

ECIPL MOST IMP Q. BANK

DECEMBER 2025 EXAM - ALL THESE QUESTIONS ARE FROM THE PAST YEAR QUESTION PAPERS 2023-2025

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PART I: ECONOMIC, BUSINESS & COMMERCIAL LAWS

Chapter 1: Law relating to Foreign Exchange Management (FEMA, 1999)

1. (2:2024:EBCL) Enumerate the functions of Reserve Bank of India. Among them, explain the banking functions of Reserve Bank of India.
2. (1:2024:EBCL) Discuss the 'Public Debt Functions' of the Reserve Bank of India as per Reserve Bank of India Act, 1934.
3. (2:2023:EBCL) Discuss the provision of RBI related to constitution of "Monetary Policy Committee" under the Reserve Bank of India Act, 1934.
4. (1:2023:EBCL) Elaborate briefly the pre-requisites for compounding process under Foreign Exchange Management Act (FEMA), 1999.
5. (1:2024:EBCL) Define the terms 'Foreign Exchange' and 'Foreign Security' under Foreign Exchange Management Act, 1999.
6. (2:2024:ECIPL) Explain and justify the following cases of 'Resident Individuals' under Foreign Exchange and Management Act, 1999: (i) Tushar Mehta wishes to remit a sum of USD 50,000 as gift to his daughter in France. Whether he can do so? (ii) Deepa, a young girl aged 22 years, wishes to go to Poland for a private visit and she wishes to obtain USD 2,75,000/- for her private visit. Can she obtain? (iii) Akanksha, a software engineer is going for an employment in Budapest, requires a sum of USD 99,000 for her settlement abroad. Does she require prior approval of Reserve Bank of India? (iv) Sandeep Sharma VP in a Domestic Indian company is going to visit the company plant location in New York for 30 days. He estimated a sum of USD 3,00,000 as expenditure. This is his first visit during the FY 2024-2025. Can he do so? (v) Parents of General Manager Sushant Agarwal from Delhi, is residing in Germany. He seeks your consultancy in sending a sum of USD 2,02,500 to his parents for their maintenance?
7. (2:2023:EBCL) Whether following remittances by Resident Individuals need prior approval of Reserve Bank of India : (i) Geeta gifts to her sister in New York USD 2,45,000. (ii) Manav spends USD 3,50,000 as fees for an Academic Course in New Zealand. (iii) Ishan spends USD 1,75,000 on European Tour. (iv) Ashima is going to Australia for Emigration and she wants to draw USD 2,75,000.
8. (1:2024:EBCL) Which remittances by persons other than individuals require prior approval of the Reserve Bank of India under the Foreign Exchange Management Act, 1999?
9. (2:2024:EBCL) Explain the "Manner of Repatriation" of Foreign Exchange as per the Foreign Exchange Management Act, 1999.
10. (2:2024:ECIPL) Vinesh is a person resident outside India. He wishes to acquire the Immovable property in India for carrying on a permitted activity. Explain whether Vinesh can do so under Section 6(5) of the Foreign Exchange and Management Act, 1999?
11. (2:2024:EBCL) Why was Foreign Exchange Management Act, 1999 enacted? What are the key aspects dealt under the Foreign Exchange Management Act?

Chapter 2: Foreign Direct Investments – Regulations & Policy

1. (1:2024:EBCL) Which are the sectors in which Foreign Direct Investment (FDI) is prohibited as per Foreign Direct Investment-Regulation & Policy.
2. (2:2023:EBCL) List the instruments included as Non-Debt instruments under Foreign Direct Investment-Regulation and Policy.
3. (1:2023:EBCL) Define the following terms as stated under Foreign Exchange Management Act, 1999 : (a) Automatic Route (b) Government Route (c) Foreign Portfolio Investment (d) Foreign Portfolio Investor.
4. (2:2024:EBCL) What are the documents required for sale of shares by a ‘Person Resident outside India’ to a ‘Person Resident in India’ as per the Foreign Direct Investment—Regulation and Policy?
5. (1:2025:ECIPL) Indian Satellite & Technology Pvt. Ltd. is an Indian start-up that has recently developed advanced Satellite technology. A major Aerospace company from Russia is interested in investing in it. Explain the Entry Routes for investment and compliance to receive the investment under the Foreign Direct Investment-Regulation and Policy.
6. (1:2025:ECIPL) Sky Heights Aviation Limited wants to enter the Civil Aviation Sector by constructing airports and developing air transport services in India and abroad. Some International Aviation Companies are interested in investing in it. Explain the Entry Routes for investment and the permissible percentage to receive such investment under the Foreign Direct Investment Regulation & Policy.
7. (2:2023:EBCL) State the guidelines for FDI in Pension Sector along with Entry Route and percentage of Equity/FDI under Foreign Direct Investment—Regulation and Policy.
8. (2:2023:EBCL) What are entry routes of Foreign Direct Investment in India under Foreign Direct Investment—Regulation and Policy?
9. (1:2024:EBCL) What is meant by Project office under Foreign Direct Investment - Regulation & Policy (FDI)? What are the parameters of Project office?
10. (2:2024:EBCL) Under what circumstances can Banks remit winding up proceeds of Companies under liquidation as per Foreign Direct Investment—Regulation and Policy?
11. (1:2024:ECIPL) What are the conditions for foreign investment in Limited Liability Partnerships (LLPs)?

Chapter 3: Overseas Direct Investment (ODI)

1. (1:2023:EBCL) Discuss the terms and conditions for overseas direct investment by a proprietorship concern/unregistered partnership firm in India.
2. (1:2023:EBCL) What do you mean by “Financial Commitment” and “Indian Party” under Overseas Direct Investment?
3. (2:2024:EBCL) State the permissible sources for funding Overseas Direct Investment.
4. (2:2024:EBCL) What is the ‘Mode of Payment’ by a person resident in India for making Overseas Direct Investment as per Foreign Exchange Management (Overseas Investment) Rules, 2022?
5. (2:2023:EBCL) Can an Indian Trust or Society make overseas direct investment? What are the eligibility criteria for an Indian Trust or Society for making Overseas Direct Investment under the Foreign Exchange Management (Overseas Investment) Regulations, 2022?
6. (2:2023:ECIPL) Chandu intends to make overseas direct investment with a view to earning a return. Since Chandu is looking at either real estate or lottery, you are required to state the restriction or prohibitions in context of ODI.
7. (1:2024:EBCL) Which additional conditions are to be fulfilled by an Indian company ‘making investment in Joint Ventures (JV)/Wholly Owned Subsidiaries (WOS) abroad in the financial services sector’ as per Overseas Direct Investment?

8. (1:2025:ECIPL) Swarna Charitable Trust registered on 21.12.2023 engaged in the Educational Sector filed an Application with the RBI seeking approval to invest US\$ in a foreign entity in Australia on 10.2.2025. Examine whether the Trust is likely to receive approval from the RBI for making such an investment. Support your answer with reasons. Also explain the conditions for making Overseas Direct Investment for such a Trust in a Foreign Entity.
9. (1:2024:ECIPL) What is meant by Overseas Direct Investment (ODI) and Overseas Portfolio Investment (OPI) under Overseas Direct Investment?

Chapter 4: External Commercial Borrowings (ECB)

1. (2:2024:EBCL) Explain the following with reference to External Commercial Borrowing (ECB) : (I) Change of currency of borrowing (II) Limit and Leverage.
2. (1:2023:EBCL) In which manner External Commercial Borrowings (ECB) proceeds are permitted to be parked abroad as well as domestically?
3. (1:2024:EBCL) Explain the procedure for raising External Commercial Borrowings (ECB).
4. (2:2024:ECIPL) VVR. Murthy, an Industrialist, wishes to take External Commercial Borrowings from Norway for the purpose of Repayment of Rupee Loan in India. Can he do so? Give the end-uses (Negative List) under the External Commercial Borrowings (ECB).
5. (1:2025:ECIPL) Export & Import Bank of India wants to receive Foreign Direct Investment (FDI) and further raise funds for its trade activities from Japan. State the procedure for raising External Commercial Borrowings (ECB).
6. (2:2023:EBCL) "The entities raising External Commercial Borrowings (ECB) are required to follow the guidelines for hedging issued, if any, by the concerned sectoral or prudential regulator in respect of foreign currency exposure." Discuss these guidelines.

Chapter 5: Foreign Trade Policy & Procedure

1. (2:2023:EBCL) Explain the coverage of Export Promotion of Capital Goods (EPCG) Scheme in Foreign Trade Policy, 2023.
2. (2:2024:EBCL) Explain the composition of 'Committee on Quality Complaints and Trade Disputes' (CQCTD) under the India's Foreign Trade Policy and Procedure.
3. (1:2024:EBCL) Define the term 'Services' and 'Service Provider' under Foreign Trade Policy and Procedure.
4. (1:2023:EBCL) Explain any four provisions related to eligibility of service providers under Service Exports from India Scheme (SEIS) as per Foreign Trade Policy and Procedure.
5. (1:2024:EBCL) Explain the 'Principles of Restrictions' under Foreign Trade Policy and Procedure.
6. (1:2023:EBCL) What mandatory documents are required to be submitted for export and import of goods from/into India?
7. (2:2024:EBCL) What are the privileges of status holder under the Foreign Trade Policy and Procedure?
8. (2:2024:ECIPL) Who is status holder under the Foreign Trade Policy and Procedure of India enumerated as per Foreign Trade Policy.
9. (2:2024:ECIPL) What is the meaning of "Deemed Exports" for the purpose of Foreign Trade Policy (FTP) and Goods and Service Tax (GST). What are the benefits for Deemed Exports?
10. (1:2025:ECIPL) State the objectives of the National Committee on Trade Facilitation (NCTF). How does the National Trade Facilitation Action Plan aim to achieve these objectives under the Foreign Trade Policy, 2023?
11. (2:2024:ECIPL) What are the Key highlights of Foreign Trade Policy, 2023?

Chapter 6: Law relating to Special Economic Zones (SEZ Act, 2005)

1. (1:2023:EBCL) Explain the provisions with regard to setting up of unit under Section 15 of the Special Economic Zones Act, 2005.
2. (2:2024:EBCL) What is a Special Economic Zone ? What are the guidelines for notifying Special Economic Zone?
3. (1:2024:EBCL) Discuss the Functions of 'Development Commissioner' under the Special Economic Zones Act, 2005.
4. (2:2023:EBCL) What are the duties, powers and functions of "Board of Approval" regarding orderly development of Special Economic Zones under Special Economic Zones Act, 2005?
5. (1:2024:ECIPL) XYZ Ltd. has been granted approval by the Board of Approval for foreign collaborations and foreign direct investments (including investments by a person resident outside India) in the Special Economic Zone for its development, operation and maintenance. XYZ Ltd. has persistently defaulted in complying with the directions of the Board. What action can be taken by the Board of Approval against XYZ Ltd. under Section 10 of the Special Economic Zones Act, 2005?
6. (2:2023:ECIPL) Analyse the powers of the Central Government to supersede the Special Economic Zone Authority under the Special Economic Zones Act, 2005. What will be the consequences of its implementation?
7. (2:2024:ECIPL) What are the guidelines for Notifying the Special Economic Zone under section 5 of Special Economic Zone Act 2005?
8. (1:2025:ECIPL) In what manner is the Special Economic Zone Authority constituted ? State the functions of the Special Economic Zone Authority under the Special Economic Zones Act, 2005.

Chapter 7: Law relating to Foreign Contribution Regulation (FCRA, 2010)

1. (2:2024:EBCL) Describe the modes through which a person can accept Foreign Contribution, under Section 4 of the Foreign Contribution (Regulation) Act, 2010.
2. (1:2024:EBCL) "Certain organizations/individuals are debarred from receiving foreign contributions". List these organizations/individuals as per Section 3(1) of the Foreign Contribution (Regulation) Act, 2010.
3. (1:2023:EBCL) Discuss the provisions where the Central Government may call for and examine any proceedings under the Foreign Contribution (Regulation) Act, 2010.
4. (2:2023:EBCL) When can the assets created out of Foreign Contribution be disposed of under Section 22 of the The Foreign Contribution (Regulation) Act, 2010.
5. (2:2023:EBCL) Discuss the salient features of Foreign Contribution (Regulation) Amendment Act, 2020.
6. (2:2023:ECIPL) Explain the provisions of section 5 of the Foreign Contribution (Regulation) Act, 2010 relating to procedure to notify on Organization of a political nature.
7. (2:2024:ECIPL) What is a 'Foreign Company' and what are the conditions for receiving Foreign Contribution by a Person Resident in India as per provisions of the Foreign Contribution (Regulation) Act, 2010.
8. (1:2024:ECIPL) Gama is resident in India and citizen of India. He is going to receive the foreign contribution from US. Explain the foreign contribution and conditions under which he can receive such foreign contribution under Foreign Contribution (Regulation) Act, 2010?
9. (1:2025:ECIPL) Under what circumstances can the Central Government cancel the certificate granted under Section 12 for receiving foreign contribution under the Foreign Contribution (Regulation) Act, 2010?
10. (2:2023:ECIPL) Amit, a director of a Public Limited Company was on a business trip to USA. Suddenly, he developed chest pain there and was provided medical treatment in a hospital, the funds for which were

provided by one John, a US national who happened to be his friend. Did Amit violate the provisions of the Foreign Contribution Regulation Act, 2010? Give reason.

