा X की पत्नी अत्यधिक घायल हो गई। X इस घटना से नाराज हो गया तथा उसने Z को Y को साझेदारी फर्म से निकालने हेतु राजी कर लिया। X तथा Z द्वारा बिना किसी सूचना के Y को निष्कासित कर दिया गया। भारतीय साझेदारी अधिनियम, 1932, के प्रावधानों के अन्तर्गत बताइये कि क्या वे एक साझेदार को फर्म से निष्कासित कर सकते हैं? ऐसी स्थितियों में सद्भावना की जाँच के क्या मापदण्ड हैं? (6)
5. (a) मिस्टर D ने मिस्टर E को कुछ माल 5,00,000 रुपये में 15 दिन की उधार पर बेचा। मिस्टर D ने माल की सुर्पुदगी दे दी। भुगतान देय होने पर मिस्टर E ने इसके भुगतान से मना कर दिया। वस्तु विक्रय अधिनियम, 1930, के अन्तर्गत मिस्टर D की स्थिति तथा उनके अधिकार बताइये। (6)
- (b) एकल व्यक्ति कम्पनी की परिभाषा दीजिये तथा इसकी सदस्यता सम्बन्धी प्रावधान बताइये। क्या यह धारा 8 के अन्तर्गत गैर लाभवाली कम्पनी अथवा निजी कम्पनी में परिवर्तित की जा सकती है? (6)
6. (a) कपट की परिभाषा दीजिये। क्या भारतीय अनुबंध अधिनियम, 1872, के अन्तर्गत "मौन रहना कपट माना जाता है"?। (5)
- (b) साझेदारी का अकाट्य प्रमाण क्या है? वे स्थितियाँ बताइये जिनमें दो या अधिक पक्षकारों के मध्य साझेदारी नहीं मानी जायेगी। (4)
- (c) कम्पनी अधिनियम, 2013, के अन्तर्गत आन्तरिक प्रबंध के सिद्धांत की सिमितताएँ बताइये। (3)

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**SECTION B — (40 Marks)**

Question No.7 is compulsory.

Answer any **THREE** questions from the remaining **FOUR** questions.

**All candidates (including those who have opted for Hindi Medium) are required to answer the questions in Section B, in English only.**

In case, any candidate answers extra question(s)/sub-question(s) over and above the required number, then only the requisite number of questions first answered in the answer book shall be valued and subsequent extra question(s) answered shall be ignored.

7. (a) Read the passage carefully and answer the questions given below :

A life of action and danger moderates the dread of death. It not only gives us fortitude to bear pain, but teaches us at every step the precarious tenure on which we hold our present being. Sedentary and studious men are the most apprehensive on this score. Dr. Johnson was an instance in point. A few years seemed to him soon over, compared with those sweeping contemplations on time and infinity with which he had been used to pose himself. In the still life of a man of letters there was no obvious reason for a change. He might sit in an arm chair and pour out cups of tea to all eternity would it had been possible for him to do so. The most rational cure after all for the inordinate fear of death is to set a just value on life. If we mere wish to continue on the scene to indulge our head-strong humour and tormenting passions, we had better be gone at once; and if we only cherish a fondness for existence according to the good we desire from it, the pang we feel at parting it will not be very server.

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|--|-----------|
| (i) What type of people are afraid of death and Why?             | (1 Mark)  |
| (ii) How can we get rid of fear of death?                        | (1 Mark)  |
| (iii) What idea do you form about Dr. Johnson from this passage? | (1 Mark)  |
| (iv) Write Summary of the Passage.                               | (2 Marks) |

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(b) Read the passage :

- (i) Make Notes, using headings, sub headings, and abbreviations whenever necessary. (3 Marks)
- (ii) Write Summary. (2 Marks)

(I) Anything printed and bound in a book size can be called a book, but the quality or mind distinguishes the value of it.

What is a book? This is how Anatole France describes it: "A series of little printed signs essentially only that. It is for the reader to supply himself the forms and colors and sentiments to which these signs correspond. It will depend on him whether the book be dull or brilliant, hot with passion or cold as ice. Or if you prefer to put it otherwise each word in a book is a magic finger that sets a fibre of our brain vibrating like a hard string and so evokes a note from the sounding board of our soul. No matter how skilful, how inspired the artist's hand, the sound it makes depends on the quality of the strings within ourselves".

