

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

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International Business, International Adaptation Shad Morris,James Oldroyd,2023 With the incisive

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LOGISTICS MANAGEMENT FOR INTERNATIONAL BUSINESS

SUDALAIMUTHU, S. ,RAJ, S. ANTHONY ,2009-04-18 In today s globalised economic development international transactions form an integral part of economic activities Logistics Management encompasses planning and management of all activities involving sourcing and procurement of cargo by effective and economically feasible coordination and collaboration with channel partners and provision of product and service packages from point of origin to point of consumption at the right time and at the right place This book gives with theoretical and practical expertise a comprehensive coverage of the logistic concepts techniques and their applications in the world cargo industry Besides it provides an in depth understanding of the strategic framework of Logistics Management the technologies and the components used in logistic operations It also covers export import trade and documentations shipping formalities warehouse and inventory management ERP concepts logistics operation of major ports and more Key Feature Case Studies are provided at the end of most chapters which tend a practical orientation to the subject This book is primarily intended as a text for postgraduate students of Management MBA MIB and

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Table of Contents Answer Of International Business Case Study Questions

1. Understanding the eBook Answer Of International Business Case Study Questions
 - The Rise of Digital Reading Answer Of International Business Case Study Questions
 - Advantages of eBooks Over Traditional Books
2. Identifying Answer Of International Business Case Study Questions
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Answer Of International Business Case Study Questions
 - User-Friendly Interface
4. Exploring eBook Recommendations from Answer Of International Business Case Study Questions
 - Personalized Recommendations
 - Answer Of International Business Case Study Questions User Reviews and Ratings

- Answer Of International Business Case Study Questions and Bestseller Lists
- 5. Accessing Answer Of International Business Case Study Questions Free and Paid eBooks
 - Answer Of International Business Case Study Questions Public Domain eBooks
 - Answer Of International Business Case Study Questions eBook Subscription Services
 - Answer Of International Business Case Study Questions Budget-Friendly Options
- 6. Navigating Answer Of International Business Case Study Questions eBook Formats
 - ePub, PDF, MOBI, and More
 - Answer Of International Business Case Study Questions Compatibility with Devices
 - Answer Of International Business Case Study Questions Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Answer Of International Business Case Study Questions
 - Highlighting and Note-Taking Answer Of International Business Case Study Questions
 - Interactive Elements Answer Of International Business Case Study Questions
- 8. Staying Engaged with Answer Of International Business Case Study Questions
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Answer Of International Business Case Study Questions
- 9. Balancing eBooks and Physical Books Answer Of International Business Case Study Questions
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Answer Of International Business Case Study Questions
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Answer Of International Business Case Study Questions
 - Setting Reading Goals Answer Of International Business Case Study Questions
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Answer Of International Business Case Study Questions
 - Fact-Checking eBook Content of Answer Of International Business Case Study Questions
 - Distinguishing Credible Sources

13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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