

Seat No.: _____

Enrolment No. _____

GUJARAT TECHNOLOGICAL UNIVERSITY
MBA – SEMESTER –IV-EXAMINATION – SUMMER-2022

Subject Code: 4549281

Date: 22-07-2022

Subject Name: Legal Aspects of Business

Time: 10:30 AM TO 01:30 PM

Total Marks: 70

Instructions:

1. Attempt all questions.
2. Make suitable assumptions wherever necessary.
3. Figures to the right indicate full marks.

Q.1 Explain the Following Terms: **14**
(a) Proposal
(b) Prospectus
(c) Conditions & Warranties
(d) Consumer
(e) Digital Signature
(f) Trust
(g) Cheque

Q.2(a) Walt and Jesse want to enter into a business contract with each other. What are the essential elements that they need to take care of to make sure that their contract is valid? **07**

(b) Harvey has sold some goods to Mike. The property in goods has already passed from Harvey to Mike. Now, Mike is refusing to Pay Harvey. What are the rights available with Harvey against Mike? **07**

OR

(b) Define Memorandum of Association. Explain the contents of MoA. **07**

Q.3(a) What are the Rights & Powers of a Trustee as defined in Indian Trusts Act, 1882? **07**

(b) What is Partnership? What are the essential characteristics of Partnership? **07**

OR

Q.3(a) What are the Rights & Duties of a Partner as defined in Indian Partnership Act? **07**

(b) Who can be a Trustee as per Indian Trusts Act, 1882? **07**

- Q.4(a)** What is a Promissory Note? What are the essential elements of a Promissory Note? **07**
(b) What is Central Pollution Control Board? What are the functions of CPCB? **07**

OR

- Q.4(a)** What is Bailment? Explain the essentials of a valid Bailment. **07**
(b) How is Controller appointed? What are the Functions of Controller? **07**

Q.5 Case Study

A public library learns about a book authored by a foreign author published abroad. The library has very good intentions as it believes that it is a very good book and it will help a lot of people if they read this book. But, the book is very expensive and the library cannot afford to purchase multiple copies of this book due to high price of the book and the limited budget available with the library. The library buys one copy of the book and makes 6 photocopies of the book for the benefit of its patrons.

- (a)** Is the library guilty of infringement of Copyright? If yes, How & Why? Can it avoid Infringement by reducing the number of copies? **07**
(b) What are the remedies available to the author of the book against the Library under The Copyright Act, 1957? **07**

OR

Arya goes to “Phones R Us” to buy a new mobile phone for her father. The salesperson shows her the latest model of a popular smartphone. Arya wants to examine the phone but the salesperson says that she cannot switch on the phone and check it before buying as it is a new and company sealed piece. She buys the phone nevertheless and gifts it to her father. When her father opens the box and switches on the phone he realizes that it is already configured by someone else as there are many pre-installed Apps and photos of a previous user. They realize that the salesperson has given them a second hand phone which was already used by someone else and charged them the entire amount for a brand new phone. Arya wants to take action against “Phones R US” under Consumer Protection Act, 1986. Please advise her.

- (a)** What type of complaint can be filed against “Phones R Us” and in which redressal agency? **07**
(b) If the redressal agency is satisfied that Arya’s complaint is genuine, what order can it give against “Phones R Us”? **07**