

TopYug Educations**CA – INTER – CORPORATE & OTHER LAWS****TEST 5 – Ch VIII, IX & X of Co.s Act, 2013****Answer All the questions. Each question carries 5 marks each. Duration – 50 Mins**

1. XYZ Ltd is a listed company having turnover of Rs.1200 crores during the financial year 2015-16. The CSR committee of the Board formulated and recommended a CSR project which was approved by the Board. Company finalised the project under its CSR initiatives which require funds @ 5% of average net profit of the company for last three financial years. Will such excess expense be counted in subsequent financial years as a part of CSR expenditure? Advise as per the provisions of Co.s Act, 2013.
2. The Annual General Meeting of ABC Ltd. declared a dividend at the rate of 30 percent payable on paid up equity share capital of the Company as recommended by Board of Directors on 30th April, 2013. But the Company was unable to post the dividend warrant to Mr. Ranjan, an equity shareholder of the Company, upto 30th June, 2013. Mr. Ranjan filed a suit against the Company for the payment of dividend along with interest at the rate of 20 percent per annum for default period. Decide in the light of provisions of the Companies Act, 2013, whether Mr. Ranjan would succeed? Also state the directors' liability in this regard under the Act.
3. Answer the following:
 - (i) Managing Director of PQR Ltd. himself wants to appoint Shri Ganpati, a practicing Chartered Accountant, as first auditor of the company. Referring the provisions of Co.s Act, 2013 Comment on the proposed action of the Managing Director.
 - (ii) "Mr. A", a practicing Chartered Accountant, is holding securities of "XYZ Ltd." having face value of ` 900/-. Whether Mr. A is qualified for appointment as an Auditor of "XYZ Ltd."?
4. The Annual General Meeting of M/s. Robertson Ltd. for laying the Annual Accounts thereat for the year ended 31st March, 2004 was not held as the accounts were not ready. In this context:
 - (i) Advise the company regarding compliance of the provisions of Sec.137 of the Companies Act, 2013 for filing of copies of Annual Accounts with the Registrar of Companies.
 - (ii) Will it make any difference in case the Annual Accounts were duly laid before the AGM held on 27th September, 2004 but the same were not adopted by the shareholders?
5. State the provisions of the Companies Act, 2013 in respect of appointment of Auditor in the following cases:
 - (i) A public limited company at whose AGM held on 30th November, 2006, the auditor was appointed to hold office as such till the conclusion of its 6th AGM, but whose auditor has resigned on 15th March, 2007.
 - (ii) A company whose shareholders include the following:
 - a) Bank of Baroda (a nationalized bank) holding 12% of the Subscribed capital in the Co.
 - b) National Insurance Co. Ltd. (carrying on general insurance business) holding 10% of the Subscribed capital in the Company.
 - c) Maharashtra State Financial Corp'n (a PFI) holding 8% of the Subscribed capital in the Co.

GOOD LUCK !