


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2024</b>			
<b>Course: Company Law-II</b> <b>Program: B.Tech. CSE LL. B (Hons.) Cyber Law</b> <b>Course Code: CLCC4029</b>		<b>Semester: VIII</b> <b>Time : 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions:</b> <ol style="list-style-type: none"> <li>All questions are to be attempted.</li> <li>Refer to the relevant legal provisions.</li> <li>The word limit for the specific sections is mentioned below:</li> </ol>			
<b>Section A: 50-70 words</b> <b>Section B: 150-200 words</b> <b>Section C: 500-700 words</b> <b>Section D: 1000-1200 words</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Marks	CO
Q 1	Whether All India Financial Institution regulated by Reserve Bank of India required to create a Debenture Redemption Reserve?	2	CO1
Q 2	Identify the key categories of financial instruments that are not considered deposits under the Companies Act, 2013.	2	CO1
Q 3	Define Compromise and Arrangement.	2	CO1
Q 4	Discuss the concept of the fast-track CIRP.	2	CO1
Q 5	Name the committee which recommended the establishment of Special Courts under the Companies Act, 2013.	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Discuss some of the different approaches that shareholder activists can take to prevent corporate abuse.	5	CO2
Q 7	Highlight the prescribed limit of Debenture Redemption Reserve and further briefly discuss the manner in which Debenture Redemption Fund is required to be utilized as per the Companies (Share Capital and Debentures) Rules, 2014.	5	CO2
Q 8	Explain how the rights of shareholders are different from debenture holders.	5	CO2

Q 9	Explain the objectives behind introducing class action suits in the Companies Act, 2013 and the persons who can initiate a class action suit?	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	<p>“A petition signed by 100 members of a company has been moved to NCLT for prevention of mismanagement. Later on, half of the members (signatories) withdrew their consent after filing the petition.”</p> <p>a. Analyse the situation and comment if the remaining applicants (petitioners/signatories) to the petition would be successful in their complaint to NCLT.</p> <p>b. Further discuss the relevant legal provisions to prevent oppression and management.</p>	(2+8=10)	CO3
Q 11	Examine the key regulatory considerations in the case of merger and amalgamation of holding company with its wholly owned subsidiary company as per the Companies Act, 2013.	10	CO3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 12	<p>You are an insolvency professional (IP) appointed to a company based in Misrapatti, Uttarakhand. The company has been struggling financially for the past year and is unable to meet its debt obligations. Creditors have approached the National Company Law Tribunal (NCLT) seeking CIRP (Corporate Insolvency Resolution Process) for the company.</p> <p>A) As the appointed IP, how will you approach this case considering the specific provisions for CIRP in the Insolvency and Bankruptcy Code (IBC) 2016?</p> <p>B) If a creditor has initiated legal action against the company before the commencement of CIRP. Can the creditor continue with the legal proceedings during the moratorium period? How would you handle this situation?</p>	(20+5=25)	CO4
Q 13	A) Sansa Ltd. is a company having 1100 shareholders. One of the directors of the company is of the opinion that the company should form a Stakeholders Relationship Committee. However, the Secretary of the company claims that it is not mandatory for the company to constitute SRC. Referring to the provisions of the Companies Act, 2013 answer the following questions:	(2+2+8.5=12.5)	CO4

	<ul style="list-style-type: none"> <li>• Whether the opinion of the director is correct? Under what specific provisions of the Companies Act, 2013 is the formation of a Stakeholder Relationship Committee (SRC) mandated?</li> <li>• State the composition of the Stakeholder Relationship Committee?</li> <li>• Explain the role of Stakeholder Relationship committee?</li> </ul> <p>B) Jon Ltd. is a company with an annual turnover of more than 1000 crores.</p> <ul style="list-style-type: none"> <li>• Determine whether Jon Ltd. is required to formulate a CSR Committee. Further state which companies are mandated to comply with CSR provisions under the Companies Act, 2013?</li> <li>• What is the minimum threshold a company must spend on CSR activities under the Companies Act? How is this spending calculated?</li> <li>• Explain the role of Corporate Social Responsibility Committee.</li> </ul>	<p>(3+4+5.5= 12.5)</p>	
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