

## Lesson - 3

### Proposal/Offer & Acceptance

#### Definition: Sec.2 (a)

“When one person signifies to another his willingness to do or to abstain from doing anything, with a view to obtaining the assent of the other to such act or abstinence he is said to make a proposal”.

From the above definition of proposal, the following features emerge: -

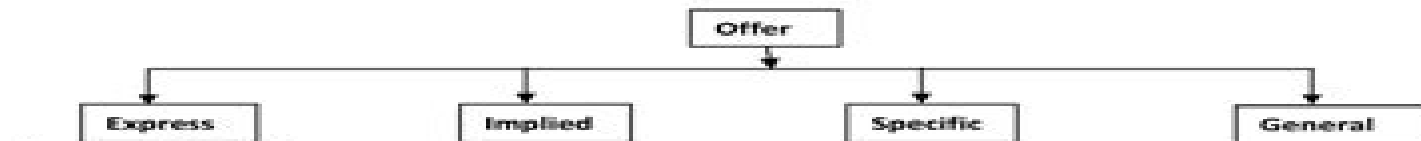
It must be an expression of willingness to do or to abstain from doing something - Thus, it may involve a 'positive act' or an abstinence' (refrain from doing).

#### Example

- **Positive Act:** 'A' offers to sell his car to 'B' for Rs. 1,00,000
- **Abstinence:** 'A' offers not to file a suit against 'B' if the latter pays 'A' the outstanding amount of Rs. 1,00,000.

1. It must be made to another person. There can be no 'proposal' by a person to himself
2. It must be made with a view to obtain the assent of that other person to such act or abstinence. Thus, a mere **Statement of intention is not a proposal.**
3. The offer must be definite
4. The offer must be communicated to the offeree.
5. The person making the offer is called the '**offeror**' or the '**proposer**' and the person to whom it is made is called the 'offeree'.

#### Kinds of Offer



#### Express / Implied

An offer, which is expressed by words, written or spoken, is called an express offer. An offer expressed by conduct is an '**implied offer**'.

#### Example

**Express Offer:** 'A' offers to sell his car to 'B' for Rs.1,00,000.

**Implied Offer:** When a transport company runs a bus on a particular route, it is an implied offer from Transport Company to carry passengers for a certain fare.

#### Specific / General

An offer made to a specific person or a particular group of persons is called a Specific offer. It can be accepted only by that person or that 'particular group to whom it is made.

#### Example

'A' offered to buy certain goods from 'B'. The offer is to a definite person 'B' Therefore, a purchase from 'X' instead of 'B', will not give rise to a valid contract (Boulton Vs Jones)

An offer made to the world at large or public in general is a general offer. It can be accepted by anyone who fulfils the terms of the offer (Carlill Vs Carbolic Smoke Ball Co).

# Virtual Business Lesson 3 Answers

**Michael Seilmaier**

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