

QUESTION 2

You are the company secretary to the Board of Directors of Bumi Cipta Berhad (the "Board"), a company incorporated under the Companies Act 2016 [Act 777]. The Board of Directors consists of five members, each with specific roles and responsibilities.

Recently, there have been several controversial actions taken by the directors, raising concerns about their compliance with the duties imposed by the Companies Act 2016 [Act 777]. Analyse the following scenarios and provide a legal analysis of the directors' duties, any prohibited dealings and the legal consequences that may ensue:

(a) Director A, upon discovering a lucrative business opportunity in the technology sector, formed a separate company to pursue the opportunity without offering it to Bumi Cipta Berhad first. The new venture became highly successful, causing Bumi Cipta Berhad to miss out on significant potential profits.

(b) Director B arranged a transaction between Bumi Cipta Berhad and a company owned by his brother, for the acquisition of shares and property of Bumi Cipta Berhad amounting to RM400,000 by the latter company. Director B did not disclose to the related party the nature of these transactions to the Board.

Your answer should include relevant legal provisions under the Companies Act 2016 [Act 777] and case law.

(20 marks)

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CS N.S. Zad



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under GST Liability to pay GST in Certain Cases Advance Rulings under GST Appeals and Revisions Transitional Provisions
Miscellaneous Place of Supply Zero Rated Supply i e Exports under GST UTGST Act GST Compensation to States Act 2017
Industry Specific Analysis Basic Concepts of Customs Law Valuation of Imports and Exports Warehousing Duty Drawbacks
Baggage Advance Ruling Settlement Commission Demand Search Seizure Refunds Appellate Procedure Offences and
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Taxation of Companies Taxation of Firms including LLP and Provisions of Alternate Minimum Tax U S 115JC of the Income
tax Act 1961 Income Tax Implications on Specified Transactions Taxation of Non Residents General Anti Avoidance Rules
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Arrangement of Questions Questions in each chapter are arranged sub topic wise Important Additional Questions with
Answers are provided Marks Distribution Chapter wise marks distribution from June 2019 onwards Previous Exam Trend
Analysis from Dec 2021 onwards ICSI Study Material Comparison is provided chapter wise The contents of this book are as
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Investment Trust o Indian Equity Private Funding o Indian Equity Non Fund Based o Debt Funding Indian Fund Based
Corporate Debt o Debt Funding Indian Fund Based Govt Debt Banking Finance o Debt Funding Indian Non Fund Based o
Foreign Funding Instruments Institutions o Other Borrowing Tools o Non Convertible Redeemable Preference Shares o
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Table of Contents Solved Question Papers Of Company Secretary

1. Understanding the eBook Solved Question Papers Of Company Secretary
 - The Rise of Digital Reading Solved Question Papers Of Company Secretary
 - Advantages of eBooks Over Traditional Books
2. Identifying Solved Question Papers Of Company Secretary
 - 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 Solved Question Papers Of Company Secretary
 - User-Friendly Interface
4. Exploring eBook Recommendations from Solved Question Papers Of Company Secretary
 - Personalized Recommendations
 - Solved Question Papers Of Company Secretary User Reviews and Ratings
 - Solved Question Papers Of Company Secretary and Bestseller Lists
5. Accessing Solved Question Papers Of Company Secretary Free and Paid eBooks

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