Chapter 8: Prevention of Money Laundering (PMLA, 2002)

1. (2:2024:ECIPL) Ravinder is a public servant and a sum of ₹ 50 Lakhs was recovered from his car parked outside his house while he was sitting in his car with Uttam, a businessman who allegedly handed over this money to clear his Income Tax file pending with Ravinder. Explain whether this money can be regarded as 'Proceeds of Crime' under the Prevention of Money Laundering Act, 2002? What defense can Ravinder submit to prove that he is not guilty? Support your answer with relevant case law.
2. (1:2025:ECIPL) X was caught transferring funds through illegal export of opium from India to South Africa. State whether X has committed any offence under the Prevention of Money Laundering Act, 2002. Elucidate the punishment that may be imposed on X under the Act.
3. (1:2024:EBCL) Define Money Laundering under Section 3 of the Prevention of Money Laundering Act, 2002. What is the punishment for offence of money laundering under Section 4 of the Act?
4. (1:2023:EBCL) Explain in brief the role of the Financial Action Task Force (FATF) in the prevention of money laundering under The Prevention of Money Laundering Act, 2002?
5. (2:2024:ECIPL) What is meant by "Regulated Entities" (REs) under the Prevention of Money Laundering Act, 2002?
6. (2:2023:EBCL) What influence does money laundering have on economic development?
7. (2:2024:EBCL) What are the impacts of money laundering on economic development?

Chapter 9: Law relating to Fugitive Economic Offenders (FEOA, 2018)

1. (2:2023:ECIPL) Faizal is a fugitive economic offender and has left India to avoid legal proceedings against him. Discuss the provisions relating to power of civil/tribunal to disallow civil claims and attach his property.
2. (2:2024:ECIPL) Explain the Rules of Evidence and Standard of proof required by the Special Court under Fugitive Economic Offenders Act, 2018.
3. (1:2024:ECIPL) Discuss the power of survey by director under law relating to Fugitive Economic Offenders Act, 2018?

Chapter 10: Law relating to Benami Transactions & Prohibition

1. (2:2023:ECIPL) 'A', an individual by a transaction, purchased a house in the name of his wife. Consideration of transaction was paid by 'A' out of his known sources. Government seized the house claiming it to be a benami property. Decide. Whether the action of the Government is justified under the Prohibition of the Benami Transaction Act, 1988?
2. (2:2024:ECIPL) Elaborate the law and procedure in respect of confiscation and vesting of benami property under the Benami Transactions (Prohibition) Act, 1988.
3. (1:2023:EBCL) Discuss the provisions for the confiscation and vesting of benami property under the Benami Transactions (Prohibition) Act, 1988.
4. (2:2024:ECIPL) Explain the provisions of 'Offences by Companies' under Section 62 of the Benami Transactions (Prohibition) Act, 1988.
5. (1:2025:ECIPL) Explain the provisions relating to Special Courts constituted under Section 50 of the Prohibition of Benami Property Transactions Act, 1988.
6. (1:2024:EBCL) How the properties confiscated are managed as per Section 28 of the Benami Transactions (Prohibition) Act, 1988?

7. (1:2024:ECIPL) How is the Management of properties confiscated under the Law relating to Benami Transactions and Prohibition?
8. (2:2024:EBCL) State the provisions relating to 'Possession of property' for which the order of confiscation has been passed under the Benami Transactions (Prohibition) Act, 1988.

Chapter 11: Competition Law (Competition Act, 2002)

1. (2:2024:ECIPL) (a) What is the meaning of Exclusive Supply/Distribution Agreement? (b) What is an Anti-Competitive Agreement? (c) What is the purpose of appointing Director General under Section 16(1) of the Competition Act, 2002? (d) Whether the parties, including informant (JSPL) or the affected party (SAIL), are entitled to notice or hearing, as a matter of right, at the preliminary stage of formulating an opinion as to the existence of the prima facie case? (e) Explain the provisions of 'Inquiry into certain Agreements and Dominant Position of Enterprise' under Section 19(1) of the Competition Act, 2002. (f) Explain the provisions of "Procedure for inquiry into certain Agreements and Dominant Position of Enterprise" under Section 26 of the Competition Act, 2002.
2. (2:2023:ECIPL) Titto is seller of dental floss in the market where he holds monopoly as there are only handful sellers in this product line of dental care. The competitor accuses him of possessing dominant position and abusing the same. Explain the understanding of dominant position and abuse of the same.
3. (2:2023:ECIPL) Which orders may be issued by Competition Commission of India after inquiry into agreements or abuse of dominant position under Section 27 of the Competition Act, 2002?
4. (2:2024:EBCL) Explain 'tie-in agreement' and 'exclusive supply agreement' under the Competition Act, 2002.
5. (2:2024:EBCL) Discuss the factors to be considered by Competition Commission of India while determining whether an agreement has appreciable adverse effect on Competition?
6. (2:2024:EBCL) Explain the provision of appeal, filed against the order of the Appellate Tribunal, under the Competition Act, 2002.
7. (2:2024:EBCL) State the penalty provisions for failure to comply with directions of Competition Commission and Director General under Section 43 of the Competition Act, 2002.
8. (2:2024:EBCL) What is cartel? What are conditions conducive to cartel?
9. (2:2024:EBCL) Who is authorized to pass an order for division of an enterprise which is enjoying dominant position under the Competition Act, 2002? Explain the provisions with regard to division of enterprise enjoying dominant position.
10. (2:2024:EBCL) Explain the stages involved in the procedure for investigation of combination by the Competition Commission of India under Section 29 of the Competition Act, 2002.
11. (1:2024:EBCL) What is meant by 'Predatory Price' under the Competition Act, 2002?
12. (1:2024:EBCL) Discuss the provisions of 'Penalty for making false statement' under Section 44 of the Competition Act, 2002?
13. (1:2024:EBCL) State the duties of Competition Commission of India under Section 18 of the Competition Act, 2002.
14. (1:2024:EBCL) 'Bid rigging is Anti-Competitive'. Explain the above statement in the context of the Competition Act, 2002.
15. (1:2024:EBCL) Explain the provisions of Section 42A of the Competition Act, 2002 regarding Compensation in case of Contravention of orders of the Competition Commission of India.
16. (1:2024:EBCL) Discuss the duties of the Director General as per the Competition Act, 2002.
17. (1:2024:EBCL) Discuss the power of the Competition Commission of India to impose lesser penalty under the Competition Act, 2002.

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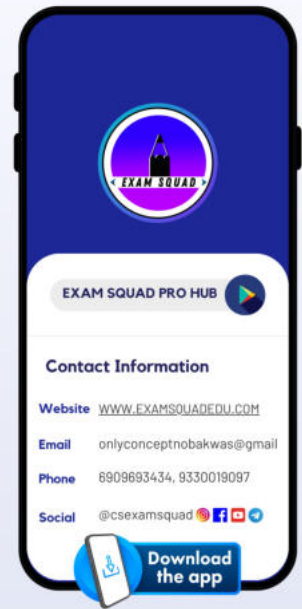
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18. (1:2023:EBCL) Under what circumstances the Central Government may remove the Chairperson or any member of the Competition Commission of India under the Competition Act, 2002?
19. (1:2023:EBCL) Discuss the provisions when the order passed by the Competition Commission of India may be rectified under the Competition Act, 2002.
20. (1:2023:EBCL) An Organization constituted by the owners of Cement Industries unanimously decided to raise the price of cement above competitive levels resulting in injury to the consumers and to the economy. But the decision taken by the organization was not in writing and also not intended to be enforced by legal proceedings. Discuss whether the decision taken by organization may be considered as an 'agreement' under the provisions of the Competition Act, 2002?
21. (1:2023:EBCL) Mention the most commonly adopted ways in which collusive bidding or bid rigging may occur.
22. (1:2023:EBCL) Explain the provisions regarding "Meetings of Commission" under Section 22 of The Competition Act, 2002.
23. (1:2023:EBCL) Explain the procedure which is being regulated by the Competition Commission of India under Section 36(2) while trying the suit under the provisions of the Competition Act, 2002.
24. (1:2023:EBCL) What are the orders that may be issued by the Competition Commission of India after inquiry into any agreement entered into by any enterprise or association of enterprises or any person or association of persons or an enquiry into abuse of dominant position under Section 27 of the Competition Act, 2002?
25. (2:2023:EBCL) Can Competition Commission of India during pendency of inquiry issue interim order? Discuss with relevant case laws.
26. (2:2023:EBCL) What is the basic purpose of Competition Law and Policy?
27. (2:2023:EBCL) Explain the concept of Competition Advocacy u/s 49 of the Competition Act, 2002.
28. (2:2023:EBCL) Explain the provisions relating to "Right to legal representation" in context of the Competition Act, 2002.
29. (2:2023:EBCL) The Competition Act, 2002 provides for the constitution of a fund called the "Competition Fund." Elaborate the given statement.
30. (2:2023:EBCL) Explain the provisions of appointment of "Director General" under the Competition Act, 2002.
31. (2:2023:EBCL) What factors are important to determine 'relevant geographic market' and 'relevant product market' under the Competition Act, 2002?
32. (1:2024:ECIPL) ABC Bearing Limited along with other four companies, who are the key Competitors in the market decided among themselves to revise the prices to be quoted to Original Equipment Manufacturers (OEMs). Discuss whether this act amounts to Cartelisation under the Competition Act, 2002?
33. (1:2025:ECIPL) State the factors that the Competition Commission of India should consider while determining whether a combination is likely to have an appreciable adverse effect on competition under the Competition Act, 2002.

Chapter 12: Law relating to Consumer Protection (CPA, 2019)

1. (2:2023:ECIPL) (i) Can Siya be treated as a consumer as she is not the person who purchased the laptop?
(ii) If this laptop was purchased through amazon, explain the duty of the e-commerce giant in case of grievance. (iii) Had a mediator been appointed to settle the issue, what is the procedure of mediation as given in provision.
2. (2:2023:ECIPL) Trilok purchased a tractor from Jahanvi Limited for tilling the land but he used it during idle time for transportation of agricultural produce on hire. Some defects were developed in the engine of

the tractor. He complained to Jahanvi Limited, but all in vain. Then he filed a suit in Consumer Dispute Redressal Forum for damages caused by the defects. Jahanvi Limited pleaded that Trilok is not a 'consumer' within the definition of section 2(i) (d) of the Consumer Protection Act, 1986, as he is using the tractor for commercial purposes. Whether Trilok will succeed in his case? Refer to relevant provision of Law in support of your answer with reference to case laws, if any?

3. (1:2024:ECIPL) (i) Define Recognised Consumer Association as per Consumer Protection Act, 2019? (ii) Whether Shardha Heights is a 'Recognised Consumer Association' as per Consumer Protection Act, 2019? Explain. (iii) What is the Manner of filing Complaint to District Consumer Disputes Redressal Commission under Section 35 of the Consumer Protection Act, 2019? (iv) Can complaint be filed before Consumer Commission online? Explain. (v) To whom an Appeal can be filed by Shardha Heights against the order of District Consumer Disputes Redressal Commission and what is limitation period for doing so? (vi) What are the restrictions on filing an appeal against the order of District Consumer Disputes Redressal Commission? (vii) State the constitution of the District Consumer Disputes Redressal Commission.
4. (2:2024:ECIPL) Lokesh was suffering from a serious ailment. He was admitted to a Well-Known private hospital in Gurugram. He was subjected to various tests. Even after diagnosis and subsequent treatment, his condition deteriorated. The doctor advised surgery during which Lokesh collapsed and died. Sushma his wife, preferred a claim for compensation of ₹ 50 lakhs under the Consumer Protection Act for deficiency in services. The hospital authority contented that medical profession was being unnecessarily hounded. Is the contention tenable? Refer the relevant case law as per the provisions of Consumer Protection Act, 2019.
5. (1:2025:ECIPL) (i) Who is a "consumer" under the Consumer Protection Act, 2019? Can Rajeev be considered a consumer in this case? (ii) Whether the false, misleading and deceptive advertisement may be treated as unfair trade practice? Explain in detail. (iii) Can the producer and its directors be penalized for issuing false or misleading advertisements under the Consumer Protection Act, 2019? (iv) When and to whom a case may be lodged against and be appealed against such order? (v) Distinguish between defect and deficiency under the Consumer Protection Act, 2019?
6. (2:2024:EBCL) Anurag purchased a bottling machine and appointed Anuj exclusively to operate the machine. Explain, whether Anurag is a consumer under Consumer Protection Act, 2019. If he purchases and operates the machine by himself, will he be considered as consumer.
7. (1:2023:EBCL) Ranu, hired a taxi car from his residence to airport as he and his family were going from Mumbai to Bengaluru. The taxi was in a poor condition and the driver had not adequate rest and drove rashly. Eventually, it went burst in the middle due to which Ranu and his family could not reach the airport in time to catch their flight. Decide whether Ranu may be treated as a 'consumer' under the Consumer Protection Act, 2019?
8. (2:2023:EBCL) In the light of Consumer Protection Act, 2019, highlight the concept of Product Liability Action and discuss the liability of the Product Manufacturer.
9. (2:2023:EBCL) Raichand & Sons supplied deficient pipes and fitting materials to Rakesh & Sons. Rakesh & Sons preferred an application before the State Commission, for which State Commission had awarded Rs. 1.5 Crore as compensation to be paid by Raichand & Sons to Rakesh & Sons. When the opposite party Raichand & Sons preferred an appeal to the National Commission, they were asked to pay 50 percent of the award money. Examine the validity of requirement of deposit for making appeal to National Consumer Dispute Redressal Commission under the Consumer Protection Act, 2019.
10. (2:2024:EBCL) Explain the liability of Product Service Provider under Section 85 of the Consumer Protection Act, 2019.
11. (1:2024:EBCL) Anya bought goods worth ₹ 5 lakh to be installed in her house in Delhi. There is a defect in the goods and she intends to make the complaint in the consumer forum. State the forum where she can

make the complaint and discuss its jurisdiction as per the Consumer Protection Act, 2019.

