

## BUSINESS LAW – NOTES

### Unit – 1

#### CONTRACT ACT

Definition – “Every Agreement and promise enforceable at law is a contract”

#### CLASSIFICATION OF CONTRACTS:

##### 1. CLASSIFICATION ACCORDING TO VALIDITY

- A. **VOIDABLE CONTRACT** – An agreement which is enforceable by law at the option of one or more of the parties thereto, but not at the option of the other or others, is a voidable contract. This happens when the essential elements of free consent in a contract is missing. When the consent of a party to a contract is not free, i.e., is caused by coercion under influence misrepresentation or fraud.  
Example : A promises to sell his car to B for Rs.20,000. His consent is obtained by use of force. & A and B contract that B shall execute certain work for A for Rs. 1,000. B is ready and willing to execute the work accordingly but A prevents him from doing so.
- B. **VOID AGREEMENT** – An agreement not enforceable by law is said to be void. Example : An agreement with a minor.
- C. **VOID CONTRACT** – A contract, when originally entered into, may be valid and binding on the parties, eg. A contract to import goods from foreign country. It may be subsequently become void e.g. when a war breaks out between the importing country and the exporting country.
- D. **ILLEGAL AGREEMENT** – An illegal agreement is one which transgresses some rule of basic public policy or which is criminal in nature or which is immoral. E.g. B borrows Rs. 5,000 from A and enters into a contract with an alien to import prohibited goods. A knows the purpose of the loan. The transaction between B and A is collateral to the main agreement. It is illegal since the main agreement is illegal.
- E. **UNENFORCEABLE CONTRACT** – An unenforceable contract is one which cannot be enforced in a court of law because of some technical defect such as absence of writing or where the remedy has been barred by lapse of time.

##### 2. CLASSIFICATION ACCORDING TO FORMATION

- A. **EXPRESS CONTRACT** – When the offer or acceptance of any promise is made in words, the promise is said to be express contract.
- B. **IMPLIED CONTRACT** – When the proposal or acceptance of any promise is made otherwise than words, the promise is said to be implied. Eg. Takes a cup of tea in restaurant.
- C. **QUASI CONTRACT** – Strictly speaking, quasi – contract is not a contract at all. A contract is intentionally entered into by the parties. It resembles a contract in that a legal obligations is imposed on a party who is required to perform it. Eg. T, a tradesman, leaves goods at C’s house by mistake. C treats the goods as his own. C is bound to pay for the goods used.
- D. **E-COMMERCE CONTRACT** – An E-Commerce contract is one which is entered into between two parties via internet.

##### 3. CLASSIFICATION ACCORDING TO PERFORMANCE

- A. **EXECUTED CONTRACT** – An executed contract is one in which both the parties have performed their respective obligations. E.g. A agrees to paint a picture for B for Rs. 100.

# Business Law Notes Dphu

**Emilie Sanchez**



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