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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MID TERM EXAMINATIONS

Sem & AY: Odd Sem & 2019-20

Date: 23.10.2019

Course Code: LAW408

Time: 9:30AM to 11:30AM

Course Name: LAW RELATING TO INFRASTRUCTURE PROJECTS

Max Marks: 60

Program: BBA LLB (Hons.) & IX

Weightage: 30%

Instructions:

- i. Please read all the questions carefully
- ii. Confine your responses to the analysis of the questions

Part A [Memory Recall Questions]

Answer all the Questions. Each Question carries two marks.

(10Qx2M=20M)

1. Write a short note on National Investment and Infrastructure Fund. (C.O.NO.3) [Knowledge]
2. Functions of Real Estate Agents under RERA 2016 (C.O.NO.1) [Knowledge]
3. Briefly explain Rural Infrastructure and its relevance (C.O.NO.1) [Knowledge]
4. Define Infrastructure and list out types of infrastructure. (C.O.NO.1) [Knowledge]
5. Write Short note on Central Advisory Council (C.O.NO.3) [Knowledge]
6. List out the responsibilities of Real Estate Regulatory Authority (C.O.NO.2) [Knowledge]
7. List out the objectives of Real Estate (Regulation and Development) Act 2016 (C.O.NO.1) [Knowledge]
8. Differentiate between PPP model and Traditional procurement (C.O.NO.1) [Knowledge]
9. List out the objectives of Swachh Bharat Mission (C.O.NO.3) [Knowledge]
10. Criteria's to declare a city – 'SMART CITY' (C.O.NO.3) [Knowledge]

Part B [Thought Provoking Questions]

Answer all the Questions. Each Question carries five marks.

(4Qx5M=20M)

11. The Bangalore Metro is a Metro system serving the Karnataka capital city. The system is designed to reduce traffic congestion in the city, and supplement the existing, but severely overcrowded railway line. It will be built in three phases over a 15-year period, with overall completion expected in 2031. When completed, the core system will comprise three high-capacity metro railway lines, spanning a total of 63 kilometres (39 mi). Axon Infrastructure is the largest infrastructure companies in India working with the government on this project.

Advice Axon Infrastructure on advantages of developing the project through Special Purpose Vehicle (SPV) and different kinds of PPP models available to develop, implement and operate the project. (C.O.NO.1) [Comprehensions]

12. Explain in detail Establishment and incorporation of Real Estate Regulatory Authority. (C.O.NO.2) [Analysis]

13. The Complainant booked a commercial space in the project Bangalore Business Centre under the scheme of assured return. Thereafter, parties entered into Assured Return Agreement and Complainant paid the 100% cost of the commercial space. As per the facts the possession was to be given within 4 years from the date of booking however, even after the delay of more than 7 years the project was incomplete. Despite the payment of 100% cost of the commercial space, the Respondent was not executed the Builder Buyer Agreement. Therefore, the present complaint was filed for seeking the possession along with the interest of delayed period.

It is to be noted that the project was delayed due to interim order passed by SEBI which restrained the respondent from alienating, disposing off or selling any of the assets of the respondent & further vide its final order classified the assured return scheme as a CIS (Collective Investment Scheme) and the validity of the same is pending before Security Appellate Tribunal.

a. Decide whether assured return scheme be considered as a Collective Investment Scheme and therefore valid under law or not.

b. Whether RERA has the authority to grant remedy to the complainant? Cite relevant case law. (C.O.NO.1) [Analysis]

14. The complaint was filed before Bangalore Real Estate Regulatory Authority seeking the refund along with interest of 12 % due to no construction at site even after a delay of 3 years moreover, the builder buyer agreement had also not been executed between the parties.

Elucidate whether the refund of the entire amount along with the interest can be granted as per Real Estate (Regulation and Development) Act 2016 in the given circumstance with the help of functions and duties of Real Estate promoters.

(C.O.NO.2) [Comprehensive]

Part C [Problem Solving Questions]

Answer both the Questions. Each Question carries ten marks.

