

Bihar Partnership Rules, 1933

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Rule BIHAR-PARTNERSHIP-RULES-1933 of 1933

- Published on 11 November 1933
- Commenced on 11 November 1933
- [This is the version of this document from 11 November 1933.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Partnership Rules, 1933Published vide Notification No. 3654-IJ-I.com., dated 11th November, 1933Last Updated 26th December, 2019Notification No. 3654-IJ-I.com., dated 11th November, 1933. - In exercise of the powers conferred by sub-section (2) of Section 71 of the Indian Partnership Act, 1932 (IX of 1932), the Governor-in-Council is hereby pleased to make the following Rules, the same having been previously published as required by subsection (3) of the said Section of the Acts.

1. Short title.

- These Rules may be called the Bihar Partnership Rules, 1933.

2. Definitions.

- In these Rules, -(a)"the Act" means the Indian Partnership Act, 1933.(b)"Form" means a Form in the Schedule to these Rules.(c)"Section" means a Section of the Act.(d)"Registrar" means the Registrar of Firms.

3. Forms and verification of statements under Sections 58 and 60.

- The statements required to be sent or delivered to the Registrar under Sections 58 and 60 shall respectively be in Forms I and II shall be verified by signing the form of verification contained in the said Form.

4. Forms of intimations and notices under Sections 61, 62 and 63.

- Intimations and notices under Sections 61, 62, 63 (1) and 63(2) shall respectively be in Forms III, IV, V and VI.

5. Register of Firms.

- The Register of Firms shall be maintained in Form A. The name of, and the particulars relating to each firm shall be entered in the said Register in the order of the Registration of the firm, on a separate page or pages. Each firm shall be assigned a number in a consecutive series commencing and ending with a calendar year. A note of every document filed by, or relating to, a firm shall be entered in the Register in the page or pages allotted to such firm and shall be signed by the Registrar.

6. Amendment of entries in Register.

- When an entry made in the Register of Firms is to be amended, the amendment shall be shown by means of a suitable note in the remarks column opposite to the entry or under the head concerned.

7. Procedure on dispute.

- Where any partner or other person interested makes a protest in writing to the Registrar disputing any entry made in the Register of Firms, the Registrar shall record such protest and make a reference thereto in red ink in the remarks column against the disputed entry.

8. Index to the Register.

- An index to the Register of Firms shall be maintained in Form B, a number of pages of the form being allotted to each letter of the alphabet. As soon as a firm is registered or when the firm name shall be indexed alphabetically with reference to the initial letter of the firm-name and on the dissolution of the firm the name shall be cancelled in red ink. Every such entry or cancellation and any necessary remarks relating thereto shall be signed by the Registrar.

9. Filing of documents.

- A separate file shall be maintained in respect of each firm, in which all documents relating thereto, received from time to time by the Registrar shall be filed. No documents shall be filed by the Registrar, unless the fee prescribed therefor has been paid.

10. Acknowledgement of registered documents.

(a) Upon the registration of a firm the Registrar shall grant to the firm an acknowledgement in Form C and on the filing of any documents required to be filed under the Act he shall grant to the person at whose instance it is filed an acknowledgement in Form D. (b) On every document filed under this Act, by, or relating to a firm, the Registrar shall endorse the following particulars, namely, -(i) the number borne by the firm on the register; (ii) the name of the firm; (iii) the description of the document; (iv) the serial number of the document; and (v) the date of filing. The Registrar shall also affix his signature and the seal of his office to every such document. (c) If there is no space on the

document for entering the particulars referred to in sub-rule (b), the entry shall be made on a separate paper which shall be attached to the document and a note of the fact shall be made on the document itself and shall be signed by the Registrar.

11. Condition of Inspection.

- The Register and the Indexes to the Register shall be open to inspection by any person on a written application. Documents kept in the Registrar's office and other papers filed in connection therewith shall be open to inspection by any person applying therefor, provided the applicant satisfied the Registrar that he has sufficient interest in the contents of the document and paper, if any for inspection of the Register will not serve the purpose. [Vide Government Notification No. 854-IJ-22L, dated the 13th September 1944].

