

# CA Final – Paper 4 (Law) – MCQ

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(Covering ICAI SM, MTPs & RTPs till Nov. 2022 applicable for May/Nov. 2023 Exams)

## Chapter - 10: Adjudication, Special Courts

160	<p><b>Mr. Rudra Sampat, an employee of Rajeev SuperMart Limited, filed a complaint against the company for the illegal issue and transfer of securities before the Special Court. Choose the correct basis from the four bases given below on which the said complaint shall be rejected by the Special Court:</b></p> <ul style="list-style-type: none"><li>(a) The above offence of illegal issue and transfer of securities by Rajeev SuperMart Limited is a non-cognizable and therefore, it is out of the jurisdiction of the Special Court.</li><li>(b) Since the Court is barred to entertain a complaint relating to illegal issue and transfer of securities by Rajeev SuperMart Limited, it is out of the jurisdiction of the Special Court.</li><li>(c) Mr. Rudra Sampat, being an employee of Rajeev SuperMart Limited, is not a competent person to file a complaint against the company for an offence relating to illegal issue and transfer of securities.</li><li>(d) In respect of illegal issue and transfer of securities by Rajeev SuperMart Limited, a complaint can be filed before the Court by the Registrar of Companies, a shareholder or a member of the company, or a person authorised by the Central Government in that behalf.</li></ul>
161	<p><b>The Registrar of Companies (RoC), Mumbai, moved an application under Section 272 of the Companies Act, 2013 to the National Company Law Tribunal for winding-up of the Isabella Gymnasium Products Limited. During the pendency of the winding-up application, the National Company Law Tribunal, considering the best interest of the parties to the application, suo motu is desirous of referring the matter of the proceedings pending before it to the Mediation and Conciliation Panel formed under Section 442 of the Companies Act, 2013. You are required to select the correct option from the four given below whether National Company Law Tribunal can, suo motu, refer the proceedings pending before it to the Mediation and Conciliation Panel:</b></p> <ul style="list-style-type: none"><li>(a) The National Company Law Tribunal is empowered to refer, suo motu, any matter pertaining to above stated proceedings to the Mediation and Conciliation Panel.</li><li>(b) The National Company Law Tribunal cannot, suo motu, refer any matter pertaining to above stated proceedings to the Mediation and Conciliation Panel as only Central Government is empowered to take such action.</li><li>(c) The National Company Law Tribunal cannot, suo moto, refer any matter pertaining to above stated proceedings to the Mediation and Conciliation Panel without first obtaining the consent of the parties to the proceedings.</li><li>(d) The National Company Law Tribunal shall refer any matter pertaining to above stated proceedings to the Mediation and Conciliation Panel only after obtaining prior approval of the Central Government in this behalf.</li></ul>

162	<p><b>Central Government for providing of speedy trial of offences under the Companies Act, 2013, shall establish/ designate such numbers of special courts in an area:</b></p> <p>(a) Only 1  (b) Not more than 2  (c) More than 2  (d) As many as may be necessary</p> <p style="text-align: right;"><b>[MTP-May 20]</b></p>
163	<p><b>State whether, Mr. R, the director of Roma Ltd. who is already been subjected to a penalty for default under the Companies Act, 2013, repeats such default, shall be liable for subsequent defaults.</b></p> <p>(a) No.  (b) Yes, if default is committed with in period of 1 year from the date of commission of first default.  (c) Yes, if default is committed with in period of 1 year from the date of order passed by NCLT.  (d) Yes, if default is committed with in period of 3 years from the date of order imposing such penalty passed by the Adjudicating officer.</p> <p style="text-align: right;"><b>[MTP-April 21]</b></p>
164	<p><b>Mr. Rashtra, one of the parties to the proceedings applied to the Tribunal, for referring the matter pertaining to such proceedings to the Mediation and Conciliation Panel. The Mediation and Conciliation Panel shall dispose of the matter referred to it within a period of _____.</b></p> <p>(a) 2 months from the date of such reference.  (b) 3 months from the date of such reference.  (c) 3 months from the date applied to the Tribunal for reference.  (d) 6 months from the date applied to Tribunal.</p> <p style="text-align: right;"><b>[MTP-Oct. 21]</b></p>
165	<p><b>The Central Government may, for the purpose of providing speedy trial of offences punishable under the Companies Act, 2013 with imprisonment of two years or more offences under this Act, by notification, establish or designate:</b></p> <p>(a) not more than one special court in that jurisdiction where offence took place.  (b) At least 2 special courts court in that jurisdiction where offence took place  (c) as many Special Courts as may be necessary  (d) District and Session court in that jurisdiction where offence took place</p> <p style="text-align: right;"><b>[MTP-March 22]</b></p>
166	<p><b>Rhea Marketing and Consultants Limited, incorporated under the Companies Act, 2013, had made political contributions amounting to ₹ 1,00,000 to a political party registered under section 29A of the Representation of the People Act, 1951. The statutory auditor of the company, while reviewing the donations made to the said political party, found that no proper board resolution authorizing the donation was made. Since there is contravention of the applicable provisions, it is imperative that the Directors of Rhea Marketing and Consultants Limited would liable to be punished with imprisonment upto six months and with fine up to five times the amount of contribution so made. You are required to choose the correct option which indicates the category under which offence committed by the Directors of the company will fall considering the applicable provisions of the Companies Act, 2013:</b></p> <p>(a) Compoundable offence.  (b) Non-compoundable offence.  (c) Compoundable and cognizable offence.  (d) Non-compoundable and non-cognizable offence.</p> <p style="text-align: right;"><b>[MTP-March 22]</b></p>

<b>167</b>	<p><b>The Adjudicating Officers for adjudicating penalty under the provisions of the Companies Act, 2013 is appointed by:</b></p> <p>(a) The Central Government  (b) The Registrar  (c) Chief Justice of India  (d) The Regional Director</p> <p style="text-align: right;"><b>[MTP-April 22]</b></p>
<b>168</b>	<p><b>Trial of an offence under the Companies Act, by special court shall be of such an offence:</b></p> <p>(a) which is punishable with imprisonment for a term exceeding one year  (b) which is punishable with imprisonment for a term not exceeding one year  (c) which is punishable with imprisonment for a term exceeding three years  (d) which is punishable with imprisonment for a term not exceeding three years</p>

<b>Answers Key</b>		
<b>Q. No</b>	<b>Answer</b>	
<b>160</b>	<b>(c)</b>	Mr. Rudra Sampat, being an employee of Rajeev SuperMart Limited, is not a competent person to file a complaint against the company for an offence relating to illegal issue and transfer of securities.
<b>161</b>	<b>(a)</b>	The National Company Law Tribunal is empowered to refer, suo motu, any matter pertaining to above stated proceedings to the Mediation and Conciliation Panel.
<b>162</b>	<b>(d)</b>	As many as may be necessary.
<b>163</b>	<b>(d)</b>	Yes, if default is committed within period of 3 years from the date of order imposing such penalty passed by the Adjudicating officer.
<b>164</b>	<b>(b)</b>	3 months from the date of such reference.
<b>165</b>	<b>(c)</b>	as many Special Courts as may be necessary
<b>166</b>	<b>(d)</b>	Non-compoundable and non-cognizable offence.
<b>167</b>	<b>(a)</b>	The Central Government
<b>168</b>	<b>(d)</b>	which is punishable with imprisonment for a term not exceeding three years