Until recently books were the preserve of a small section —the urban upper classes. Some, even today, make it a point to call themselves intellectuals. It would be a pity if books were meant only for intellectuals and not for housewives, farmers, factory workers, artisans and , so on.

In India there are first generation learners, whose parents might have been illiterate. This poses special challenges to our authors and to those who are entrusted with the task of disseminating knowledge. We need much more research in the use of language and the development of techniques by which knowledge can be transferred to these people without transmission loss: Publishers should initiate campaigns to persuade people that a good book makes a beautiful present and that reading a good book can be the most relaxing as well as absorbing of pastimes. We should aim at books of quality no less than at quantitative expansion in production and sale. Unless one is constantly exposed to the best, one cannot develop a taste for the good.

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8. (a) Define visual communication. (2 Marks)

(b) (i) Choose the word which best expresses the meaning of the given word : (1 Mark)

**Perpetual**

- |              |                |
|--------------|----------------|
| (1) General  | (2) Emotional  |
| (3) Stubborn | (4) Continuous |

(ii) Select a suitable antonym for the word given in question : (1 Mark)

**Disparage**

- |              |              |
|--------------|--------------|
| (1) Eulogise | (2) Belittle |
| (3) Alert    | (4) Defame   |

(iii) Change the following sentence to indirect speech :

The policeman said to the stranger who are you. (1 Mark)

(c) Write a précis and give appropriate title to the passage given below :

Teaching is the noblest of professions. A teacher has a sacred duty to perform. It is he on whom rests the responsibility of moulding the character of young children. Apart from developing their intellect, he can inculcate in them qualities of good citizenship, remaining neat and clean, talking decently and sitting properly. These virtues are not easy to be imbibed. Only he who himself leads a life of simplicity, purity and rigid discipline can successfully cultivate these habits in his pupils. Besides a teacher always remain young. He may grow old in age, but not in spite. Perpetual contact with budding youths keeps him happy and cheerful. These are moments when domestic worries weigh heavily on his mind, but the delightful company of innocent children makes him overcome his transient moods of despair. (5 Marks)

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(10)

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9. (a) Write any four barriers to effective communication? (2 Marks)

(b) Choose the word which best expresses the meaning of the given word :

(i) **Despot**

(1) Tyrant

(2) Storage

(3) Hot meal

(4) Against

(1 Mark)

(ii) **Illicit**

(1) Storage

(2) Emotional

(3) Unlawful

(4) Grand

(1 Mark)

(iii) Change the following sentence into indirect speech :

The Shopkeeper says, "prices are shooting up alarmingly."

(1 Mark)

(c) Write circular addressing to the employees regarding office timings. (5 Marks)

10. (a) (i) What are the characteristics of effective communication? (2 Marks)

**OR**

(ii) What is diagonal communication? (2 Marks)

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- (b) (i) Complete the expression by supplying a suitable preposition or adverb particle. Choose your answer from the options given in brackets.

We will take \_\_\_\_\_ this issue when we meet next week. (1 Mark)  
(up/on/over)

- (ii) Rewrite the following sentence in Passive Voice (1 Mark)

The customer should receive the delivery by Friday.

- (iii) Rewrite the following sentence in Active Voice. (1 Mark)

He will be given a ticket for over speeding by the police officer.

- (c) Write an article of about 250 words on the topic "Global warming". (5 Marks)

11. (a) What are the main steps in the process of communication? (2 Marks)

- (b) Select the correct meaning of idioms / phrases given below :

- (i) Storm in tea cup (1 Mark)

(1) Crave for something

(2) Drink tea often

(3) Get into quarrel

(4) Making a big issue out of a small thing.

- (ii) To grease the palm (1 Mark)

(1) Treat suffer

(2) To offer bribe

(3) To swim in deep sea

(4) To be in deep thought.

- (iii) Rewrite the following sentences in the active voice : (1 Mark)

The entire district was destroyed by cyclone.

- (c) Write a memo letter informing the employees of all branches about the suspension order of Mr.Z, cashier, on charge of misappropriation of fund of the same office. (5 Marks)

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