

The Orissa Partnership Rules, 1943

ODISHA

India

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Rule THE-ORISSA-PARTNERSHIP-RULES-1943 of 1943

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The Orissa Partnership Rules, 1943Published vide Notification No. 12920-IJ-24/42-Com. (c), dated 23rd June, 1943Notification No. 12920-IJ-24/42-Com. (c), dated 23rd June, 1943. - In exercise of the powers conferred by Sub-section (2) of Section 71 of the Indian Partnership Act, 1932 (Act IX of 1932) and in supersession of all rules made under the sub-section and heretofore in force the areas transferred from the Central Provinces and the Presidency of Madras by the Government of India (Constitution of Orissa) Order, 1936, the Governor of Orissa is hereby pleased to make the following rules :

1. Short title.

- These rules may be called the Orissa Partnership Rules, 1943.

2. Definition.

- In these rules -(a)"the Act" means the Indian Partnership Act, 1932;(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 and shall be verified by signing form of verification contained in the said forms.

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

- Intimations and notices under Sections 61, 62, 63 (1) and 62 (2) 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 the 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 allowed 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 into the remarks column opposite to the entry or under the 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 registrar.

- 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 name of a registered firm is changed, the firm name shall be indexed alphabetically with reference to the initial letter of the firm name and on the dissolution of a 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 document 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 document 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 the Act, by or relating to a firm, the Registrar shall endorse the following particulars, namely : (i) the number borne by the firm on registrar; (ii) the name of the firm; (iii) the description of the document; (iv) the serial number of documents; (v) the date of filing. The register shall also affix his signature and seal of the 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. Conditions of inspection.

- The register shall be open to inspection on written application. Documents kept in the Registrar's office shall be open to inspection by any person applying therefor; provided the applicant satisfies the Registrar that he has sufficient interest in the contents of the document for the inspection of which he has applied, and that a mere inspection of the register will not serve this purpose.

12. Grant of copies of entries in register.

- The Register shall on application in writing furnish to any person a copy certified under his hand, or any entry or portion thereof in the Register of Firms on payment of the prescribed fee.

13. Preservations and elimination of registers and records.

- The Register of Firms and the index thereto shall be preserved permanently. All other records including the statement 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 such 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 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 Provincial Government so as to reach them on or before the 1st June in each year a report on the working of the Act during the financial year ending the 31st March preceding.

17.

Save as provided in Rule 12, the duties imposed on the Registrar by these rules may be performed under his control by a Gazetted Officer appointed by him in writing in this behalf.

Schedule

Form I[See Rule 3](Filing fee Rs. 2)The Indian Partnership Act, 1932Application for registration of firm by the name [.....] [Here enter name of the firm.] presented or forwarded to the Registrar of Firms for filing byWe, the undersigned, being the partner of the firm*..... hereby apply for registration of the said firm and for the purpose supply the following particulars, in pursuance of Section 58 of the Indian Partnership Act, 1932.Place of business : (a) Principal place(b)Other places

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

1.

2.

Duration of the firmStation.....Date.....Signature of the partners or theirspecially authorised agentsIf any partner is a minor the fact whether he is entitled to the benefits of partnership should be out therein.N.B. - This form must be signed by all partners or their agents specially authorised in this behalf in the presence of a witness or witnesses who must be either a Gazetted Officer, Advocate, Pleader, Honorary Magistrate or Registered Accountant.Form of verificationI..... son of..... year of age, of..... religion, do hereby declare that the above statement is true and correct to the best of my knowledge and belief.Date.....Witnesses.....SignatureI..... son of..... year of age, of..... religion, do hereby declare that the above statement is true and correct to the best of my knowledge and belief.Date.....Witness.....Signature

Form II[See Rule 3](Filing fee Re.1)The Indian Partnership Act, 1932Statement of alteration in the name of the firm or in the location of the principal place of businessPresented or forwarded to the Registrar of Firms for filling by.....We, the undersigned, being the partners of the firm..... 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 name New name

Station.....Date.....Signature of the partner or theirspecially authorised agents.Form of verificationI....., 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.....Witness.....SignatureI..... 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.....Witness.....Signature

Form III[See Rule 4](Filing fee Re.1)The Indian Partnership Act, 1932Intimation of change in the place of business (other than principal place of business)Presented or forwarded to the Registrar of Firms for filing by.....Under Section 61 of the Indian Partnership Act, 1932, intimation is hereby mean that the changes specified below have occurred in the place of business of the firm.*Date of change(1)The firm has discontinued business at.....(2)The firm has begun to carry on business at.....Station...Date.....Signature of

any partneror agent of the firmN.B. - Strike out item (1) or (2) not required.Form IV[See Rule 4](Filing fee Re.1)The Indian Partnership Act, 1932Intimation of alteration in the name or permanent address of partnerPresented 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 change specified below has occurred in the name or/ and permanent address of partner in the

firm.* (1) Previous name (in full) New name (in full) (2) Address of partner Previous permanent address (in full) present permanent address (in full) Station.....Date.....Signature of any partner or agent of the firm N.B. - Strike out item (1) or (2) not required.* Here enter name of the firm. Form V [See Rule 4] (Filing Fee Re.1) The Indian Partnership Act, 1932 Notice of change in the constitution of firm or of the dissolution of the firm* 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* has been altered as follows :

Name and full address of the incoming partner and date of his joining the firm	Name and full address of the out-going partner and date of his ceasing to be partner
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Station.....Date.....Signature of the incoming, continuing or outgoing partner or of his specifically authorised agent (2) The firm* has been dissolved with effect from the.....Station.....Date.....Signature of the person who was a partner immediately before the authorised agent N.B. Strike out item (1) or (2) not required. Form VI [See Rule 4] (Filing fee Re.1) The Indian Partnership Act, 1932 Notice of election by person admitted to the benefit of partnership on attaining majority Presented or forwarded to the Registrar of Firms for filing by.....Under Section 63 (2) of the Indian Partnership Act, 1932, notice is hereby given that..... admitted to the benefit of partnership in the 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 agent* Here enter name of the firm. Form '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 the partner	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

9. Documents

Serial number of the document Description of document Date of filing Signature of Registrar

Form 'B'[See Rule 8]Index to the Register of Firms

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'[See Rule 19 (a)]Acknowledgement of Registrar of FirmsThe Registrar of Firms, 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 firm*.....has been entered in the Register of Firms as No....., of 20....Memo of fees receivedSealRegister of FirmsNo.....date.....the.....20....Forwarded to Mr./Messrs with reference..... to his/her letter No....., dated the.....20.....Register of Firms* Here enter name of the firm.