

EXAMPLE ON HOW TO ANSWER CASE STUDY?

Sample case :

Farid was a director of Lotos Mall. He instructed his manager to sell some items at the higher price than they advertised. Thus, the company had been sued for misdescription offences. Farid has been blamed for the offence. However, Farid claimed that the company that was to be blame for the offence, not him. Was the offence committed by Lotos Mall or by Farid?

1. Issue :

- a. Whether the company can be blamed solely for the offences or not
- b. Whether farid can be held responsible for that offences of misdescription of price or the Lotos Mall?

2. Formulation : In Farid situation, Farid should be held responsible for the offence. It is because he had given instruction his manager to sell some of the items at a higher price. When a company commit wrong action, the company cannot think or act by himself to commit such wrong action. Thus we have to look behind the veil of the company to determine the person who shall be responsible for the wrong doing.

3. Legal Principle and supporting case :

Section 20 CA provides that a company incorporated under this Act is a body corporate and shall :

- (a) have legal personality separate from that of its members; and
- (b) continue in existence until it is removed from the register.

Further, **Section 21** states that the companies will have unlimited capacity and will be capable of exercising all the functions of a body corporate and have the full capacity to carry on or undertake any business or activity including:

- (a) to sue and be sued;
- (b) to acquire, own, hold, develop or dispose of any property;
- (c) to do any act which it may do or to enter into transactions.

A company shall have the full rights, powers and privileges for the above purposes.

Supporting case :

In the case of **SALOMON v SALOMON & CO. LTD**

Salomon, a sole trader as a leather and boot merchant sold his business to Salomon & Co. Ltd, a company he formed with his wife and children. Payment for the purchase was partially effected debentures issued by the company to Salomon. The company later went into liquidation and its assets were not enough to satisfy its creditors. Mr. Salomon however claim priority over the other debtors as he was a secured creditor.

Held: Mr. Salomon the creditor is a person separate and distinct from Salomon & Co. Ltd even though Mr. Salomon was the majority shareholder of the company.

LEE v. LEE'S AIR FARMING (1961) AC 12

Voet Case Study Answers

Christopher Hodges

A red circular graphic with a gradient, appearing as a partial circle or a thick arrow pointing to the right, located on the right side of the slide.

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Outcome-Based Cooperation Christopher Hodges, 2022-09-22 How do we cooperate in social local business and state communities This book proposes an Outcome Based Cooperative Model in which all stakeholders work together on the basis of trust and respect to achieve shared aims and outcomes The Outcome Based Cooperative Model is built up from an extensive analysis of behavioural and social psychology genetic anthropology research into behaviour and culture in societies organisations regulation and enforcement The starting point is acceptance that humanity is facing ever larger risks which are now systemic and even existential To overcome the challenges humans need to cooperate more rather than compete alienate or draw apart Answering how we do that requires basing ourselves our institutions and systems on relationships that are built on trust Trust is based on evidence that we can be trusted to behave well ethically built up over time We should aim to agree common goals and outcomes moderating those that conflict produce evidence that we can be trusted and examine our performance in achieving the right outcomes rather than harmful ones The implications are that we need to do more in rebasing our relationships in local groupings business organisations regulation and dispute resolution The book examines recent systems and developments in all these areas and makes proposals of profound importance for reform This is a new blueprint for liberty solidarity performance and achievement *Introduction to the Study and Use of the Civil Law, and to Commentaries on the Modern Civil Law* Sir George Bowyer, 1874

Pathways to Environmental Sustainability Roberta Salomone, Giuseppe Saija, 2014-02-19 This book brings together in a single volume an overview of multiple applications of the concept of environmental sustainability featuring examples of useful methodologies and tools for pursuing environmental targets experiences and case studies spanning a variety of sectors embracing both industry and research projects and case studies applied to very different territorial contexts The first section of the book covers methodologies and tools for environmental sustainability including Industrial Ecology Urban Metabolism Life Cycle Assessment analysis of industrial water footprint and such chemical technologies as Supercritical Separation Technology HYST Part Two provides case studies of environmental sustainability in specific industrial sectors including electronics pharmaceutical manufacturing bio energy

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