Chapter 13: Legal Metrology

1. (1:2024:ECIPL) Mukesh is a manufacturer of 'Jaggy Powder' and brings this product into the market in the pre-packaged form but the Retail price and Quantity has not been mentioned on the Packet. Is it an offence under the Legal Metrology Act, 2009? If yes, what are the penalties for this offence? Will your answer be different if Mukesh mentions the wrong quantity on pre-packaged 'Jaggy Powder'?
2. (2:2024:EBCL) State the penalty provisions for manufacturing or selling weight or measure, which does not conform to standards of weight/measure as specified under Section 27 of the Legal Metrology Act, 2009.
3. (1:2023:EBCL) What are the penalty provisions for vexatious search under the Legal Metrology Act, 2009?
4. (1:2024:EBCL) What is the penalty for use of non-standard weight or measure under Section 25 of the Legal Metrology Act, 2009?
5. (1:2025:ECIPL) What are the objectives of the OIML Certification System under the Legal Metrology Act, 2009?

Chapter 14: Real Estate Regulation and Development Law (RERA, 2016)

1. (2:2024:ECIPL) "Neev Builders" launched a luxury housing project, issued a prospectus and advertised that these spacious apartments would have scenic views and all the global amenities. Umesh was impressed by this advertisement and made advance payment to book an apartment. However, later discovered several significant disparities and amenities from the promises made in the advertisement. Umesh wants to withdraw from the project. Answer the following questions as per the provisions of Real Estate (Regulation and Development) Act, 2016 : (i) Explain the obligations of Neev Builders regarding veracity of the advertisement or prospectus. (ii) Can Umesh withdraw from the project?
2. (1:2024:ECIPL) Rajeev booked a Flat in a housing scheme named 'Alpha Tower' Launched by Alpha Pvt. Ltd. by paying the booking amount and executing the 'Buyer's Agreement'. As per the Buyer's Agreement, Flat was to be delivered with 3 years of the Agreement but the promoters of the Company failed to deliver the Flat even after 5 years. Rajeev wants to withdraw from the project and wants the refund of amount paid. Discuss as per the provisions of Real Estate Regulation and Development Law whether Rajeev can withdraw from the Project? What is the remedy available to Rajeev, if he does not wish to withdraw from the project?
3. (1:2025:ECIPL) A housing scheme project was launched by ABC Ltd. in 2015, which is still ongoing and has not received a completion certificate. On 1.5.2016, the Real Estate (Regulation and Development) Act, 2016 (RERA Act) came into force. ABC Ltd. now wants to register this project with the Real Estate Regulatory Authority under the RERA Act. Advise ABC Ltd. whether it can register this project. Also, state which projects are exempt from the ambit of the RERA Act.
4. (2:2024:EBCL) Define 'Internal Development works' and 'External Development works' under the Real Estate (Regulation and Development) Act, 2016.
5. (1:2024:EBCL) 'Company Secretaries are a one stop professional advisory services for Real Estate Projects'. Comment in the context of Real Estate (Regulation and Development) Act, 2016.
6. (1:2023:EBCL) Discuss the aims and advantages for which Real Estate (Regulation and Development) Act, 2016 (RERA) was enacted.
7. (1:2024:EBCL) Distinguish between 'Apartment' and 'Building' under Real Estate (Regulation and Development) Act, 2016.

PART II: INTELLECTUAL PROPERTY LAWS (6 Chapters)

Chapter 15: Intellectual Property Rights

1. (2:2023:ECIPL) What is meant by an Industrial property under the Intellectual Property Rights?
2. (2:2024:ECIPL) A food and beverage company wants to protect its unique recipe under Trade Secrets law. Can they do so? Explain the concept of 'Trade Secrets' with examples. State the duration and conditions for preservation of the trade secrets.
3. (1:2025:ECIPL) The main goals on which National Intellectual Property Right Policy has focused are mainly to encourage innovation, enhance the business climate and commercially utilize intellectual property. Comment.
4. (2:2024:ECIPL) What are main topics addressed by Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreements?

Chapter 16: Law relating to Patents (Patents Act, 1970)

1. (2:2023:ECIPL) X Pharmaceuticals Ltd., a renowned pharmaceutical company engaged in producing new pharmaceutical drugs have developed a new drug applying the process of making, combining drugs of a chemical materials and a micro-organism. X Pharmaceuticals Ltd. had patented this new innovative process to the Appropriate authority and got its patent registered. Whereas Y Instra Lab Pvt. Ltd. engaged in producing pharma drugs developed a drug of a combination of drug of penicillin and lactobacilli following the same process as X Pharmaceuticals Ltd. used in producing its drugs and already entered the market with their combination of drug product for quite a few months. X Pharmaceuticals Ltd., claimed that they have developed the process of manufacturing their drugs after years of research and development as also claimed that they have evolved a new process in producing the same drug with a new process hitherto unknown to the Pharmaceutical word. X Pharmaceuticals Ltd. filed a suit against Y Instra Lab Pvt. Ltd for seeking expert ad interim injunction restraining Y Instra Lab Pvt. Ltd. from using the said process for its products and marketing them. In light of the above, answer the following questions : (i) Is the process developed by X Pharmaceuticals Ltd., is new and innovative? (ii) Identify from the above case study as to whether the process adopted by X Pharmaceuticals Ltd., have been patented or 'combination of drug' have been patented? (iii) Can the process developed by X Pharmaceuticals Ltd., be used by Y Instra Lab Pvt. Ltd. in producing its combination of drug? (iv) Can X Pharmaceuticals Ltd., restrain Y Instra Lab Pvt. Ltd. from using the process of combination of drug? (v) What relief/award/order can be provided for X Pharmaceuticals Ltd. in this instant case.
2. (2:2023:ECIPL) You have recently been appointed as Company Secretary of the Ever Innovative Limited. Your Company receives a notice from the controller of patent that the application filled by your company for the grant of a patent of a new machine was deemed to have been abandoned. How you propose to deal with the matter?
3. (1:2025:ECIPL) (i) What is meant by Patent, and what can be patented? (ii) When mere discovery of a new form of a known substance will not to be treated as new invention under section 3(d) of the Patent Act, 1970? (iii) What are the rights of patentee under the Patent Act, 1970? (iv) Are the patentability criteria under Section 3(d) in accordance with international standards? (v) Will Universal Drugs and Pharma Ltd. succeed in its arguments as per the provisions of the Patents Act, 1970?
4. (1:2025:ECIPL) Rajat, the proprietor of RC Associates, filed an application for a patent with the Controller for his new invention of a "Smart Watch." However, the Controller is of the opinion that the invention cannot be performed without a substantial risk of infringement of a claim of another existing patent. What directions may the Controller issue to Rajat under Section 19 of the Patents Act, 1970?

5. (1:2024:ECIPL) Consider the above statements, answer the questions : (i) What are the criteria for patenting the invention? (ii) Are mathematical or business methods, computer programs per se, or algorithms patentable? Explain. (iii) What can be Patented? (iv) State any two advantages of patent. (v) Ramchand invented a medicine and was about to apply for a patent. However, he passed away before applying. Can his legal representative apply for the patent?
6. (1:2024:ECIPL) Amit, an Indian Resident, wants to make an application outside India for the grant of a patent for an invention. Explain whether he can apply outside India as provisions of the Patents Act, 1970? What will be your answer if the invention is relevant for defence purpose?
7. (2:2024:ECIPL) Ravi holds Patents for a specific design of tamper-proof locks sold under the trade mark "Tech-Lock". He sought an injunction against Sumit for infringement of his patented invention and restrain claiming a patent of addition. Sumit contends that patent of addition does not disclose the innovative step. (i) State the rules relating to "Patent of Addition" as per Section 54 of the Patent Act, 1970. (ii) State with support of case law whether the application by Ravi can be rejected on the ground of innovative step?
8. (2:2024:ECIPL) Write short notes on the following with regard to the Patents Act, 1970 : • Compulsory Licences • Patent Agent.
9. (2:2023:ECIPL) An application for registration of patents is filled with provisional specification indicating the subject matter to which the invention relates. State the contents of specification.
10. (1:2025:ECIPL) How a Patent Specification is prepared ? When is an Application for patent published as per the Patent Act, 1970?

Chapter 17: Law relating to Trade Marks (Trade Marks Act, 1999)

1. (2:2024:ECIPL) In view of the above case, answer the following questions with support of relevant provisions of the Trade Marks Act, 1999 : (i) Is there an infringement of the trade mark "Energize-52" by the new competitor? (ii) What defences can be pleaded by "Energize-T"? (iii) What defences can be raised by "Energize-52" to prove the distinctiveness of its trade mark? (iv) What are the relative grounds for refusal of trade mark registration? (v) What orders can the Court pass against the competitor's use of the trade mark "Energize-T"?
2. (2:2024:ECIPL) 'EcoSustain World' is a multinational corporation with a registered well-known Trade Mark protected across different categories of goods and services and a strong global brand reputation. A new Indian company started using a deceptively similar Trade Mark. Can 'EcoSustain World' protect its trade mark in India? (i) Explain with an example the significance of a well-known trade mark as per provisions of the Trade Marks Act, 1999. (ii) Why Registrar will protect 'EcoSustain World'?
3. (1:2025:ECIPL) ABC Ltd., incorporated in 1996 deals in Plywood under the Trade Names 'UNIPLY'. It came to know in 1999 that XYZ Ltd. is also using the Name 'UNIPLY'. ABC Ltd. filed a suit against the XYZ Ltd. along with an application for a Temporary Injunction. The Court granted an ex-parte temporary injunction to the Appellant. In turn, XYZ Ltd. also filed appeal against ABC Ltd. claiming that it was incorporated in 1993 and they have been carrying business under the Name of 'UNIPLY' since 1993. XYZ Ltd. claimed the prior use of Marks in question. Explain, whether XYZ Ltd. can be restrained from using the name 'UNIPLY' with reference to a case law as per the Trade Marks Act, 1999?
4. (1:2025:ECIPL) A Pharmaceutical company develops a new drug with a specific chemical compound 'Carbon Dioxide'. The Company applied 'Carbon Dioxide' to register it as Trademark. Whether this Trademark can be granted as per the Trade Marks, Act, 1999?
5. (1:2024:ECIPL) Priya wants to start the trading of incense sticks (agarbattis, dhoops) and perfumeries as M/s Priya Perfumery. She made an application to the Registrar of Trade Marks to register a trade mark by name "RAMAYAN". State with reasons whether she will succeed in registering such a Trade Mark under the Trade Marks Act. 1999?

6. (1:2024:ECIPL) What are the absolute grounds for refusal of Registration of trade mark under Section 9(1) of the Trade Mark Act, 1999?
7. (1:2024:ECIPL) What is meant by Trade Mark under the Intellectual Property Rights?
8. (1:2025:ECIPL) Who is “Trademark Agent”? State the qualifications for registration of trademark agent under the law relating to trademarks.

Chapter 18: Law relating to Copyright (Copyright Act, 1957)

1. (2:2023:ECIPL) Do the following acts constitute infringement of copyright under the Copyright Act, 1957 : (i) Prof. Ajay recited in public an extract from a poem by Rabindranath Tagore. (ii) ABC Publisher published a compilation of speeches of Atal Bihari Vajpayee, former Prime Minister, delivered in public without permission. (iii) A newspaper publishes a copy of masterpiece painting of Ganesh while carrying a story on his death. (iv) A book is not available in India. A librarian makes 10 copies of the book for the use of the Public library. (v) A magazine reproduces an article on a political topic by Kuldeep Nayar.
2. (2:2023:ECIPL) Manish assigned the copyright of his book to his niece Sujata in 2020. In 2022, due to some misunderstanding between them, Manish wants to revoke the assignment. Sujata contents that she has not made any fault and that she had helped a lot and there is no ground for revocation of assignment. Discuss.
3. (2:2024:ECIPL) Rohit has authored a book titled “A Concise History of Jaipur”, and the manuscript was given to Varun for printing. A dispute arose among the two as Rohan contended that Varun had no right to publish the book as there was no assignment of the copyright. On the other hand, Varun argued that there was an oral agreement in which Rohit assigned the copyright in exchange for the printing expenses that entitled him to publish it. In reality, Rohit did not give a written or oral copyright assignment in favour of Varun to publish the books. Based on the above, answer the following questions with relevant provisions of the Copyright Act, 1957. (i) Do you think the requirements for the assignment of copyright were fulfilled? (ii) In case of assignment of copyright to Varun, when will it be deemed to have lapsed? (iii) What rights can Rohit claim if the work is utilised in any other form? (iv) When can the court revoke the assignment of copyright if granted to Varun? (v) What will the Court do if it receives a complaint regarding this assignment of copyright?
4. (1:2024:ECIPL) Francis is a famous lyricist in India & world-wide. Sona, another lyricist copied a very catching phrase from his song, there is likely to be infringement even if the phrase is very short. Mention the commonly known acts which are termed as infringement of copyright. Also discuss the penalties for infringement.
5. (2:2024:ECIPL) Explain the provisions of ‘power of police to seize infringing copies’ under Section 64 of the Copyright Act, 1957.
6. (2:2023:ECIPL) Explain the broadcast reproduction rights under the provisions of the Copyright Act, 1957.
7. (1:2025:ECIPL) When may a license be terminated, granted under the Copyright Act, 1957?
8. (1:2024:ECIPL) “The Registrar of Copyrights shall have the powers of a civil court when trying a suit under the Code of Civil Procedure, 1908”. Elaborate the statement in context with the Copyright Act, 1957.

