**Business & Allied Law**

**NMIMS Centre for Distance and Online Education (NCDOE)**

**Internal Assignment Applicable for April 2025 Examination**

**1. A car manufacturing company, XYZ Pvt. Ltd., entered into a contract with a supplier, Rubcotex Enterprises, for the delivery of synthetic rubber worth ₹20,00,000. The contract stipulated that Rubcotex must deliver the rubber within 45 days. However, the supplier failed to provide the rubber on time, causing production bottlenecks and significant losses to XYZ Pvt. Ltd. What are the legal implications of a breach of contract and remedies available to XYZ Pvt. Ltd., as per the Indian Contract Act, 1872?**

**Answer:**

**Introduction:**

A breach of contract occurs when a party fails to fulfill its contractual obligations, leading to legal consequences. In this case, Rubcotex Enterprises’ failure to deliver synthetic rubber within 45 days constitutes a breach of contract under the Indian Contract Act, 1872. This delay caused production bottlenecks and financial losses to XYZ Pvt. Ltd., entitling it to legal remedies. As per the Act, XYZ Pvt. Ltd. can claim damages for the losses suffered due to non-performance. Depending on the nature of the breach, the company may seek compensation, specific performance, or contract rescission. The legal implications and available remedies are essential to protecting business interests and ensuring contractual obligations are met.

**This is partially solved sample answer**

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**2. Ramkrishna Traders is a partnership firm formed by three partners -- Tina, Amit, and Kamal. As per the partnership deed, each partner has contributed equal capital and receives an equal share in profits. After four years of operation, Amit decided to retire due to health issues. With the consent of Tina and Kamal, Amit wants to admit his 16-year-old son, Anish, to the partnership in his place. Discuss the legal implications of Amit’s retirement as per the Indian Partnership Act, 1932. Additionally, analyze whether Anish can be admitted as a partner and his legal position in the firm.**

**Answer:**

**Introduction:**

Amit’s retirement from Ramkrishna Traders has legal implications under the Indian Partnership Act, 1932. As per the Act, a partner may retire with the consent of all partners or as per the terms of the partnership deed. Upon retirement, Amit is entitled to his share of assets and profits, and his liability towards the firm ceases after due settlement. However, the admission of Anish, a minor, raises legal concerns. Under Section 30 of the Act, a minor cannot be a full partner but may be admitted to the benefits of the partnership. His rights, liabilities, and legal position in the firm must be analyzed based on statutory provisions and partner agreements.

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**3. Ishaan purchased a premium smartwatch manufactured by ABCTech Pvt Ltd. for Rs 15,000 from TechShop.com, an e-commerce platform. The product came with a one-year warranty. However, within a month of usage, the smartwatch malfunctioned, causing Ishaan a minor electric shock when wearing it. Ishaan immediately reported the issue to TechShop.com and requested a replacement. Since the 15-day return window had lapsed, TechShop refused to assist and asked Ishaan to contact the manufacturer. But, ABCTech also did not accept liability, arguing that Ishaan might have mishandled the smartwatch.**

**a. As Ishaan believes the product was defective, how can he hold the e-commerce platform and manufacturer liable under the Consumer Protection Act, 2019?**

**Answer:**

**Introduction:**

Ishaan, as a consumer, is protected under the Consumer Protection Act, 2019, which holds both e-commerce platforms and manufacturers accountable for defective products. Since the smartwatch malfunctioned within a month and caused an electric shock, it qualifies as a defective product under the Act. TechShop.com, as an online marketplace, has a duty to facilitate consumer redressal, while ABCTech, as the manufacturer, is responsible for product safety. Ishaan can seek remedies, including a replacement, refund, or compensation for damages.

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**b. What defenses can TechShop.com and ABCTech Pvt. Ltd raise in this case?**

**Answer:**

**Introduction:**

TechShop.com and ABCTech Pvt. Ltd. can raise several defenses under the Consumer Protection Act, 2019, to avoid liability. TechShop.com may argue that it is merely an intermediary and not responsible for product defects beyond the 15-day return window. ABCTech can claim that Ishaan mishandled the smartwatch, leading to the malfunction. Additionally, they may assert that no prior complaints exist for the product, questioning the defect’s validity. Warranty terms and lack of conclusive evidence of a manufacturing defect may further support their defense.

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