

EXAMINATION OF ARTICLED CLERKS
PAPER III
CORPORATE LAW & TAXATION LAW
Friday, 21st April, 2023
Time: 3 Hrs (1:00 PM to 4:00 PM)
TOTAL MARKS-100

PART I

Note:

- (1) Please answer all questions to the point.
- (2) Answers should be reasoned and where possible supported by case law.

1. **Write short notes on any two of the following :** **8 Marks**

- i. Powers of the SEBI Board.
- ii. Fraudulent and Unfair Trade Practices
- iii. Penalties under the SEBI Act for Offences relating to
Insider Trading
- iv. Appeals to the Securities Appellate Tribunal

2. i. Who is said to be in Control of a Company and explain the **10 Marks**

- concept of Control under the Takeover Code.
- ii. What is a Target Company?
- iii. What is Open Offer and Tendering period under the
Acquisition of shares and Takeover Regulations, 2011?
- iv. What is Withdrawal of public Offer?
- v. What is continual disclosure under the Takeover
Regulations, 2011?

3. **Write Short Notes on:** **8 Marks**

- i. Prohibitions on “Insiders” in terms of the Insider Trading
Regulations.
- ii. What is “price- sensitive” information? Is establishment
of Motive relevant for Insider Trading?

4. Write short notes on any two of the following: **8 marks**
- i. Elaborate on the applicability of the SEBI LODR.
 - ii. Protection of Rights of Shareholders under LODR.
 - iii. What are the requirements for being appointed as an Independent Director of a Listed Entity AND what are the last Amendments regarding appointment and removal of Independent Directors as per the Regulations.
 - iv. Prior Intimations
5. i. What does Buy Back of Securities mean? What are the advantages of a Buy Back for a listed Company? **8 Marks**
- ii. What is 75% Rule for Buyback and what are the limits for utilization of proceeds of the Buyback.
6. i. What is the purpose of framing the Competition Law? What factors considered by CCI while inquiring about Dominant Position of an Enterprise. **8 Marks**
- ii. What are the offences punishable under the Competition Act? List the Penalties under the Act.

PART II

1. Write brief notes on any two of the following : **12 marks**
- i. Income deemed to accrue or arise in India through or from any "business connection". Elaborate with explanations and exceptions under Section 9 of the Income Tax Act.
 - ii. Income by way of Royalty.
 - iii. Define Residential Status of Individuals and Companies under the Income Tax Act.

2. Answer any one of the following: 5 marks
- i. Give instances of Incomes which do not form part of Total Income.
- ii. Explain concept and conditions for availing of Depreciation under Section 32 of the Income Tax Act.
3. Company X is carrying on business in leased premises. It has done extensive renovations to the premises incurring capital expenditure for the purposes of carrying on its business. Can the Company claim depreciation on the expenditure incurred? 5 marks
4. Explain : 10 marks
- i. Income from Property held for Charitable or Religious purposes.
- ii. Income of Trusts or Institutions from Contributions and what are the conditions for applicability of Sections 11 and 12 of the Income Tax Act .
5. Write Short Notes on: 10 marks
- i. Income escaping assessment.
- ii. Powers of Assessing Officers where income has escaped assessment and Time limits and sanction of Income Tax Authorities for issue of Notice under Section 148 of the Act. State briefly the changes made in the law w.e.f 1.4.2021 regarding to reassessments.
6. Write short notes on: 8 marks
- i. Appeals to the Appellate Tribunal under the Income Tax Act and Appeals to the High Court.
- ii. Double Taxation Relief
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