Chapter 19: Law relating to Geographical Indications of Goods (GI Act, 1999)

1. (1:2024:ECIPL) In light of the above, answer the following questions in the light of the Geographical Indications of Goods (Registration and Protection) Act, 1999 : (i) Is the contention of the India Tea Board, that ITC Ltd. is engaging in Passing off, correct? Explain. (ii) How a Geographical Indication is different from Trade Mark? (iii) Can the Tea Board of India file a complaint against ‘X’ for selling tea varieties at

- the Railway station under the name 'Darjeeling Tea Stall'? (iv) What if ITC Limited has been operating and using the 'Darjeeling Lounge' long before the enactment of the Act? (v) What is punishment for applying false Geographical Indications?
2. (1:2025:ECIPL) (i) What is meant by Geographical Indication? (ii) What are the benefits of Geographical Indication registration? (iii) Is there any difference between Geographical Indication and Trade Mark? (iv) When may a registered Geographical Indication be treated as infringed? (v) Is the contention of the Union of India, the respondent, correct? Explain.
 3. (2:2023:ECIPL) Explain the Provision 39 of Geographic indications relating to penalty for false geographical indications.
 4. (1:2024:ECIPL) "Section 9 of the Geographical Indications of Goods (Registration and Protection Act, 1999 prohibits registration of certain geographical indications." Discuss.
 5. (2:2024:ECIPL) What is meant by "Act of unfair competition" under the Geographical Indications of Goods (Registration and Protection) Act, 1999? What acts shall be deemed to be the acts of unfair competition?

Chapter 20: Law relating to Designs (Designs Act, 2000)

1. (2:2023:ECIPL) Who is the proprietor of a design and state the prohibition in registration of certain design?
2. (2:2024:ECIPL) 'Heavy Duty Company' manufactures 'Pick-N-Carry Hydraulic Self Mobile Cranes' developed and registered under the Designs Act, 2000. They filed a suit for permanent injunction and infringement against 'Robust Mechanics Company', who began manufacturing and selling mobile cranes that were visually identical to the original design of 'Heavy Duty Company' claiming that their machine is "new or original". (i) With the support of a case law, discuss the requirements of for a design to be considered significantly "new or original". (ii) What is the Court's duty while determining if a design is "new or original"?
3. (1:2025:ECIPL) ES Ltd., a telecommunications company, is in the design phase of a new device that incorporates a cell phone with Internet capabilities. There is a concern that the new device may have nearly the same design as their competitor's product. What requirements ES Ltd. should comply with before applying for registration of the design of the new device under the Designs Act, 2000?
4. (1:2024:ECIPL) What is the duration of the registration of a design? Can it be extended? How can the Registration of a Design be cancelled?

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Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 12

NOTE : Answer ALL Questions.

PART-I

1. Swastik Ayurved Pharma Limited is one of the largest producers of Herbal and Ayurvedic products in India. To expand its market share, Swastik regularly advertised the claimed benefits of its products. These advertisements promoted the products as having medicinal properties and the ability to cure ailments without side effects. However, the advertisements lacked any scientific evidence to support such claims. Relying upon these advertisements, Rajeev, a consumer, purchased the products. The products, however, turned out to be ineffective and did not match the claims made in the advertisements.

Rajeev, the complainant, lodged a complaint with the Secretary, Ministry of Health, Government of India, alleging that the advertisements released by the company were misleading, false, and deceptive, intended to misguide the general public, and in violation of the Consumer Protection Act, 2019, which mandates that advertisements must be truthful and not misleading. Further, the Advertising Standards Council of India (ASCI) also found the advertisements

: 2 :

to be misleading and in violation of its regulations. It was contended that the company and its directors should be held liable for such misleading and deceptive advertisements. The case was ultimately referred to the Supreme Court under Article 136 of the Constitution of India by way of a special leave to appeal.

From the above case study, answer the following questions as per the provisions of the Consumer Protection Act, 2019 :

(i) Who is a “consumer” under the Consumer Protection Act, 2019 ? Can Rajeev be considered a consumer in this case ?

(4 marks)

(ii) Whether the false, misleading and deceptive advertisement may be treated as unfair trade practice ? Explain in detail.

(4 marks)

(iii) Can the producer and its directors be penalized for issuing false or misleading advertisements under the Consumer Protection Act, 2019 ?

(3 marks)

: 3 :

(iv) When and to whom a case may be lodged against and be appealed against such order ?

(2 marks)

(v) Distinguish between defect and deficiency under the Consumer Protection Act, 2019 ?

(2 marks)

2. (a) Swarna Charitable Trust registered on 21.12.2023 engaged in the Educational Sector filed an Application with the RBI seeking approval to invest US\$ in a foreign entity in Australia on 10.2.2025. Examine whether the Trust is likely to receive approval from the RBI for making such an investment. Support your answer with reasons. Also explain the conditions for making Overseas Direct Investment for such a Trust in a Foreign Entity.

(5 marks)

(b) Whether following remittances by persons other than individuals require prior approval of the Reserve Bank of India under Liberalized Remittance Scheme :

(i) Vikram Associates, a partnership firm in India wants to remit USD 2,000,000 for consultancy services procured from outside India for a project other than infrastructure Project.

: 4 :

- (ii) Lakshay & Co., a partnership firm wants to remit USD 9,000,000 for consultancy services procured from outside India for an infrastructure project.
- (iii) Mayank Pvt. Ltd., a Real Estate Company in India want to remit commission of USD 25,000 to an agent outside India for selling a residential flat in India for which he has remitted USD 400,000 in India
- (iv) PQR Pvt. Ltd., a Real Estate Company in India want to remit commission of USD 25,000 to an agent outside India for selling a Commercial plot in India for which he has remitted USD 2,000,000 in India
- (v) Navya Ltd., an Indian company wants to remit USD 100,000 to a company outside India towards reimbursement of pre-incorporation expenses for investment of USD 2,000,000 in its company which is fully brought into India.

(5 marks)

- (c) Export & Import Bank of India wants to receive Foreign Direct Investment (FDI) and further raise funds for its trade activities from Japan. State the procedure for raising External Commercial Borrowings (ECB).

(5 marks)

: 5 :

3. (a) Sky Heights Aviation Limited wants to enter the Civil Aviation Sector by constructing airports and developing air transport services in India and abroad. Some International Aviation Companies are interested in investing in it. Explain the Entry Routs for investment and the permissible percentage to receive such investment under the Foreign Direct Investment Regulation & Policy.

(5 marks)

- (b) X was caught transferring funds through illegal export of opium from India to South Africa. State whether X has committed any offence under the Prevention of Money Laundering Act, 2002. Elucidate the punishment that may be imposed on X under the Act.

(5 marks)

- (c) A housing scheme project was launched by ABC Ltd. in 2015, which is still ongoing and has not received a completion certificate. On 1.5.2016, the Real Estate (Regulation and Development) Act, 2016 (RERA Act) came into force. ABC Ltd. now wants to register this project with the Real Estate Regulatory Authority under the RERA Act. Advise ABC Ltd. whether it can register this project. Also, state which projects are exempt from the ambit of the RERA Act.

(5 marks)

Attempt all parts of either Q. No. 4 or Q. No. 4A

4. (a) What are the objectives of the OIML Certification System under the Legal Metrology Act, 2009 ?

(5 marks)

(b) State the factors that the Competition Commission of India should consider while determining whether a combination is likely to have an appreciable adverse effect on competition under the Competition Act, 2002.

(5 marks)

(c) In what manner is the Special Economic Zone Authority constituted ? State the functions of the Special Economic Zone Authority under the Special Economic Zones Act, 2005.

(5 marks)

OR (Alternate question to Q. No. 4)

4A. (i) Explain the provisions relating to Special Courts constituted under Section 50 of the Prohibition of Benami Property Transactions Act, 1988.

(5 marks)

: 7 :

(ii) Under what circumstances can the Central Government cancel the certificate granted under Section 12 for receiving foreign contribution under the Foreign Contribution (Regulation) Act, 2010 ?

(5 marks)

(iii) State the objectives of the National Committee on Trade Facilitation (NCTF). How does the National Trade Facilitation Action Plan aim to achieve these objectives under the Foreign Trade Policy, 2023 ?

(5 marks)

PART-II

5. (a) Universal Drugs and Pharma Limited, a multinational pharmaceutical company, was incorporated and registered in Chennai. The company filed a patent application in India under the Patents Act, 1970, for its cancer drug Glivec (Imatinib Mesylate). The application sought to patent a beta-crystalline form of imatinib mesylate, claiming it to be a new form with improved bioavailability and efficacy.

However, the Patent Controller of India rejected the application, stating that the drug did not meet the criteria for patentability under Section 3(d) of the Patents Act, 1970. The rejection was based on the ground that Section 3(d) prohibits the patenting of new forms of known substances unless they demonstrate enhanced therapeutic efficacy compared to the original compound.

Universal Drugs and Pharma Ltd. challenged the decision before the Intellectual Property Appellate Board (IPAB), but the IPAB upheld the Patent Controller's decision.

The company then filed an appeal before the Supreme Court of India, raising the following key legal issues :

- Whether the beta-crystalline form of imatinib mesylate qualifies for patent protection under Section 3(d) of the Indian Patents Act, 1970, given that the substance was already known but had been presented in a new form ?
- Whether the patentability criteria under Section 3(d) are consistent with international standards, or whether they are excessively restrictive ?

In view of the above case study, answer the following questions in accordance with the provisions of the Indian Patent Act, 1970 :

- (i) What is meant by Patent, and what can be patented ?
(2 marks)
- (ii) When mere discovery of a new form of a known substance will not to be treated as new invention under section 3(d) of the Patent Act, 1970 ?
(2 marks)
- (iii) What are the rights of patentee under the Patent Act, 1970 ?
(2 marks)

: 9 :

(iv) Are the patentability criteria under Section 3(d) in accordance with international standards ?

(2 marks)

(v) Will Universal Drugs and Pharma Ltd. succeed in its arguments as per the provisions of the Patents Act, 1970 ?

(2 marks)

(b) Kancheepuram Sarees, a famous product made in the Kancheepuram region of Tamil Nadu, was registered under the Geographical Indication of Goods (Registration and Protection) Act, 1999. The Kancheepuram Handloom Silk Weavers Co-operative Society Limited was constituted to register “Kancheepuram GI” by traditional authentic weavers residing in Kancheepuram region.

The registration of a similar society was also made by the non-traditional producers which used the same G.I. against which the dispute arose. The Kancheepuram Society of Traditional Weavers filed a petition challenging the registration of a similar G.I. for the product, claiming that it would result in the misuse and exploitation of their traditional craft.

The petitioners argued that only the authentic weavers from the Kancheepuram region should be entitled to use the G.I. for Kancheepuram Sarees and that “Broader definition could result in the dilution of the uniqueness and quality of the product.

Therefore, the G.I. of Kancheepuram Sarees should be exclusive to the traditional weavers, of the Kancheepuram region and the G.I. Act should be interpreted in a way that protected the authenticity and tradition of the product. Any registration extending the use of G.I. beyond this would lead to the exploitation of their craft. Union of India, the respondent, argued that G.I. Act is intended to protect the geographical origin of a product and does not restrict registration based on the type of producer. It should be extended to all the producers traditional as well as non-traditional weaver communities which produce authentic “Kancheepuram Sarees”.

Considering the above case study, answer the following questions in the light of Geographical Indication of Goods (Registration and Protection) Act, 1999.

