


Name:			
Enrolment No:			
<b>UNIVERSITY OF PETROLEUM AND ENERGY STUDIES</b> <b>End Semester Examination, May,2019</b> <b>Course: Banking and Negotiable Instruments Law</b> <b>Semester: VI CC:LLBL444</b> <b>Programme: B.B.A.,LLB Sz CL;BFIT/IL, B.A.,LL.B Sz EL;CII, Bcom.LL.BSz TL</b> <b>Time: 03 hrs. Max. Marks: 100</b> <b>Instructions:</b>			
<b>SECTION A</b>			
S. No.		Marks	CO
1	Write short notes on following (Attempt all questions)		
a.	RBI as a note issuing authority	5	CO1
b.	Garnishee Order	5	CO3
<b>SECTION B</b>			
Q	Descriptive Questions (Attempt all questions)		
2	Reserve Bank of India is the apex bank of the country, which regulates the banking system of our country. <b>Describe the powers of RBI as given under Banking Regulation Act, 1949. Also Illustrate the difference between regulation of public and private sector banks.</b>	10	CO2
3	Write a critical note on R.C.Cooper vs. Union of India, 1970 AIR 564	10	CO2
<b>SECTION-C</b>			
	Analytical Questions (Attempt all questions)		
4	In the light of recent controversy between RBI and Governor, Critically analyze the Independence and Autonomy of RBI in India.	10	CO3
5	A made a cheque in favour of B on 10 <sup>th</sup> Jan 2019 drawn on his account maintained at SBI, Lakshmi Nagar, New Delhi to pay tuition fee of his child. B deposited the cheque at SBI Bank, Prem Nagar Dehradun on 8 <sup>th</sup> April 2019. The Bank returned the cheque unpaid due to insufficiency of funds on 17 <sup>th</sup> April 2019. Discuss remedies available to B. What are the actions required on part of B before he can get those remedies enforced? In case any action lies, against A which court would have the jurisdiction over such action?	10	CO3
<b>SECTION-D</b>			

	Application based questions (Attempt all questions)		
6	<p>A gave a cheque to B for Rs. 1, 00,000/- drawn on PNB Bank. When the cheque was presented for payment, it was returned with an endorsement by the bank” insufficient funds”. In fact, the bank official did not see the account of A correctly and committed a mistake. The Bank official wrongly dishonored the cheque.</p> <p>A. What are the various remedies available to ‘A’ against the Punjab National Bank? Is A, a Consumer, as per Consumer Protection Act.,1986</p> <p>B. Who is a Banking Ombudsman? Discuss the banking ombudsman scheme.</p>	15	CO4
7	<p>A, a sole trader, has a current account with SBI Bank with an outstanding balance (Debit Balance) of Rs 25000.</p> <p>He also holds a joint account with his son in the same bank with a credit balance (deposit) of Rs 2000 and the business account, for which he is the sole proprietor, in which the credit balance is Rs 12000.Mr. A has safe deposit locker in the bank. He had also left some shares with the bank of the approximate value of Rs 5000 with instruction to sell them at or above a fixed price. The shares are still lying unsold with the bank.</p> <p><b>Explain the different types of Banker-Customer Relation</b>  <b>Consider the recourse, which the bank can have on the balances and securities as detailed above for settlement of its dues in his current account.</b></p>	15	CO4
8	<p>ABC Pvt. Ltd took a loan of Rs.20, 00,000 from Syndicate Bank for the purpose of Business Expansion. The loan was taken against the mortgage of immovable property of the company. Due to continuous defaults in the repayment, his account was declared as a non-performing asset.</p> <p>What is a Non-performing Asset?</p> <p>Discuss the various remedies available to Syndicate Bank for recovery of Debt? Which is the most appropriate resort amongst the available remedies.</p>	20	CO4

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**End Semester Examination, May,2019**

**Course: Banking and Negotiable Instrument Law(Open Elect)**

**Semester: VI CC:LLBL444**

**Programme: B.B.A.,LLB Sz CL;BFIT/IL, B.A.,LL.B Sz EL;CII, Bcom.LL.BSz TL**

**Time: 03 hrs.**

**Max. Marks: 100**

**Instructions:**

**SECTION A**

S. No.		Marks	CO
Q 1	Write short notes on following (Attempt all questions)		
A.	NPA	5	CO1
B	Relationship of Trust	5	CO1

**SECTION B**

	Descriptive Questions (Attempt all questions)		
2	Describe the right of Banker's Lien. What are the exception to this right? Explain in the light of different types of banker customer relation.	10	CO2
3	Discuss the famous case of Bank Nationalization in India. Describe various contentions put forth by both the parties.	10	CO1

**SECTION-C**

	Analytical question (Attempt all questions)		
4	A gave a cheque to B for Rs. 1, 00,000/- drawn on PNB Bank. When the cheque was presented for payment, it was returned with an endorsement by the bank" insufficient funds". In fact, the bank official did not see the account of A correctly and committed a mistake. The Bank official wrongly dishonored the cheque.  A. What are the various remedies available to 'A' against the bank Punjab National Bank? Is A, a Consumer, as per Consumer Protection Act.,1986 B. Who is a Banking Ombudsman? Discuss the banking ombudsman scheme.	10	CO3
5	Governance of Banks in India is not ownership neutral. Critically analyse this statement.	10	CO3

**SECTION-D**

	Application based questions (Attempt all questions)		
6	A, a business man was sued by B, one of his business associates, in reference to breach of a supply contract. On the final date of passing the order in the case, the judge decided the case in favour of B and thus A being judgment debtor had to pay an amount of Rs 50,000/- under the court's order.	15	CO4

	<p>During the execution proceedings A, while disclosing his assets showed that he has become bankrupt and does not have any property or asset in his hands other than a bank account with XYZ Bank.</p> <p>The judge on hearing so passed a garnishee order against the bank.</p> <p>On scrutinizing the bank account of A, the bank has found that A has an amount of Rs 60,000/- in a saving account and an overdraft of Rs 50,000/- in a current account.</p> <ol style="list-style-type: none"> <li>1. What do you mean by a garnishee order?</li> <li>2. How will the bank proceed in such a situation?</li> </ol>		
7	<p>A made a cheque in favour of B on 10<sup>th</sup> Jan 2019 drawn on his account maintained at SBI, Lakshmi Nagar, New Delhi to pay tuition fee of his child. B deposited the cheque at SBI Bank, Prem Nagar Dehradun on 8<sup>th</sup> April 2019. The Bank returned the cheque unpaid due to insufficiency of funds on 17<sup>th</sup> April 2019. Discuss remedies available to B. What are the actions required on part of B before he can get those remedies enforced? In case any action lies, against A which court would have the jurisdiction over such action?</p>	15	CO4
8	<p>Suresh took a loan of Rs.20, 00,000 from United Bank of Dehradun for expanding his business. He mortgaged his house to the bank as a security against the Loan.</p> <p>Suresh continuously defaults in the repayment and United Bank declares his account as a non-performing asset.</p> <p>What is the most appropriate resort available to United Bank of Dehradun for recovery of Debt? Discuss in the light of various statutory remedies available for recovery of NPA.</p>	20	CO4