(2Qx10M=20M)

15. Cities accommodate nearly 31% of India's current population and contribute 63% of GDP (Census 2011). Urban areas are expected to house 40% of India's population and contribute 75% of India's GDP by 2030. This requires comprehensive development of physical, institutional, social and economic infrastructure. All are important in improving the quality of life and attracting people and investment, setting in motion a virtuous cycle of growth and development. Development of Smart Cities is a step in that direction.

The government of Freedonia is a silicon city but expensive city to live in, Roads are too narrow to support increasing Traffic, Over-crowded buses, water crisis, drainage and clogging etc are certain problems the city is facing. The government intends to apply for status of SMART CITY to enhance the quality and performance of urban services such as energy, transportation and utilities in order to reduce consumption, wastage and overall costs. Advise the government in drafting the proposal for the city of Freedonia. (C.O.NO.1) [Application]

16. Ms. Michelle claim herself to be the bonafide purchasers of Pearl.doc Apartments in the project known as Lakeview. In pursuance of the negotiations between the parties, the "Agreement of Lease" came to be executed between them on various dates in the years 2014, 2015 and 2016 respectively total amounting for the period of 999 years in the Township scheme. The project is registered under the provisions of the RERA, was to be completed and the possession of the apartment was to be handed over to Michelle within 24 months. After waiting bonafidely for two years, Michelle found that there are no chances of the project being completed in a near future. Approach you for an advice.

- a. Advise Michelle on the remedy available under Real Estate (Regulation and Development) Act 2016.
- b. Whether the provisions of RERA are applicable on 'Agreements of Lease'.
- c. Can registration alone be a test to decide whether the provisions of RERA are applicable or not?

Explicate with the help of relevant case/provision of law.

(C.O.NO.1) [Application]

5	Co3	1	2	kn ow led ge								2
6	Co2	2	2	Kn ow led ge								2
7	Co1	2	2	Kn ow led ge								2
8	Co1	1	2	Kn ow led ge								2
9	Co3	1	2	Kn ow led ge								2
10	Co3	1	2	Kn ow led ge								2
11	Co1	2				5	Co mp reh en siv e					5
12	Co2	2				5	An aly sis					5
13	Co1	1				5	An aly sis					5
14	Co2	2				5	Co mp					5

							reh en siv e				
15	Co1	2							10	Appl icati on	10
16	Co1	1							10	Appl icati on	10
	Total Marks										60

K =Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

Annexure- II: Format of Answer Scheme



SCHOOL OF LAW

SOLUTION

Semester: IXth

Course Code: LAW

Course Name: Law Relating to Infrastructure Projects

Program & Sem: BBA LLB (Hons)

Date: 2019

Time: 60 MINS

Max Marks: 30

Weightage: 15%

Part A

(10Q x 2M = 20 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1	Constitution - purpose	Constitution – 1M Purpose – 1M	5
2	Any 4 Functions	Each Function – ½ M	5
3	Development in rural India - Schemes	Relevance – 2M	5
4	Meaning – three types	Meaning – 1M Types – 1M	5
5	Composition and functions	Composition- 1M Functions – 1M	5
6	4 Responsibilities	Each – ½ M	5
7	4 Objectives	Each – ½ M	5
8	2 differences	Each difference – 1M	5
9	4 Objectives	Each – ½ M	5
20	4 Criteria's	Each – ½ M	5

Part B

(4Q x 5M = 20 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
11	SPV – Kinds of Public Private Partnership - Advice	SPV – 2 M PPP – 2M Advice – 1M	10
12	Constitution – Appointment – Powers – Selecting Committee	Constitution – 2M Appointment and Selecting Committee – 2M Power – 1M	10M
13	Sh. Sukhbir Singh Grewal Vs. M/s. MVL Ltd. The remedy with the Real Estate Regulatory Authority is also more or less on the same pattern i.e. in case of failure to give possession by the due date, the allottee shall be refunded the money paid by him to the promoter along with interest as per prescribed rate. As the matter is already with the SAT, accordingly there is no case left for the present before this authority	Analysis and reasoning – 4M Case citation – 1M	10
14	10 Functions and duties	Each ½ M	10