- (i) What is meant by Geographical Indication ?
(2 marks)
- (ii) What are the benefits of Geographical Indication registration ?
(2 marks)
- (iii) Is there any difference between Geographical Indication and Trade Mark ?
(2 marks)
- (iv) When may a registered Geographical Indication be treated as infringed ?
(2 marks)
- (v) Is the contention of the Union of India, the respondent, correct ? Explain.
(2 marks)

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

6. (a) Rajat, the proprietor of RC Associates, filed an application for a patent with the Controller for his new invention of a “Smart Watch.” However, the Controller is of the opinion that the invention cannot be performed without a substantial risk of infringement of a claim of another existing patent. What directions may the Controller issue to Rajat under Section 19 of the Patents Act, 1970 ?
- (5 marks)
- (b) ES Ltd., a telecommunications company, is in the design phase of a new device that incorporates a cell phone with Internet capabilities. There is a concern that the new device may have nearly the same design as their competitor’s product. What requirements ES Ltd. should comply with before applying for registration of the design of the new device under the Designs Act, 2000 ?
- (5 marks)
- (c) ABC Ltd., incorporated in 1996 deals in Plywood under the Trade Names ‘UNIPLY’. It came to know in 1999 that XYZ Ltd. is also using the Name ‘UNIPLY’. ABC Ltd. filed a suit against the XYZ Ltd. along with an application for a Temporary Injunction. The Court granted an ex-parte temporary injunction to the Appellant. In turn, XYZ Ltd. also filed appeal against ABC Ltd. claiming that it was incorporated in 1993 and they have been carrying business under the Name of ‘UNIPLY’ since 1993. XYZ Ltd. claimed the prior use of Marks in question.

Explain, whether XYZ Ltd. can be restrained from using the name 'UNIPLY' with reference to a case law as per the Trade Marks Act, 1999 ?

(5 marks)

- (d) A Pharmaceutical company develops a new drug with a specific chemical compound 'Carbon Dioxide'. The Company applied 'Carbon Dioxide' to register it as Trademark. Whether this Trademark can be granted as per the Trade Marks, Act, 1999 ?

(5 marks)

OR (Alternate question to Q. No. 6)

- 6A. (i) When may a license be terminated, granted under the Copyright Act, 1957 ?
- (ii) The main goals on which National Intellectual Property Right Policy has focused are mainly to encourage innovation, enhance the business climate and commercially utilize intellectual property. Comment.
- (iii) Who is "Trademark Agent" ? State the qualifications for registration of trademark agent under the law relating to trademarks.
- (iv) How a Patent Specification is prepared ? When is an Application for patent published as per the Patent Act, 1970 ?

(5 marks each)

Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 6

NOTE : Answer ALL Questions.

PART-I

1. (a) Discuss the 'Public Debt Functions' of the Reserve Bank of India as per Reserve Bank of India Act, 1934.
- (b) Define the terms 'Foreign Exchange' and 'Foreign Security' under Foreign Exchange Management Act, 1999.
- (c) "Certain organizations/individuals are debarred from receiving foreign contributions". List these organizations/individuals as per Section 3(1) of the Foreign Contribution (Regulation) Act, 2010.
- (d) Discuss the Functions of 'Development Commissioner' under the Special Economic Zones Act, 2005.

(5 marks each)

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

2. (a) Which are the sectors in which Foreign Direct Investment (FDI) is prohibited as per Foreign Direct Investment-Regulation & Policy.

(4 marks)

: 2 :

- (b) Which additional conditions are to be fulfilled by an Indian company 'making investment in Joint Ventures (JV)/Wholly Owned Subsidiaries (WOS) abroad in the financial services sector' as per Overseas Direct Investment ?
(4 marks)
- (c) Define the term 'Services' and 'Service Provider' under Foreign Trade Policy and Procedure.
(4 marks)
- (d) Which remittances by persons other than individuals require prior approval of the Reserve Bank of India under the Foreign Exchange Management Act, 1999 ?
(4 marks)
- (e) State the permissible capital account transactions by an individual under Liberalized Remittance Scheme (LRS).
(4 marks)

OR (Alternate question to Q. No. 2)

- 2A. (i) Explain the procedure for raising External Commercial Borrowings (ECB).
(4 marks)
- (ii) What is the difference between Banks and Non-Banking Financial Companies (NBFCs) ?
(4 marks)
- (iii) Enumerate (Name) the functions of Reserve Bank of India as given under Reserve Bank of India Act, 1934.
(4 marks)

: 3 :

(iv) What is meant by Project office under Foreign Direct Investment - Regulation & Policy (FDI) ? What are the parameters of Project office ?

(4 marks)

(v) Explain the 'Principles of Restrictions' under Foreign Trade Policy and Procedure.

(4 marks)

PART-II

3. (a) What is meant by 'Predatory Price' under the Competition Act, 2002 ?
- (b) Discuss the provisions of 'Penalty for making false statement' under Section 44 of the Competition Act, 2002 ?
- (c) State the duties of Competition Commission of India under Section 18 of the Competition Act, 2002.
- (d) 'Bid rigging is Anti-Competitive'.
Explain the above statement in the context of the Competition Act, 2002.
- (e) Explain the provisions of Section 42A of the Competition Act, 2002 regarding Compensation in case of Contravention of orders of the Competition Commission of India.

(3 marks each)

4. (a) Discuss the duties of the Director General as per the Competition Act, 2002.
- (b) Discuss the power of the Competition Commission of India to impose lesser penalty under the Competition Act, 2002.

(5 marks each)

PART–III

5. (a) Anya bought goods worth ₹ 5 lakh to be installed in her house in Delhi. There is a defect in the goods and she intends to make the complaint in the consumer forum. State the forum where she can make the complaint and discuss its jurisdiction as per the Consumer Protection Act, 2019. (4 marks)
- (b) 'Company Secretaries are a one stop professional advisory services for Real Estate Projects'. Comment in the context of Real Estate (Regulation and Development) Act, 2016. (4 marks)
- (c) Discuss the powers of the Central Government on fixing the price under Essential Commodities Act, 1955 during an emergency. (4 marks)
- (d) While walking in a community park, Chetna finds a lost book. She brings it back to her house and starts to read it. Later she discovers that the owner has been enquiring about his lost book and making all efforts to regain the book. Explain, what is the position of Chetna as finder of lost goods under Section 168 and Section 169 of the Indian Contract Act, 1872. (4 marks)
- (e) 'A negotiable instrument is subject to certain presumptions'. Discuss in the context of Negotiable Instruments Act, 1881. (4 marks)

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

6. (a) Ramesh is purchasing a firm and goodwill of this firm run by two partners, Raj and Ram. This firm has been doing the business of clothing for past nine years and holds a good reputation in the market with stable orders from their clients. Ramesh restrains Raj and Ram to carry on the business of clothing for a period of 1.5 years after the sale of this firm. Raj contends that it is a contract in restraint of trade and hence void. Explain whether the contention of Raj is correct as per provisions of the Indian Contract Act, 1872 ?
- (b) A horse was jointly owned by Asish and Gina. It was sold to Bimal by Asish who was in sole possession of the horse for the purpose of selling the horse with consent of Gina. After the sale Gina did not approve the sale and pleaded "Nemo Dat Quod Non Habet". Explain whether Gina's argument is valid as per provisions of the Sale of Good Act, 1930.
- (c) How the properties confiscated are managed as per Section 28 of the Benami Transactions (Prohibition) Act, 1988 ?
- (d) What is the penalty for use of non-standard weight or measure under Section 25 of the Legal Metrology Act, 2009 ?
- (e) Define Money Laundering under Section 3 of the Prevention of Money Laundering Act, 2002. What is the punishment for offence of money laundering under Section 4 of the Act ?

(3 marks each)

OR (Alternate question to Q. No. 6)

6A. Distinguish between the following :

- (i) Special Agent and General Agent under Indian Contract Act, 1872
- (ii) Partnership at will and Particular Partnership under Indian Partnership Act, 1932.
- (iii) Right of Lien and Stoppage in transit under Sale of Goods Act, 1930.
- (iv) Vested and Contingent Interest under Transfer of Property Act, 1882.
- (v) Apartment and Building under Real Estate (Regulation and Development) Act, 2016

(3 marks each)

Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 8

NOTE : Answer ALL Questions.

PART-I

1. “Shardha Heights,” a duly registered welfare society, took the proactive step of filing an application with the District Consumer Disputes Redressal Commission. The application was on behalf of 12 allottees who had encountered significant issues with Shobha Ltd. a real estate developer. These allottees alleged that despite booking units with Shobha Ltd. on various dates and making substantial payments towards the purchase, they had yet to receive possession of their properties.

However, the District Commission took a decisive stance, rejecting the complaint lodged by Shardha Heights. Their decision rested on the assertion that Shardha Heights lacked the necessary legal standing, or locus standi, to file such a complaint. The Commission reasoned that Shardha Heights did not qualify as either a ‘Consumer’ or a ‘Recognised’ consumer association’ under the applicable regulations. In light of this setback, Shardha Heights is now seeking to appeal against the District Commission’s ruling.

Considering the above statements, answer the following questions :

- (i) Define Recognised Consumer Association as per Consumer Protection Act, 2019 ?
(2 marks)
- (ii) Whether Shardha Heights is a ‘Recognised Consumer Association’ as per Consumer Protection Act, 2019 ? Explain.
(2 marks)
- (iii) What is the Manner of filing Complaint to District Consumer Disputes Redressal Commission under Section 35 of the Consumer Protection Act, 2019 ?
(3 marks)

- (iv) Can complaint be filed before Consumer Commission online ? Explain.
(2 marks)
- (v) To whom an Appeal can be filed by Shardha Heights against the order of District Consumer Disputes Redressal Commission and what is limitation period for doing so ?
(2 marks)
- (vi) What are the restrictions on filing an appeal against the order of District Consumer Disputes Redressal Commission ?
(2 marks)
- (vii) State the constitution of the District Consumer Disputes Redressal Commission.
(2 marks)
2. (a) ABC Bearing Limited along with other four companies, who are the key Competitors in the market decided among themselves to revise the prices to be quoted to Original Equipment Manufacturers (OEMs). Discuss whether this act amounts to Cartelisation under the Competition Act, 2002 ?
- (b) Vinesh is a person resident outside India. He wishes to acquire the Immovable property in India for carrying on a permitted activity. Explain whether Vinesh can do so under Section 6(5) of the Foreign Exchange and Management Act, 1999 ?
- (c) Mukesh is a manufacturer of 'Jaggry Powder' and brings this product into the market in the pre-packaged form but the Retail price and Quantity has not been mentioned on the Packet. Is it an offence under the Legal Metrology Act, 2009 ? If yes, what are the penalties for this offence ?
Will your answer be different if Mukesh mentions the wrong quantity on pre-packaged 'Jaggry Powder' ?

(5 marks each)

: 3 :

3. (a) Rajeev booked a Flat in a housing scheme named 'Alpha Tower' Launched by Alpha Pvt. Ltd. by paying the booking amount and executing the 'Buyer's Agreement'. As per the Buyer's Agreement, Flat was to be delivered with 3 years of the Agreement but the promoters of the Company failed to deliver the Flat even after 5 years. Rajeev wants to withdraw from the project and wants the refund of amount paid. Discuss as per the provisions of Real Estate Regulation and Development Law whether Rajeev can withdraw from the Project ?
- What is the remedy available to Rajeev, if he does not wish to withdraw from the project ?
- (b) XYZ Ltd. has been granted approval by the Board of Approval for foreign collaborations and foreign direct investments (including investments by a person resident outside India) in the Special Economic Zone for its development, operation and maintenance. XYZ Ltd. has persistently defaulted in complying with the directions of the Board. What action can be taken by the Board of Approval against XYZ Ltd. under Section 10 of the Special Economic Zones Act, 2005 ?
- (c) Gama is resident in India and citizen of India. He is going to receive the foreign contribution from US. Explain the foreign contribution and conditions under which he can receive such foreign contribution under Foreign Contribution (Regulation) Act, 2010 ?

(5 marks each)

Attempt all parts of either Q. No. 4 or Q. No. 4A

4. (a) Discuss the power of survey by director under law relating to Fugitive Economic Offenders Act, 2018 ?
- (b) What is the meaning of “Deemed Exports” for the purpose of Foreign Trade Policy (FTP) and Goods and Service Tax (GST). What are the benefits for Deemed Exports ?
- (c) What is meant by “Regulated Entities” (REs) under the Prevention of Money-Laundering Act, 2002 ?

(5 marks each)

OR (Alternate question to Q. No. 4)

- 4A. (i) What is meant by Overseas Direct Investment (ODI) and Overseas Portfolio Investment (OPI) under Overseas Direct Investment ?
- (ii) How is the Management of properties confiscated under the Law relating to Benami Transactions and Prohibition ?
- (iii) What are the conditions for foreign investment in Limited Liability Partnerships (LLPs) ?

(5 marks each)

PART-II

5. (a) India Tea Board owns the famous Geographical Indication “Darjeeling” and the logo of the woman holding the tea leaves, as well as the trademark “Darjeeling” under the Trademarks Act, regarding “tea”.

ITC, Limited has used the “Darjeeling Lounge” as the name of its top lounge at its Kolkata hotel, ITC Sonar.

Tea Board of India filed a Lawsuit against ITC Ltd. that by using the word “Darjeeling” in one of its hotel resorts in Kolkata which is a breach of its landmark as well as well as a certificate mark as tea Board is the registered owner of the "Darjeeling" sign.

Tea Board of India moved an interlocutory application for temporary injunction for restraining the ITC Ltd. from using or conducting or making its business at the hotel by the name “Darjeeling Lounge”. Application stated that usage of the word “Darjeeling” in the name and logo by defendants is passing off or attempting to pass off its business or services so as to discredit the fame of Darjeeling tea as a geographical indication and/or to mislead persons.

In light of the above, answer the following questions in the light of the Geographical Indications of Goods (Registration and Protection) Act, 1999 :

- (i) Is the contention of the India Tea Board, that ITC Ltd. is engaging in Passing-off, correct ? Explain.