12. Grant of copies of entries in Register.

- The Registrar shall, on application in writing, furnish to any person a copy, certified under his hand, of any entry or portion thereof, in the Register of Firms on payment of the prescribed fee.[There is no objection to the grant of a certified copy of certificate of registration] [Vide Government Order No. 18-L, dated the 5th January 1949.].

13. Preservation and elimination of registers and records.

- The Register of Firms and the index thereto shall be preserved permanently. All other records, including the statements referred to in Section 58, relating to any firm may be destroyed on the expiry of five years from the date of the dissolution of each firm.

14. Mode of lodging documents.

- Documents may be lodged with the Registrar either in person or sent to him by post.

15. Translation to be furnished when original is not in English.

- If any document required to be filed under the Act or any portion of such document is not in the English Language, an English translation of such document or portion certified as correct by at least one partner (or authorised agent) shall be furnished along with each copy of such document or portion.

16. Administration report.

- The Registrar shall submit to the local Government so as to reach them on or before the 1st of June in each year a report on the working of the Act, during the official year ending the 31st March, preceding. Form I Application of the registration of firm by name*(See Rule 3) Filing Fee Rs. 3 Presented or forwarded to the Registrar of Firms for filing by We, the undersigned, being the

partners of the [firm] [[Here enter the name of firm.If any partner is a minor the fact whether he is entitled to the benefits of partnership should be set out herein.]].....hereby apply for registration of the said firm and for that purpose supply the following particulars, in pursuance of Section 58 of the Indian Partnership Act, 1932:The firm-name* [[Here enter the name of firm.If any partner is a minor the fact whether he is entitled to the benefits of partnership should be set out herein.]]

Places of business (a) Principal place (b) Other places

Name of partners in full Date of joining the firm Permanent address in full

1.

2.

Duration of the firm

Station..... Signatures of all the partners or their specially authorised agents

Date.....I,.....son of.....years of age of.....religion, do hereby declare that the above statement is true and correct to the best of my knowledge and belief.

Date..... Signature.....

Witness.....

I.....son.....of.....years of age of... ..religion, do hereby declare that the above statement is true and correct to the best of my knowledge and belief.

Date..... Signature.....

Witness.....

*Here enter the name of firm.*If any partner is a minor the fact whether he is entitled to the benefits of partnership should be set out herein.N.B. - This form must be signed by all partners or their agents specially authorised in this behalf in the presence of a witness who must be either a Gazetted Officer, Advocate, Attorney, Pleader, Honorary Magistrate or Registered Accountant.

II Statement of alteration in the name of the firm or in the location of the principal place of business (See Rule 3) Filing Fee Re. 1 Presented or forwarded to the Registrar of Firms for filing

by We, the undersigned, being the partners of the [firm] [Here enter the name of firm.].....hereby supply the following particulars, in pursuance of Section 60(1) of the Indian Partnership Act, 1932.

Name of Firm

Previous name

New name

Principal Place of Business

Previous place

New place

Station.....

Date..... Signature of the partners or their specially authorised agents

I.....son ofof.....years of age of...religion,
do hereby declare that the above statement is true and correct to the best of my knowledge and
belief.

Date..... Signature.....

Witness.....

I..... son.....of.....years of age of...religion, do
hereby declare that the above statement is true and correct to the best of my knowledge and belief.

Date..... Signature.....

Witness.....

N.B. - Strike out item not required. Form III Intimation of change in the place of business (other than principal place of business) (See Rule 4) Filing Fee Rs. 1 Presented or forwarded to the Registrar of Firms for filing by Under Section 61 of Indian Partnership Act, 1932, intimation is hereby given that the changes specified below have occurred in the place of business of the [firm] [Here enter the name of firm.] Date of change

1. The firm has discontinued business at

2. The firm has begun to carry on business at

Station..... Signature of any partner or agent of the firm

Date.....

