

Q7. The term ‘Contributory’ is defined under:

a. Section 2 (24) of The Companies Act, 2013

c. Section 2(26) of The Companies Act, 2013

b. Section 2(25) of The Companies Act, 2013

d. Section 2(27) of The Companies Act, 2013

Q8. Whether the shareholder who has no beneficial interest can be appointed as ‘Debenture Trustee’? **YES/NO**

Q9. State with reference to the provisions of Companies Act, 2013, whether you will take into account the following for the purpose of working out the limits up to which investments can be made by a public company: **(1x2= 2 Marks)**

a. Amount invested in debenture of a company in the same group. **Yes/No**

b. Amount invested in shares of a subsidiary company for the purpose of additional investment in the same subsidiary company as well as investment in other companies. **Yes/No**

Section B

Q10. Distinguish between ‘winding up’ and ‘dissolution.’ **[5 Marks]**

Q11. Who can be a company liquidator as per the latest amendment in the Companies Act, 2013? What are the duties of company liquidators? **[5 Marks]**

Q12. Define ‘foreign company’ as per Companies Act, 2013. What are the modes available to a foreign company to operate business in India? **[10 Marks]**

Section C

[10x2=20 Marks]

Q13. “*Corporate crime is the conduct of a corporation or of its employees acting on behalf of the corporation, which is prescribed and punished by law.*” Analyze the statement in context of present status of criminal liability of a corporation in India.

Q14. “*Progress is impossible without change*” Do you agree with the statement of George Bernad Shaw in context of the Insolvency and Bankruptcy Code, 2016? Analyze the procedure laid down for resolution of corporate insolvency provided under IBC, 2016.

Section D

Q15. **Puja Ltd. Co.** borrowed Rs. 100 Crores from Mr. Raman, without the authority conferred on it by the Articles of Association. Later, the money borrowed by the Puja

Ltd. Co. was used by its Board of Directors to pay the lawful debts of the company. In this scenario what will be your advice to Mr. Raman i.e. the lender for recovery of his money. **[5 Marks]**

Q16. ABC Ltd. realized on 3rd May 2018 that particulars of a charge created on 1 July 2017 in favour of a bank were not filed with the ROC for registration. What procedure the company should follow to get the charges registered with the ROC. **[5 Marks]**

Q17. Examine with reference to the provisions of Companies Act 2013: **[5x4= 20 Marks]**

- a. Whether winding up can be ordered by the Tribunal in case the Board of Directors of the Company decides to discontinue one of its business.
- b. Mahesh is the creditor of an unlimited company and the company is wound up. Mahesh therefore, wants to file an application before the Tribunal. Whether the tribunal will admit the petition under section 271.
- c. State the grounds on which Registrar of Companies can file a petition for winding up of a company.
- d. Can the tribunal entertain a petition for winding up of an illegal association.

Q18. Referring to the provisions of the Companies Act, 2013, as contained in Section 241 of the Act, Examine whether the following acts of the Company amounts to oppression: **[5x2= 10 Marks]**

- a. Allotment of shares by Directors of the company by which the existing majority is reduced in minority
- b. Allotment of shares by the Directors by which the existing minority shareholder are made to majority.

Q19. Examine in the light of the provisions of the Companies Act, 2013 whether the following companies can be considered as “Foreign Companies”:- **[2.5x4= 10 Marks]**

- a. A company incorporated outside India has a representative in India, who on behalf of the company merely receives orders from the customers.
- b. Company incorporated outside India holds its board meetings and general meetings in India.
- c. A company incorporated in India but all the shares are held by foreigners.
- d. A company which is incorporated outside India employs agents in India but has no place of business in India.