Part C

(1Q x 10M = 10Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
13	Brief note of facts Identification of issue involved Analysis and justification Concluding remarks/suggestions	Facts and Issue-2M Analysis and Justification - 6M Suggestions – 2M	15
14	Brief note of facts Identification of issue involved Analysis and justification Concluding remarks/suggestions	Facts and Issue-2M Analysis and Justification - 6M Suggestions – 2M	15



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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM FINAL EXAMINATIONS

Semester: Odd Semester: 2019-20

Date: 28 December 2019

Course Code: LAW 408

Time: 1:00 PM to 4:00 PM

Course Name: LAW RELATING TO INFRASTRUCTURE PROJECTS

Max Marks: 80

Program & Sem: BBA.,LL.B., (Hons.) & IX

Weightage: 40%

Instructions:

- (i) Please read all the questions carefully
- (ii) Confine your responses to the analysis of the questions

Part A [Memory Recall Questions]

Answer all the Questions. Each Question carries 3 marks. (5Qx3M=15M)

1. While deciding on the constitutionality of the National Telecom Policy, 1994 Supreme Court observed the necessity of telecom regulator. Discuss whether TRAI is completely an independent telecom regulator. Substantiate your answer with relevant provisions of law. (C.O.No.2) [Understanding]
2. Explicate the historical background and evolution of Telecommunication sector in India. (C.O.No.2) [Knowledge]
3. List out the right and duties of allottees under Real Estate (Regulation and Development) Act, 2016. (C.O.No.2) [Knowledge]
4. Elucidate the concept of BOOT and BOO Model. (C.O.No.3) [Understanding]
5. Establish the interface between Artificial Intelligence with smart cities and infrastructure. (C.O.No.1) [Knowledge]

Part B [Thought Provoking Questions]

Answer all the Questions. Each Question carries 10 marks. (4Qx10M=40M)

6. E-commerce has defied the traditional structure of businesses trading with consumers bringing to the fore various business models. Discuss some of the common business models facilitated by e-commerce. (C.O.No.1) [Comprehension]
7. Home buyer Aman had booked a flat in Mars housing project located in Ameli under a registered agreement for sale on December 14, 2012. Mr. Aman said in his complaint filed with the regulatory authority that even after six years, the developer failed to give possession of the flat. Moreover, after the developer deferred the date

of completion of the project on RERA website to November 30, 2019. The developer's advocate explained that the reasons for the delay in completion project were beyond their control.

- a. Whether complainant and the developer mutually agree to a fresh possession date.
 - b. Discuss the consequences as per provisions laid down under RERA 2016 on developer for not handing over the possession within the said date. Substantiate your answer with the help of a case law. (C.O.No.2) [Application]
8. Blockchain is fascinating in theory, but some consider it overhyped – Enumerate the concept of Blockchain and the possible challenges that it will have to face if it is to reach its predicted success. (C.O.No.1) [Comprehension]
9. Real Estate sector plays a catalytic role in fulfilling the needs and demand for housing and infrastructure in the country and its economy. Since more than a decade the need for regulating the sector was being emphasized in various forms resulting in passing of Real Estate (Regulation and Development) Act, 2016. Explicate on the salient features of the Act 2016 and list out its objectives. (C.O.No.3) [Comprehension]

Part C [Problem Solving Questions]

Answer both the Questions. Each Question carries 12½ marks. (2Qx12½M=25M)

