

Subject Code : CL/BC-203

Booklet No. **A** 712



CL/BC-203

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(2nd Semester)

COMMERCE

Paper : BC-203

(**Commercial Law**)

Full Marks : 70

Pass Marks : 45%

Time : 3 hours

(PART : B—DESCRIPTIVE)

(Marks : 45)

*The figures in the margin indicate full marks
for the questions*

1. (a) Define consideration. Critically discuss the essential elements of consideration.

2+7=9

Or

- (b) State and briefly explain the various modes in which a contract may be discharged.

9

2. (a) Discuss the rules regarding delivery under the Sale of Goods Act, 1930.

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Or

(b) What are conditions and warranties in contract of sale? When can the breach of conditions be treated as a breach of warranty?

3. (a) Define partnership. Explain essential elements of partnership.

Or

(b) Discuss the grounds on which a partnership can be dissolved.

4. (a) Distinguish between Promissory Note and Bill of Exchange.

Or

(b) What is crossing of a cheque? Elaborate on the different types of crossing of a cheque.

5. (a) Explain the salient features of Consumer Protection Act, 1986.

Or

(b) What is FEMA? Explain the provisions of FEMA.

CL/BC-203

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(Turn Over)

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(PART : A—OBJECTIVE)

(Marks : 25)

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1. Choose the correct answer by putting a Tick (✓) mark
in the brackets provided : 1×10=10

(a) An agreement made by the action/behaviour of
parties is

(i) oral agreement ()

(ii) written agreement ()

(iii) express agreement ()

(iv) implied agreement ()

(b) An agreement in restraint of marriage is

- (i) void ()
- (ii) voidable ()
- (iii) lawful ()
- (iv) valid ()

(c) Offer is defined in

- (i) Section 2(a) ()
- (ii) Section 2(b) ()
- (iii) Section 2(c) ()
- (iv) Section 2(d) ()

(d) Dishonour of a bill of exchange may be done by

- (i) non-acceptance ()
- (ii) non-payment ()
- (iii) Both (i) and (ii) ()
- (iv) None of the above ()

(e) 'Goods' are defined under Section ____ of the Sale of Goods Act, 1930.

(i) 2(6) ()

(ii) 2(7) ()

(iii) 3(6) ()

(iv) 3(7) ()

(f) 'Consumer' is defined under Section ____ of the Consumer Protection Act, 1986.

(i) 2(a) ()

(ii) 2(1)(d) ()

(iii) 2(b) ()

(iv) 2(1)(e) ()

(g) When a partner agrees to share his profits in a partnership firm with an outsider, such an outsider is called

(i) actual partner ()

(ii) sub-partner ()

(iii) nominal partner ()

(iv) silent partner ()

(h) In a contract of guarantee, the person who gives the guarantee is called

- (i) principal debtor ()
- (ii) creditor ()
- (iii) surety ()
- (iv) None of the above ()

(i) Unpaid seller is defined as one to whom

- (i) part of the amount is due ()
- (ii) whole of the amount is due ()
- (iii) whole or part of the amount is due ()
- (iv) None of the above ()

(j) Discharge of a contract may be done by

- (i) mutual consent or agreement ()
- (ii) performance ()
- (iii) breach of the contract ()
- (iv) All of the above ()

2. State whether the following statements are *True* (T) or *False* (F) by putting a Tick (✓) mark : 1×5=5

(a) Attempted performance of a contract is also known as 'tender'.

(T / F)

(b) The remedy of 'specific performance' is allowed in case of breach of all types of contracts.

(T / F)

(c) Registration of a partnership firm is compulsory under the Partnership Act, 1932.

(T / F)

(d) A 'holder in due course' gets the instrument free from all defects.

(T / F)

(e) Sale of goods is concerned with movable goods only.

(T / F)

(6)

3. Write short notes on any *five* of the following : $2 \times 5 = 10$

(a) Unpaid seller


CL/BC-203/241

(7)

(b) Capacity of parties

(c) Auction sale

CL/BC-203/241



(8)

(d) Types of partnership

(e) Negotiable instrument

CL/BC-203/241

(9)

(f) Rights of consumers

CL/BC-203/241

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