Form IV Intimation of alteration in the name or permanent address of partner (See Rule 4) Filing Fee Re. 1 Presented or forwarded to the Registrar of Firms for filing by Under Section 62 of the Indian Partnership Act, 1932, intimation is hereby given that the changes specified below have occurred in the name or/and permanent address of a partner in the [firm] [Here enter the name of firm.]. Name of partner

Previous name (in full)

New name (in full)

N.B.- Strike out item not required.

Address of partner

Previous permanent address (in full) Present permanent address (in full)

Station..... Signature of any partner or agent of the firm

Date.....

Form V Notice of the change in the constitution of the firm or of the dissolution of the firm (See Rule 4) Filing Fee Re. 1 Presented or forwarded to the Registrar of Firms for filing by Under Section 63(1) of the Indian Partnership Act, 1932, notice is hereby given that-(1) the constitution of the [firm] [Here enter the name of firm.].....has been altered as follows:

Previous permanent address (in full) Present permanent address (in full)

Name and full address of the incoming partner and date of his joining the firm#Name and full address of the outgoing partner and date of his ceasing to be partnerStation.....Date.....Signature of the incoming, continuing or outgoing partner or of his specially authorised agent(2)the [firm] [Here enter the name of firm.].....has been dissolved with effect from the.....Station.....Date.....Signature of the person who was a partner immediately before the dissolution or of his specially authorised agentN.B. - Strike out item not required.Form VINotice of election by person admitted to the benefits of partnership on attaining majority(See Rule 4)Filing Fee-Re 1Presented or forwarded to the Registrar of Firms for filing byUnder Section 63(2) of the Indian Partnership Act, 1932, notice is hereby given that.....admitted to the benefits of partnership in the [firm] [Here enter the name of firm.]..... having now attained majority/(elects to become, elects not to become) a partner of the said firm.Station.....Date.....Signature of the person electing or of his specially authorised agentForm A(See Rule 5)Register of Firms Maintained under Section 59 of the Indian Partnership Act, 1932

1. Serial number of firm.

2. Name of firm (as originally registered).

3. Date of registration.

4. Duration of the firm (at the time of registration).

5. Names and addresses of partners and changes therein:

Name of partners	Address	Date of	Remarks
Joining	Ceasing		

6. Principal place of business and changes therein:

Particulars regarding the place	Date of change	Remarks
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7. Other places of business and changes therein:

Name of place	Date of	Remarks
Joining	Ceasing	

8. Changes in the name of firm:

Firm name as changed	Date of change	Remarks
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9. Documents filed:

Serial No. of the document	Description of document	Date of filing	Signature of Registrar
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Form - B Index to the Register of Firms[See Rule 8]

Firm name	Serial number borne on the Register	Volume number of the Register	First page of entry in the volume	Remarks	Signature of Registrar
1	2	3	4	5	6

Form C Acknowledgement of Registration of Firms(See Rule 10(a)) The Registrar of Firms, Bihar and Orissa, hereby acknowledges the receipt of the statement prescribed by Section 58(1) of the Indian Partnership Act, 1932. The statement has been filed and the name of the [firm] [Here enter the name of firm.].....has been entered in the Register of Firms as No.....has been entered in the Register of Firms as No.....of 20....

(Seal)

Station..... Registrar of Firms

Dated the.....day of.....20No.....dated.....the.....

Forwarded to| Mr.Messers

with reference to his| histheir| letter No.....dated the.....20.....

Registrar of FirmsForm D Memorandum acknowledging receipt of documents(See Rule 10(a))

The Registrar of Firms, Bihar and Orissa, hereby acknowledges the receipt of the undermentioned| documentdocuments| and intimates that| it has they have| been Partnership Act, 1932:| | | |

filed in pursuance of the Indian|-

(Here enter description of| documentdocuments|).

Station..... Registrar of Firms

Dated.....20....

To

| Mr.Messers

Memo of fees receivedNo.....dated.....the.....20.....

Forwarded to| Mr.Messers

with reference to his| histheir| letter No.....dated the.....20.....

Registrar of Firms