10. Plaintiff Ana, who is a Paytm customer, alleges on November 20, 2019 that without her knowledge, consent or authorization, Paytm removed the sums of Rs 3000.00 and Rs. 4500.00 from her bank account. Ana allegedly had difficulty contacting Paytm with respect to the erroneous transfer and finally reached a Paytm representative on November 23, 2019 to report the alleged error. Paytm acknowledged the error and returned the entire Rs. 7500.00 to Ana's account on November 25, 2019. Paytm transfers, however, caused Ana's bank account to have insufficient funds, and the bank charged Ana Rs. 2008.50 for failing to maintain his required balance. Ana contacted Paytm and requested reimbursement for the insufficient fund penalty and any interest her funds accrued while in Paytm's possession. Paytm allegedly refused to pay either amount, disputing Ana's figures. Ana filed suit against Paytm, Paytm denied the allegations and jurisdiction of the Court and took defense of the e-commerce agreement which is entered by the user at the time of registering themselves with Paytm, obligates users to arbitrate their disputes pursuant to the commercial rules of the Arbitration Act. Thus excludes the jurisdiction of civil courts. (C.O.No.1) [Analysis]
- a. Whether the suit is maintainable? Substantiate your answer with relevant case law.
 - b. Explicate different types of E-contracts. Identify the type of agreement involved in the given case.
 - c. Discuss the validity of E-Contracts in India.

11. The plaintiff Mippoo Manufacturing was an Oregon corporation making cigarette lighters. The defendant Mippoo Dot Com was a Texas corporation operating an internet website and an internet news service. It had offices only in Texas. Viewers who were residents of other states had to go to the website in order to subscribe for the defendant's news service by filling out an online application. Payment was made by credit card over the internet or telephone. Around 3000 of the defendant's subscribers were residents of Texas who had contracted to receive the defendant's service by visiting its website and filling out the online application. Additionally the defendant had entered into agreements with seven internet access providers in Oregon to permit their subscribers to access the defendant's news service. The defendant was sued in Oregon court for trademark dilution, infringement and false designation.

(C.O.No.1) [Analysis]

- a. Whether Oregon court can assume jurisdiction to decide the matter?
- b. Apply the relevant tests to determine the issue of exercising personal jurisdiction of the forum state over a defendant who operates an Internet Website. Cite relevant case law.

K =Knowledge Level C = Comprehension Level, A = Application Level

Note: While setting all types of questions the general guideline is that about 60%

Of the questions must be such that even a below average students must be able to attempt, About 20% of the questions must be such that only above average students must be able to attempt and finally 20% of the questions must be such that only the bright students must be able to attempt.

I hereby certify that all the questions are set as per the above guidelines.

Faculty Signature:

Reviewer Comment:

Annexure- II: Format of Answer Scheme



SCHOOL OF LAW

Semester: IXth

Course Code: LAW408

Course Name: Law Relating to Infrastructure Projects

Program & Sem: BBA LLB (Hons)

Date: 28 /12/2019

Time: 1:00 PM to 4:00PM

Max Marks: 80

Weightage: 40%

Part A

(5Q x 3M = 15 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
1	Delhi science forum v UOI Section 25 and 35 – TRAI Act	Case analysis – 1M Section 25 and 35 – 2M	10
2	1851 – 1881 – 1883 – 1923 – 1947 – 1980 – 1986 – 1990 – 1997 – 2000 – 2005 – 2007.	Historical Background – 3M	10

3	5 rights and 5 duties	Rights – 1 ½ Duties – 1 ½	10
4	BOOT BOO	Each Model – 1 ½ M	10
5	AI interface with smart cities and infrastructure	3M	10

Part B

(4Q x 10M = 40 Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
6	B2B, C2C, B2B2C, C2B, B2C	Each method – 2M	20
7	a. Yes b. Any case law – amount paid with interest accrued	A - 2 M Case law – 1M Facts and Issues – 3M Reasoning – 4M	20
8	Blockchain – Meaning Challenges – Privacy, Security etc	Meaning – 2M Each Challenge – 2x4M	20
9	Salient features	10 features – 1M each	20

Part C

(2Q x 12 ½ M = 25Marks)

Q No	Solution	Scheme of Marking	Max. Time required for each Question
10	Brief note of facts Identification of issue involved Analysis and justification Concluding remarks/suggestions	Facts and Issue-2M Analysis and Justification - 8M Suggestions - 2 ½ M	25
11	Brief note of facts Identification of issue involved Analysis and justification Concluding remarks/suggestions	Facts and Issue-2M Analysis and Justification - 8M Suggestions - 2 ½ M	25