(2 marks)

- (ii) How a Geographical Indication is different from Trade Mark ?
(2 marks)
- (iii) Can the Tea Board of India file a complaint against 'X' for selling tea varieties at the Railway station under the name 'Darjeeling Tea Stall' ?
(2 marks)
- (iv) What if ITC Limited has been operating and using the 'Darjeeling Lounge' long before the enactment of the Act ?
(2 marks)
- (v) What is punishment for applying false Geographical Indications ?
(2 marks)
- (b) In the case of *Bishwanath Prasad Radhey Shyam Vs. Hindustan Metal Industries*, (1979) 2 SCC 511, it was held by the Hon'ble Supreme Court of India that the object of Patent law is to encourage scientific research, new technology and industrial progress. A limited-time grant of the only right to own, use, or sell a patented method or product encourages the development of new commercially useful inventions. The disclosure of the invention to the Patent Office, which becomes public domain after a predetermined duration of the monopoly, is the cost of the monopoly grant. In *Raj Prakash Vs. Mangat Ram Choudhary* AIR 1978 Delhi 1, it was held that inventive creation, as is notable, is to discover something or find something not found or found by anybody previously. It isn't essential that the invention ought to be anything confounded. The fundamental thing is that the creator was first to embrace it. The main issue in this manner, is that each basic creation is asserted, as in the form of novelty or new character, it will be considered as an invention and the cases & specifications must be perused in that light.

: 7 :

Section 2(1) (ja) of the Patent Act, 1970 defines the term inventive step as to mean a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both that makes the invention not obvious to a person skilled in the art. Section 6 of the Act provides that who can make an application for a patent for an invention.

Consider the above statements, answer the questions :

- (i) What are the criteria for patenting the invention ?
- (ii) Are mathematical or business methods, computer programs per se, or algorithms patentable ? Explain.
- (iii) What can be Patented ?
- (iv) State any *two* advantages of patent.
- (v) Ramchand invented a medicine and was about to apply for a patent. However, he passed away before applying. Can his legal representative apply for the patent ?

(2 marks each)

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

6. (a) Amit, an Indian Resident, wants to make an application outside India for the grant of a patent for an invention. Explain whether he can apply outside India as provisions of the Patents Act, 1970 ? What will be your answer if the invention is relevant for defence purpose ?

(5 marks)

- (b) Priya wants to start the trading of incense sticks (agarbattis, dhoops) and perfumeries as M/s Priya Perfumery. She made an application to the Registrar of Trade Marks to register a trade mark by name “RAMAYAN”. State with reasons whether she will succeed in registering such a Trade Mark under the Trade Marks Act, 1999 ?

(5 marks)

- (c) Francis is a famous lyricist in India & world-wide. Sona, another lyricist copied a very catching phrase from his song, there is likely to be infringement even if the phrase is very short. Mention the commonly known acts which are termed as infringement of copyright. Also discuss the penalties for infringement.

(5 marks)

- (d) What are the absolute grounds for refusal of Registration of trade mark under Section 9(l) of the Trade Mark Act, 1999 ?

(5 marks)

OR (Alternate question to Q. No. 6)

- 6A. (i) What is the duration of the registration of a design ? Can it be extended ? How can the Registration of a Design be cancelled ?
- (ii) What is meant by Trade Mark under the Intellectual Property Rights ?
- (iii) “Section 9 of the Geographical Indications of Goods (Registration and Protection Act, 1999 prohibits registration of certain geographical indications.” Discuss.
- (iv) “The Registrar of Copyrights shall have the powers of a civil court when trying a suit under the Code of Civil Procedure, 1908”. Elaborate the statement in context with the Copyright Act, 1957.

(5 marks each)

Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 6

NOTE : Answer ALL Questions.

PART-I

1. (a) Enumerate the functions of Reserve Bank of India. Among them, explain the banking functions of Reserve Bank of India. (2+3=5 marks)
- (b) Describe the modes through which a person can accept Foreign Contribution, under Section 4 of the Foreign Contribution (Regulation) Act, 2010. (5 marks)
- (c) Explain the following with reference to External Commercial Borrowing (ECB) :
 (I) Change of currency of borrowing
 (II) Limit and Leverage. (5 marks)
- (d) Under what circumstances can Banks remit winding up proceeds of Companies under liquidation as per Foreign Direct Investment–Regulation and Policy ? (5 marks)

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

2. (a) Explain the composition of ‘Committee on Quality Complaints and Trade Disputes’ (CQCTD) under the India’s Foreign Trade Policy and Procedure. (4 marks)

- (b) What are the documents required for sale of shares by a 'Person Resident outside India' to a 'Person Resident in India' as per the Foreign Direct Investment—Regulation and Policy ?
(4 marks)
- (c) Why was Foreign Exchange Management Act, 1999 enacted ? What are the key aspects dealt under the Foreign Exchange Management Act ?
(4 marks)
- (d) What is a Special Economic Zone ? What are the guidelines for notifying Special Economic Zone ?
(4 marks)
- (e) State the permissible sources for funding Overseas Direct Investment.
(4 marks)

OR (Alternative question to Q. No. 2)

- 2A. (i) Explain the "Manner of Repatriation" of Foreign Exchange as per the Foreign Exchange Management Act, 1999.
(4 marks)
- (ii) Explain the Power of Reserve Bank of India to 'Prohibit Acceptance of Deposit and Alienation of Assets' by Non-Banking Financial Companies (NBFCs).
(4 marks)
- (iii) Discuss the provisions for Liberalized Remittance Scheme with respect to remittances for making tour arrangements or for providing hotel accomodation for foreign tours.
(4 marks)

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(iv) What is the 'Mode of Payment' by a person resident in India for making Overseas Direct Investment as per Foreign Exchange Management (Overseas Investment) Rules, 2022 ?

(4 marks)

(v) What are the privileges of status holder under the Foreign Trade Policy and Procedure ?

(4 marks)

PART-II

3. (a) Explain 'tie-in agreement' and 'exclusive supply agreement' under the Competition Act, 2002.
- (b) Discuss the factors to be considered by Competition Commission of India while determining whether an agreement has appreciable adverse effect on Competition ?
- (c) Explain the provision of appeal, filed against the order of the Appellate Tribunal, under the Competition Act, 2002.
- (d) State the penalty provisions for failure to comply with directions of Competition Commission and Director General under Section 43 of the Competition Act, 2002.
- (e) What is cartel ? What are conditions conducive to cartel ?

(3 marks each)

: 4 :

4. (a) Who is authorized to pass an order for division of an enterprise which is enjoying dominant position under the Competition Act, 2002 ? Explain the provisions with regard to division of enterprise enjoying dominant position.
- (b) Explain the stages involved in the procedure for investigation of combination by the Competition Commission of India under Section 29 of the Competition Act, 2002.
- (5 marks each)

PART-III

5. (a) Sankalp is a lunatic but he appears to be normal. Amit enters into an agreement of sale and purchased Sankalp's flat for 34 Lakhs, the market price of which is 54 lakhs. Examine the validity of agreement under the Indian Contract Act, 1872.
- (4 marks)
- (b) Deonath, the testator, gave his estate to his son, Rangnath, with a condition that if he wanted to sell the property, he would first give an option to testator's wife, Vishnupriya, who should be able to buy it for 3 lakhs. When testator died the market value of property was 15 lakhs. Examine the validity of this transfer, under the Transfer of Property Act, 1882.
- (4 marks)
- (c) Anurag purchased a bottling machine and appointed Anuj exclusively to operate the machine. Explain, whether Anurag is a consumer under Consumer Protection Act, 2019. If he purchases and operates the machine by himself, will he be considered as consumer.

(4 marks)

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(d) 'P' bought black yarn from 'D' and when delivered, found it damaged by the white ants. P rejected the yarn received by him, while D demands the payment, on the plea that P has been given an opportunity to examine the product. Advise the remedy available to P, under the Sale of Goods Act, 1930.

(4 marks)

(e) 'A' contracts to sell 'B', a piece of land consisting of 100 *bighas*. It turns out that 98 *bighas* of the land belongs to 'A' and the two remaining *bighas* to a stranger, who refuses to part with them, so, a dispute arises between 'A' and 'B'. What is the remedy available to 'A' and 'B' under the Specific Relief Act, 1963 ?

(4 marks)

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

6. (a) Distinguish between seizure and confiscation under the Essential Commodities Act, 1955.
- (b) State the penalty provisions for manufacturing or selling weight or measure, which does not conform to standards of weight/measure as specified under Section 27 of the Legal Metrology Act, 2009.
- (c) Define 'Internal Development works' and 'External Development works' under the Real Estate (Regulation and Development) Act, 2016.
- (d) Distinguish between 'Co-ownership' and 'Partnership'.
- (e) What are the impacts of money laundering on economic development ?

(3 marks each)

OR (Alternative question to Q. No. 6)

- 6A. (i) Explain the meaning of ambiguous instrument under the Negotiable Instruments Act, 1881.
- (ii) State the provisions relating to 'Possession of property' for which the order of confiscation has been passed under the Benami Transactions (Prohibition) Act, 1988.
- (iii) Explain the liability of Product Service Provider under Section 85 of the Consumer Protection Act, 2019.
- (iv) X promises to deliver a horse to Y on a certain day on payment of ₹ 1,000. X dies before that day. Y asks Z, who is the son of X and also his legal representative to deliver the horse but Z refuses to do so. What is the remedy available to Y under the provisions of Indian Contract Act, 1872 ?
- (v) Explain the doctrine of Lis Pendens under the Transfer of Property Act, 1882.

(3 marks each)

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Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 12

NOTE : Answer ALL Questions.

PART-I

1. Jindal Steel and Power Ltd. (JSPL), furnished information to the Competition Commission of India (CCI), invoking Sec. 19 read with Sec. 26(1) of the Competition Act, 2002 and alleged that Steel Authority of India Ltd. (SAIL), the respondent, had entered into an exclusive supply agreement with the Indian Railways for supply of rails. According to Sec. 3(4) of the Competition Act 2000, an exclusive supply agreement would be considered to be anti-competitive if it causes an appreciable adverse effect on competition in India. In this case, the other rail suppliers in the industry did not have an opportunity to place their bids because no tender floated by the Respondent. This resulted in filing a complaint before the Competition Commission of India (CCI) for the abuse of dominant position by SAIL. CCI registered the information provided by JSPL and directed SAIL to submit its comments within two weeks with respect to the information provided to CCI. SAIL made a prayer for an extension of six weeks for filing comments, which CCI rejected. CCI found a prima facie case against the respondents. It directed the Director General (DG) to investigate, granting liberty to the respondent to file its views and comments before the DG during the investigation. SAIL

: 2 :

challenged the correctness of this order before Appellate Tribunal on the ground of not being heard and hence a violation of natural justice.

Commission made an application before Appellate Tribunal to implead it (SAIL) as a party to appeal. The investigation by DG was stayed by the Appellate Tribunal, it rejected CCI's plea for impleadment on the reasoning that it was neither a necessary party nor a proper party and observed that reasoning must be given for any order, direction, or decision taken. Commission went in appeal to the Supreme Court against this order of the Appellate Tribunal. From the above Case Study, answer the following questions as per provisions of the Competition Act, 2002 :

- (a) What is the meaning of Exclusive Supply/Distribution Agreement ?
(2 marks)
- (b) What is an Anti-Competitive Agreement ?
(2 marks)
- (c) What is the purpose of appointing Director General under Section 16(1) of the Competition Act, 2002 ?
(2 marks)
- (d) Whether the parties, including informant (JSPL) or the affected party (SAIL), are entitled to notice or hearing, as a matter of right, at the preliminary stage of formulating an opinion as to the existence of the prima facie case ?
(3 marks)

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- (e) Explain the provisions of 'Inquiry into certain Agreements and Dominant Position of Enterprise' under Section 19(1) of the Competition Act, 2002.
(3 marks)
- (f) Explain the provisions of "Procedure for inquiry into certain Agreements and Dominant Position of Enterprise" under Section 26 of the Competition Act, 2002.
(3 marks)
2. (a) VVR. Murthy, an Industrialist, wishes to take External Commercial Borrowings from Norway for the purpose of Repayment of Rupee Loan in India. Can he do so ? Give the end-uses (Negative List) under the External Commercial Borrowings (ECB).
(5 marks)
- (b) Explain and justify the following cases of 'Resident Individuals' under Foreign Exchange and Management Act, 1999 :
- (i) Tushar Mehta wishes to remit a sum of USD 50,000 as gift to his daughter in France. Whether he can do so ?
- (ii) Deepa, a young girl aged 22 years, wishes to go to Poland for a private visit and she wishes to obtain USD 2,75,000/- for her private visit. Can she obtain ?
- (iii) Akanksha, a software engineer is going for an employment in Budapest, requires a sum of USD 99,000 for her settlement abroad. Does she require prior approval of Reserve Bank of India ?

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- (iv) Sandeep Sharma VP in a Domestic Indian company is going to visit the company plant location in New York for 30 days. He estimated a sum of USD 3,00,000 as expenditure. This is his first visit during the FY 2024-2025. Can he do so ?
- (v) Parents of General Manager Sushant Agarwal from Delhi, is residing in Germany. He seeks your consultancy in sending a sum of USD 2,02,500 to his parents for their maintenance ?

