

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

***Post-Graduate Diploma in Drafting, Negotiation & Enforcement of Contracts
(Batch 2020 – 2021)***

Take Home – Annual Examination (June, 2021)

**Paper IV – 1.4. Remedies for Enforcement, Breach and Performance of
Contracts**

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
 - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
 - c) *Clearly indicate the question numbers while answering them.*
 - d) *Answer all the four questions and each question carries 25 marks.*
 - e) *The approximate word limit for a 25 marks question is 800-1000, for a 15 marks question, 600-700, for a 10 marks question, 400-500 and for a 5 marks question 200-250.*
 - f) *All the candidates are required to submit only word / Pdf files containing the typed answers.*
 - g) ***All papers will be uploaded on Turn-it-in for plagiarism check. Any paper with more than 15% similarity will be considered to be plagiarized and shall not be evaluated.***
 - h) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - i) *Substantiate your answers with provisions or case law wherever appropriate*
 - j) *Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.*
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I. Answer the following questions:

- a. What do you understand by Equity and what relevance does it have in determining remedies under commercial contracts? Provide suitable references from both the Contract Act as well as other Indian legislations which demonstrate presence of equitable principles. **[15 marks]**
- b. Economic considerations play a conscious role in impacting a party's willingness to abide by their promises made under a commercial contract. Critically analyse this statement. **[10 marks]**

II. Answer the following questions:

- a. What are injunctions? Which are common types of injunctions? Illustrate with examples of the principles and factors which determine grant of these injunctions. **[15 marks]**
- b. Under which circumstances are courts inclined to grant ex-parte orders? Illustrate with case law. **[10 marks]**

III. Answer the following questions:

- a. '*The 2018 Amendment to the Specific Relief Act, 1963 was a step in the right direction to suit the current time*'. Do you agree with this statement? Substantiate your response by analysing atleast 3 modifications brought by the Amendment. **[15 marks]**
- b. What is Specific Performance? Examine the role of this equitable remedy in meeting the purpose of Contract law. What are the defences to Specific Performance? **[10 marks]**

IV. Answer the following questions:

- a. Examine the difference between the each of following with suitable illustrations. **[15 marks]**
 - i. Compensation and Damages
 - ii. Liquidated Damages and Penalties
 - iii. Void and Voidable Contracts
- b. Under which circumstances is the remedy of Unjust Enrichment granted by the Courts? Substantiate with case law. **[10 marks]**