

Source: [sooperkanoon.com/act/452256](http://sooperkanoon.com/act/452256)

**Contract Act, 1872**

**Section 38 - EFFECT OF REFUSAL TO ACCEPT OFFER OF PERFORMANCE Where a promisor has made an offer of performance to the promisee, and**

1) it must be unconditional : (2) it must be made at a proper time and place, and under such circumstances that the person to whom it is made may have a reasonable opportunity of ascertaining that the person by whom it is made is able and willing there and then to do the whole of what he is bound by his promise to do: (3) if the offer is an offer to deliver anything to the promisee, the promisee must have a reasonable opportunity of seeing that the thing offered is the thing which the promisor is bound by his promise to deliver. An offer to one of several joint promisees has the same legal consequences as an offer to all of them.