(5 marks)

- (c) “Neev Builders” launched a luxury housing project, issued a prospectus and advertised that these spacious apartments would have scenic views and all the global amenities. Umesh was impressed by this advertisement and made advance payment to book an apartment. However, later discovered several significant disparities and amenities from the promises made in the advertisement. Umesh wants to withdraw from the project.

Answer the following questions as per the provisions of Real Estate (Regulation and Development) Act, 2016 :

- (i) Explain the obligations of Neev Builders regarding veracity of the advertisement or prospectus.
- (ii) Can Umesh withdraw from the project ?

(2+3=5 marks)

: 5 :

3. (a) Indian Satellite & Technology Pvt. Ltd. is an Indian start-up that has recently developed advanced Satellite technology. A major Aerospace company from Russia is interested in investing in it. Explain the Entry Routes for investment and compliance to receive the investment under the Foreign Direct Investment-Regulation and Policy.
- (b) Lokesh was suffering from a serious ailment. He was admitted to a Well-Known private hospital in Gurugram. He was subjected to various tests. Even after diagnosis and subsequent treatment, his condition deteriorated. The doctor advised surgery during which Lokesh collapsed and died. Sushma his wife, preferred a claim for compensation of ₹ 50 lakhs under the Consumer Protection Act for deficiency in services. The hospital authority contended that medical profession was being unnecessarily hounded. Is the contention tenable ? Refer the relevant case law as per the provisions of Consumer Protection Act, 2019.
- (c) Ravinder is a public servant and a sum of ₹ 50 Lakhs was recovered from his car parked outside his house while he was sitting in his car with Uttam, a businessman who allegedly handed over this money to clear his Income Tax file pending with Ravinder. Explain whether this money can be regarded as 'Proceeds of Crime' under the Prevention of Money Laundering Act, 2002 ? What defense can Ravinder submit to prove that he is not guilty ? Support your answer with relevant case law.

(5 marks each)

Attempt all parts of either Q. No. 4 or Q. No. 4A

4. (a) Explain the Rules of Evidence and Standard of proof required by the Special Court under Fugitive Economic Offenders Act, 2018.
- (b) What are the Key highlights of Foreign Trade Policy, 2023 ?
- (c) Examine the rationale of enacting the Essential Commodities Act, 1955.

(5 marks each)

OR (Alternate question to Q. No. 4)

- 4A. (i) Explain the provisions of 'Offences by Companies' under Section 62 of the Benami Transactions (Prohibition) Act, 1988.
- (ii) What are the guidelines for Notifying the Special Economic Zone under section 5 of Special Economic Zone Act 2005 ?
- (iii) What is a 'Foreign Company' and what are the conditions for receiving Foreign Contribution by a Person Resident in India as per provisions of the Foreign Contribution (Regulation) Act, 2010.

(5 marks each)

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PART-II

5. (a) “Energize-52” is a popular cough syrup manufactured since 2015 by “Jeevan Pharma Company”. The trade mark “Energize-52” was registered in 2017, and almost seven years had expired from the date of its registration. This syrup was highly popular among the consumers who asked for “Energize-52” over the other syrups available and the voluminous sales figures prove its widespread consumer recognition. In January 2024 “Jeevan Pharma Company” discovered that a new Competitor in the market had also launched a similar syrup under the brand name “Energize-T” using a logo and brand name that is deceptively similar to the registered trade mark of “Energize-52”.

In view of the above case, answer the following questions with support of relevant provisions of the Trade Marks Act, 1999 :

- (i) Is there an infringement of the trade mark “Energize-52” by the new competitor ?

(2 marks)

- (ii) What defences can be pleaded by “Energize-T” ?

(2 marks)

(iii) What defences can be raised by “Energize-52” to prove the distinctiveness of its trade mark ?

(2 marks)

(iv) What are the relative grounds for refusal of trade mark registration ?

(2 marks)

(v) What orders can the Court pass against the competitor’s use of the trade mark “Energize-T” ?

(2 marks)

(b) Rohit has authored a book titled “A Concise History of Jaipur”, and the manuscript was given to Varun for printing. A dispute arose among the two as Rohan contended that Varun had no right to publish the book as there was no assignment of the copyright. On the other hand, Varun argued that there was an oral agreement in which Rohit assigned the copyright in exchange for the printing expenses that entitled him to publish it. In reality, Rohit did not give a written or oral copyright assignment in favour of Varun to publish the books.

Based on the above, answer the following questions with relevant provisions of the Copyright Act, 1957.

(i) Do you think the requirements for the assignment of copyright were fulfilled ?

(2 marks)

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(ii) In case of assignment of copyright to Varun, when will it be deemed to have lapsed ?

(2 marks)

(iii) What rights can Rohit claim if the work is utilised in any other form ?

(2 marks)

(iv) When can the court revoke the assignment of copyright if granted to Varun ?

(2 marks)

(v) What will the Court do if it receives a complaint regarding this assignment of copyright ?

(2 marks)

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

6. (a) 'EcoSustain World' is a multinational corporation with a registered well-known Trade Mark protected across different categories of goods and services and a strong global brand reputation. A new Indian company started using a deceptively similar Trade Mark. Can 'EcoSustain World' protect its trade mark in India ?

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- (i) Explain with an example the significance of a well-known trade mark as per provisions of the Trade Marks Act, 1999.
- (ii) Why Registrar will protect 'EcoSustain World' ?
(2+3=5 marks)
- (b) A food and beverage company wants to protect its unique recipe under Trade Secrets law. Can they do so ? Explain the concept of 'Trade Secrets' with examples. State the duration and conditions for preservation of the trade secrets.
(5 marks)
- (c) 'Heavy Duty Company' manufactures 'Pick-N-Carry Hydraulic Self Mobile Cranes' developed and registered under the Designs Act, 2000. They filed a suit for permanent injunction and infringement against 'Robust Mechanicals Company', who began manufacturing and selling mobile cranes that were visually identical to the original design of 'Heavy Duty Company' claiming that their machine is "new or original".
- (i) With the support of a case law, discuss the requirements of for a design to be considered significantly "new or original".
- (ii) What is the Court's duty while determining if a design is "new or original" ?
(3+2=5 marks)

- (d) Ravi holds Patents for a specific design of tamper-proof locks sold under the trade mark “Tech-Lock”. He sought an injunction against Sumit for infringement of his patented invention and restrain claiming a patent of addition. Sumit contends that patent of addition does not disclose the innovative step.
- (i) State the rules relating to “Patent of Addition” as per Section 54 of the Patent Act, 1970.
- (ii) State with support of case law whether the application by Ravi can be rejected on the ground of innovative step ?

(3+2=5 marks)

OR (Alternate question to Q. No. 6)

- 6A. (i) What are main topics addressed by Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreements ?
- (ii) What is meant by “Act of unfair competition” under the Geographical Indications of Goods (Registration and Protection) Act, 1999 ? What acts shall be deemed to be the acts of unfair competition ?

(5 marks)

(5 marks)

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: 12 :

(iii) Explain the provisions of 'power of police to seize infringing copies' under Section 64 of the Copyright Act, 1957.

(5 marks)

(iv) Write short notes on the following with regard to the Patents Act, 1970 :

- Compulsory Licences
- Patent Agent.

(3+2=5 marks)

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Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 8

NOTE : Answer ALL Questions.

PART-I

1. Tiya purchases a laptop for her sister Siya from HP. The laptop had initial installation issues, when taken to the manufacturer's service centre defect in the laptop was detected. The company refuses to redress the issues faced by Siya on the pretext that she was not the consumer. On the basis of the above case, answer the following questions :
- (i) Can Siya be treated as a consumer as she is not the person who purchased the laptop ?
 - (ii) If this laptop was purchased through amazon, explain the duty of the e-commerce giant in case of grievance.
 - (iii) Had a mediator been appointed to settle the issue, what is the procedure of mediation as given in provision.

(5 marks each)

2. (a) Titto is seller of dental floss in the market where he holds monopoly as there are only handful sellers in this product line of dental care. The competitor accuses him of possessing dominant position and abusing the same. Explain the understanding of dominant position and abuse of the same.
- (b) Faizal is a fugitive economic offender and has left India to avoid legal proceedings against him. Discuss the provisions relating to power of civil/tribunal to disallow civil claims and attach his property.
- (c) Chandu intends to make overseas direct investment with a view to earning a return. Since Chandu is looking at either real estate or lottery, you are required to state the restriction or prohibitions in context of ODI.

(5 marks each)

3. (a) Trilok purchased a tractor from Jahanvi Limited for tilling the land but he used it during idle time for transportation of agricultural produce on hire. Some defects were developed in the engine of the tractor. He complained to Jahanvi Limited, but all in vain. Then he filed a suit in Consumer Dispute Redressal Forum for damages caused by the defects. Jahanvi Limited pleaded that Trilok is not a 'consumer' within the definition of section 2(i) (d) of the Consumer Protection Act, 1986, as he is using the tractor for commercial purposes.

: 3 :

Whether Trilok will succeed in his case ? Refer to relevant provision of Law in support of your answer with reference to case laws, if any ?

(5 marks)

- (b) Amit, a director of a Public Limited Company was on a business trip to USA. Suddenly, he developed chest pain there and was provided medical treatment in a hospital, the funds for which were provided by one John, a US national who happened to be his friend.

Did Amit violate the provisions of the Foreign Contribution Regulation Act, 2010 ?

Give reason.

(5 marks)

- (c) 'A', an individual by a transaction, purchased a house in the name of his wife. Consideration of transaction was paid by 'A' out of his known sources. Government seized the house claiming it to be a benami property. Decide.

Whether the action of the Government is justified under the Prohibition of the Benami

Transaction Act, 1988 ?

(5 marks)

Attempt all parts of either Q. No. 4 or Q. No. 4A

4. (a) Explain the provisions of section 5 of the Foreign Contribution (Regulation) Act, 2010 relating to procedure to notify on Organization of a political nature.
- (b) Analyse the powers of the Central Government to supersede the Special Economic Zone Authority under the Special Economic Zones Act, 2005. What will be the consequences of its implementation ?
- (c) Which orders may be issued by Competition Commission of India after inquiry into agreements or abuse of dominant position under Section 27 of the Competition Act, 2002 ?

(5 marks each)

OR (Alternate question to Q. No. 4)

- 4A. (i) Who is status holder under the Foreign Trade Policy and Procedure of India enumerated as per Foreign Trade Policy.
- (ii) What facilities are available in case of private visits and for emigration under the Liberalized Remittance Scheme (LRS) ?
- (iii) Describe the adopted ways in which collusive bidding or bid rigging may occur.
- (iv) Elaborate the law and procedure in respect of confiscation and vesting of benami property under the Benami Transactions (Prohibition) Act, 1988.

(4 marks)

(4 marks)

(3 marks)

(4 marks)

: 5 :

PART-II

5. X Pharmaceuticals Ltd., a renowned pharmaceutical company engaged in producing new pharmaceutical drugs have developed a new drug applying the process of making, combining drugs of a chemical materials and a micro-organism. X Pharmaceuticals Ltd. had patented this new innovative process to the Appropriate authority and got its patent registered. Whereas Y Instra Lab Pvt. Ltd. engaged in producing pharma drugs developed a drug of a combination of drug of penicillin and lactobacilli following the same process as X Pharmaceuticals Ltd. used in producing its drugs and already entered the market with their combination of drug product for quite a few months.

X Pharmaceuticals Ltd., claimed that they have developed the process of manufacturing their drugs after years of research and development as also claimed that they have evolved a new process in producing the same drug with a new process hitherto unknown to the Pharmaceutical world. X Pharmaceuticals Ltd. filed a suit against Y Instra Lab Pvt. Ltd for seeking expert ad interim injunction restraining Y Instra Lab Pvt. Ltd. from using the said process for its products and marketing them.

In light of the above, answer the following questions :

- (i) Is the process developed by X Pharmaceuticals Ltd., is new and innovative ?

(5 marks)

: 6 :

- (ii) Identify from the above case study as to whether the process adopted by X Pharmaceuticals Ltd., have been patented or 'combination of drug' have been patented ?
(3 marks)
- (iii) Can the process developed by X Pharmaceuticals Ltd., be used by Y Instra Lab Pvt. Ltd. in producing its combination of drug ?
(4 marks)
- (iv) Can X Pharmaceuticals Ltd., restrain Y Instra Lab. Pvt. Ltd. from using the process of combination of drug ?
(5 marks)
- (v) What relief/award/order can be provided for X Pharmaceuticals Ltd. in this instant case.
(3 marks)

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

6. (a) Do the following acts constitute infringement of copyright under the Copyright Act, 1957 :
- (i) Prof. Ajay recited in public an extract from a poem by Rabindranath Tagore.

: 7 :

- (ii) ABC Publisher published a compilation of speeches of Atal Bihari Vajpayee, former Prime Minister, delivered in public without permission.
- (iii) A newspaper publishes a copy of masterpiece painting of Ganesh while carrying a story on his death.
- (iv) A book is not available in India. A librarian makes 10 copies of the book for the use of the Public library.
- (v) A magazine reproduces an article on a political topic by Kuldeep Nayar.
- (b) Manish assigned the copyright of his book to his niece Sujata in 2020. In 2022, due to some misunderstanding between them, Manish wants to revoke the assignment. Sujata contents that she has not made any fault and that she had helped a lot and there is no ground for revocation of assignment. Discuss.
- (c) You have recently been appointed as Company Secretary of the Ever Innovative Limited. Your Company receives a notice from the controller of patent that the application filled by your company for the grant of a patent of a new machine was deemed to have been abandoned. How you propose to deal with the matter ?
- (d) What is meant by an Industrial property under the Intellectual Property Rights ?

(5 marks each)

OR (Alternate question to Q. No. 6)

- 6A. (i) An application for registration of patents is filled with provisional specification indicating the subject matter to which the invention relates. State the contents of specification.
- (ii) Who is the proprietor of a design and state the prohibition in registration of certain design ?
- (iii) Explain the Provision 39 of Geographic indications relating to penalty for false geographical indications.
- (iv) Explain the broadcast reproduction rights under the provisions of the Copyright Act, 1957.

(5 marks each)

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Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 8

NOTE : Answer ALL Questions.

PART-I

1. (a) Discuss the provision of RBI related to constitution of “Monetary Policy Committee” under the Reserve Bank of India Act, 1934.
- (b) What are the various conditions which are to be satisfied by Non-Banking Financial Company (NBFC) to the satisfaction of Reserve Bank of India for registration ?
- (c) Foreign Venture Capital Investment is the investment made by non-resident investors by purchasing securities or units issued by Indian entities. List the sectors in which Foreign Venture Capital Investor is allowed to invest.
- (d) Explain the coverage of Export Promotion of Capital Goods (EPCG) Scheme in Foreign Trade Policy, 2023.

(5 marks each)

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

2. (a) “The entities raising External Commercial Borrowings (ECB) are required to follow the guidelines for hedging issued, if any, by the concerned sectoral or prudential regulator in respect of foreign currency exposure.” Discuss these guidelines.
- (4 marks)
- (b) Can an Indian Trust or Society make overseas direct investment ? What are the eligibility criteria for an Indian Trust or Society for making Overseas Direct Investment under the Foreign Exchange Management (Overseas Investment) Regulations, 2022 ?
- (4 marks)
- (c) Whether following remittances by Resident Individuals need prior approval of Reserve Bank of India :
- (i) Geeta gifts to her sister in New York USD 2,45,000.
- (ii) Manav spends USD 3,50,000 as fees for an Academic Course in New Zealand.
- (iii) Ishan spends USD 1,75,000 on European Tour.
- (iv) Ashima is going to Australia for Emigration and she wants to draw USD 2,75,000.

(4 marks)

: 3 :

(d) When can the assets created out of Foreign Contribution be disposed of under Section 22 of the The Foreign Contribution (Regulation) Act, 2010.

(4 marks)

(e) List the instruments included as Non-Debt instruments under Foreign Direct Investment–Regulation and Policy.

(4 marks)

OR (Alternate question to Q. No. 2)

- 2A.** (i) What are the duties, powers and functions of “Board of Approval” regarding orderly development of Special Economic Zones under Special Economic Zones Act, 2005 ?
- (ii) Discuss the salient features of Foreign Contribution (Regulation) Amendment Act, 2020.
- (iii) Discuss the “Financial Inclusion and Development Functions” of RBI under Reserve Bank of India Act, 1934.
- (iv) State the guidelines for FDI in Pension Sector along with Entry Route and percentage of Equity/FDI under Foreign Direct Investment–Regulation and Policy.
- (v) What are entry routes of Foreign Direct Investment in India under Foreign Direct Investment–Regulation and Policy ?

(4 marks each)

PART-II

3. (a) Can Competition Commission of India during pendency of inquiry issue interim order ?
Discuss with relevant case laws.
- (b) What is the basic purpose of Competition Law and Policy ?
- (c) Explain the concept of Competition Advocacy u/s 49 of the Competition Act, 2002.
- (d) Explain the provisions relating to “Right to legal representation” in context of the Competition Act, 2002.
- (e) The Competition Act, 2002 provides for the constitution of a fund called the “Competition Fund.” Elaborate the given statement.

(3 marks each)

4. (a) Explain the provisions of appointment of “Director General” under the Competition Act, 2002.
- (b) What factors are important to determine ‘relevant geographic market’ and ‘relevant product market’ under the Competition Act, 2002 ?

(5 marks each)

PART-III

5. (a) Ratan Properties Pvt. Ltd. is developing a residential site in Jodhpur. Aryansh purchases a plot of 5000 square feet. Before the plot could be developed, war breaks out and the residential site is requisitioned by Government of India for war purposes for temporary period. Ratan Properties Pvt. Ltd, claims impossibility to deliver plot to Aryansh. Examine the claim under the Indian Contract Act, 1872.
- (4 marks)
- (b) Malti is the daughter of Harish who has divided all the assets among his two sons Dhruv and Tarun with the condition that some provision must be made for the marriage of Malti. Later the brothers refuse to contribute towards the marriage of Malti on the pretext that there is absence of privity of contract between Malti and the two brothers. Will Malti succeed ? Discuss as per the provisions of Indian Contract Act, 1872.
- (4 marks)
- (c) Amit who is Hindu, provided in partition between him and his three sons in the partition deed that if any one of his sons wants to sell his share, he should not sell it to a stranger, rather he should sell it to his brother at Rs. 1000 only. Examine the validity of condition imposed in partition deed under provisions contained in Transfer of Property Act, 1882.

(4 marks)

(d) Raichand & Sons supplied deficient pipes and fitting materials to Rakesh & Sons. Rakesh & Sons preferred an application before the State Commission, for which State Commission had awarded Rs. 1.5 Crore as compensation to be paid by Raichand & Sons to Rakesh & Sons. When the opposite party Raichand & Sons preferred an appeal to the National Commission, they were asked to pay 50 percent of the award money. Examine the validity of requirement of deposit for making appeal to National Consumer Dispute Redressal Commission under the Consumer Protection Act, 2019.

(4 marks)

(e) Raman bought the car of Rupali. But the car remained in garage of Rupali. The price remained unpaid. The car was destroyed by a fire but there was no fault of Rupali in this. Rupali claims money of the car. Examine the validity of her claim as per the Sale of Goods Act, 1930.

(4 marks)

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

6. (a) What is Endorsement under the Negotiable Instruments Act, 1881 ? Name the various types of Endorsements.

(3 marks)

: 7 :

(b) In the light of Consumer Protection Act, 2019, highlight the concept of Product Liability Action and discuss the liability of the Product Manufacturer.

(3 marks)

(c) Adnan and Tara are partners in a partnership firm which is not registered. Diti is a retailer who sells goods produced by Adnan and Tara's partnership firm on credit basis. Since Diti is unable to make payment for credit sales made in previous year, Adnan and Tara intent to sue Diti. Advice whether the partnership firm can sue Diti under provisions of Indian Partnership Act, 1932 ?

(3 marks)

(d) What influence does money laundering have on economic development ?

(3 marks)

(e) Samantha is gifted a house by her father with the condition that she must transfer a paddy field to her sister. Is this transfer valid ? Explain as per provisions contained in Transfer of Property Act, 1882.

(3 marks)

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: 8 :

OR (Alternate question to Q. No. 6)

6A. Distinguish between the following :

- (i) Mistake of Fact and Mistake of Law
- (ii) Tenancy at will and Tenancy by sufferance
- (iii) Novation and Alteration
- (iv) FOB contracts and CIF Contracts
- (v) Actionable claim and Non-actionable claim.

(3 marks each)

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Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 6

NOTE : Answer ALL Questions.

PART-I

1. (a) “The Reserve Bank of India has prescribed appropriate prudential norms for banks in order to strengthen the balance sheets of banks.” Briefly describe these norms.
- (b) Elaborate briefly the pre-requisites for compounding process under Foreign Exchange Management Act (FEMA), 1999.
- (c) Discuss the provisions where the Central Government may call for and examine any proceedings under the Foreign Contribution (Regulation) Act, 2010.
- (d) Explain the provisions with regard to setting up of unit under Section 15 of the Special Economic Zones Act, 2005.

(5 marks each)

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

2. (a) Discuss the terms and conditions for overseas direct investment by a proprietorship concern/unregistered partnership firm in India.

(4 marks)

: 2 :

- (b) What do you mean by Liberalised Remittance Scheme ?
(4 marks)
- (c) In which manner External Commercial Borrowings (ECB) proceeds are permitted to be parked abroad as well as domestically ?
(4 marks)
- (d) What mandatory documents are required to be submitted for export and import of goods from/into India ?
(4 marks)
- (e) What is meant by Core Investment Company (CIC) ?
(4 marks)

OR (Alternate question to Q. No. 2)

- 2A. (i) Define the following terms as stated under Foreign Exchange Management Act, 1999 :
- (a) Automatic Route
 - (b) Government Route
 - (c) Foreign Portfolio Investment
 - (d) Foreign Portfolio Investor.
- (4 marks)
- (ii) Explain any four provisions related to eligibility of service providers under Service Exports from India Scheme (SEIS) as per Foreign Trade Policy and Procedure.
(4 marks)
- (iii) State the provisions of Reserve Bank of India Act, 1934 regarding creation of reserve fund by non-banking financial companies. How can it be appropriated ?
(4 marks)

: 3 :

(iv) What do you mean by “Financial Commitment” and “Indian Party” under Overseas Direct Investment ?

(4 marks)

(v) Explain the following instruments used by Reserve Bank of India for implementing monetary policy :

(a) Liquidity Adjustment Facility

(b) Marginal Standing Facility.

(4 marks)

PART-II

3. (a) Under what circumstances the Central Government may remove the Chairperson or any member of the Competition Commission of India under the Competition Act, 2002 ?
- (b) Discuss the provisions when the order passed by the Competition Commission of India may be rectified under the Competition Act, 2002.
- (c) An Organization constituted by the owners of Cement Industries unanimously decided to raise the price of cement above competitive levels resulting in injury to the consumers and to the economy. But the decision taken by the organization was not in writing and also not intended to be enforced by legal proceedings. Discuss whether the decision taken by organization may be considered as an ‘agreement’ under the provisions of the Competition Act, 2002 ?
- (d) Mention the most commonly adopted ways in which collusive bidding or bid rigging may occur.
- (e) Explain the provisions regarding “Meetings of Commission” under Section 22 of The Competition Act, 2002.

(3 marks each)

: 4 :

4. (a) Explain the procedure which is being regulated by the Competition Commission of India under Section 36(2) while trying the suit under the provisions of the Competition Act, 2002.
- (b) What are the orders that may be issued by the Competition Commission of India after inquiry into any agreement entered into by any enterprise or association of enterprises or any person or association of persons or an enquiry into abuse of dominant position under Section 27 of the Competition Act, 2002 ?

(5 marks each)

PART-III

5. (a) A tendered to supply goods to B up to ₹ 50,000 for a period of one year. B ordered the goods up to ₹ 30,000 only. A wants to sue B for breach of contract as order did not come up to the amount expected. Discuss with reasons whether A can sue B under The Indian Contract Act, 1872.
- (b) C agrees to appoint B as his clerk to sell goods at a yearly salary upon A's becoming surety to C for B for his conduct of duly accounting for money received by him as such clerk. Afterwards, without A's knowledge or consent, C and B agree that B should be paid commission on the goods to be sold by him and not by a fixed salary. B later misappropriated funds. Discuss the liability of A.

(4 marks)

(4 marks)

: 5 :

- (c) Ranu, hired a taxi car from his residence to airport as he and his family were going from Mumbai to Bengaluru. The taxi was in a poor condition and the driver had not adequate rest and drove rashly. Eventually, it went burst in the middle due to which Ranu and his family could not reach the airport in time to catch their flight.

Decide whether Ranu may be treated as a 'consumer' under the Consumer Protection Act, 2019 ?

(4 marks)

- (d) Discuss the provisions for the confiscation and vesting of benami property under the Benami Transactions (Prohibition) Act, 1988.

(4 marks)

- (e) Explain in brief the role of the Financial Action Task Force (FATF) in the prevention of money laundering under The Prevention of Money Laundering Act, 2002 ?

(4 marks)

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

6. (a) Explain the provisions of the "Publication of names of convicted companies by Court" as per Section 10-B of The Essential Commodities Act, 1955.

(3 marks)

- (b) Discuss the aims and advantages for which Real Estate (Regulation and Development) Act, 2016 (RERA) was enacted.

(3 marks)

: 6 :

(c) Section 2A of the Essential Commodities Act, 1955 lists 'foodstuffs' as an essential commodity in its Schedule. Discuss with the help of decided case whether 'tea' is also a 'foodstuff' in this sense ?

(3 marks)

(d) What are the penalty provisions for vexatious search under the Legal Metrology Act, 2009 ?

(3 marks)

(e) Enumerate any four kind of properties which cannot be transferred under the Transfer of Property Act, 1882.

(3 marks)

OR (Alternate question to Q. No. 6)

6A. Distinguish between the following :

(i) Cheque and Bill of Exchange

(ii) 'Contract of service' and 'Contract for service' under Consumer Protection Act, 1986

(iii) Sale and Agreement to sell

(iv) Actual, Active or Ostensible partner and Sleeping or Dormant partner.

(v) Simple mortgage and Mortgage by conditional sale.

(3 marks each)

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