THE MADHYA PRADESH PARTNERSHIP (REGISTRATION OF FIRMS) RULES, 1951

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THE MADHYA PRADESH PARTNERSHIP (REGISTRATION OF FIRMS) RULES, 1951

1. Short title.—These rules may be called the Madhya Pradesh Partnership (Registration of Firms) Rules, 1951.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context**,—** *(a)',, The Act"* means the Indian Partnership Act, 1932;
(b)"Firm" means a firm to which the Act applies;
(c)"Registrar" means the Registrar of Firms.

1. Vide Commerce and Industry Department Notfn. No. 4242-898-VII, dated 2-6-1952. Published in the M.P. Gazette, Part IV (Gar), dated 6-6-1952.

3. Form and verification of statements under Sections 58 and 60.**—**The statements submitted for the Registrar under Sections 58 and 60 of the Act shall be in Forms I and II, respectively, annexed to these rules, and shall be verified in the manner set forth in the note at the bottom of those forms.

4. Forms of intimations and notices under Sections 61, 62 and 63.**—**Intimations and notices under Sections 61, 62, 63 (1) and 63 (2) of the Act shall be in Forms III, IV, V and VI, respectively, annexed to these rules with such variations as circumstances may require.

5. Power of Registrar to make enquiries and investigations.—The Registrar may, in his discretion, institute such enquiries, or make such investigation, in respect of any matter as may, in his

opinion, be necessary for the proper performance of his duties and the administration of the Act or for the settlement of any dispute arising with respect to any firm.

Form VII annexed to these rules. The name of, and the particulars relating to each firm shall be entered therein the order of its registration on a separate page or pages. Each firm shall be assigned a number in consecutive series commencing with the financial year (1st April). A note of every document filed shall be entered in the register on the page or pages allotted to the firm concerned and shall be signed by the Registrar. The pages after making the entries shall be bound in loose leaf registers in the order of the consecutive number allotted to each firm on registration.

7. Amendment of entries in Register.—When an entry made in the Register of Firms is to be amended, the amendment shall be shown by drawing a red line through the entry and making a suitable note in the remarks column opposite to the entry concerned and the new entry shall be made at the end of the existing entry or entries with suitable cross-reference**.**

8. Protest against entries in Register.—Where any partner or other person interested wishes to dispute any entry made in the Register of Firms, he shall notify the Registrar of his dispute in writing and the Registrar shall make an entry at the end of the existing entries and shall make a red ink reference to the disputed entry in the remarks column against the entry so disputed.

9. Index to Register of Firms.—(a) An index to the Register of Firms shall be prepared in English on loose sheets, lettered alphabetically, and shall contain the particulars shown in

Form VIII annexed to these rules. A fresh index shall be prepared for each financial year. The name of each firm shall be indexed as soon as the entries relating thereto are made in the Register of Firms.

(b) After all the firms registered in a year have been indexed, the index shall be checked by the Registrar who shall attest it in token of such check and the pages shall then be numbered in ink.

(c) The index for each year shall, after it has been checked, be bound into volumes of convenient size.

10. **Translation to be furnished where original not in English.—**If any document required to be submitted 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 his authorised agent), shall be furnished along with each copy of such document submitted to the Registrar.

11. Acknowledgement of registration and documents.—(a) On the registration of firms the Registrar shall grant to the firm an acknowledgement in

Form IX annexed to these rules 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 X annexed to these rules.

(b) On every document registered or filed under the Act, the Registrar shall endorse the following particulars :

(i) The number borne by the firm on the register;

(ii) The serial number of document; and

(iii) The date of registration or filing.

The Registrar shall also affix his signature and the seal of his office to such document.

12. **Filing of documents.—**A separate file shall be maintained in respect of each firm, in which the documents received by the Registrar relating thereto shall, from time to time, be filed. No document shall be filed by the Registrar unless the fee prescribed therefore has been paid.

13. **Account of and receipt for fees.—**An account of all fees received in the Registrar's office shall be maintained therein in

Form XI. A receipt in Form XII shall be granted in respect of every fee received.

14. **Inspection of original documents.—**Subject to the payment of fees prescribed in Rule 19, the Register of Firms and all other documents recorded shall be open to inspection on a written application submitted to the Registrar during business hours. The file of the documents kept in the Registrar's office shall similarly be opened to inspection by any person applying therefore, provided the applicant satisfies the Registrar that he has sufficient interest in the contents of the documents of which he applies for inspection and that a mere inspection of the Register of Firms will not serve his purposes. All inspections or records shall be made in the presence of the Registrar or some person appointed by him in that behalf. The Registrar or the person appointed by him shall not permit the applicant while inspecting any document to make or cause to be made a copy of any such document, but he shall permit the applicant to take down in pencil such particulars of the document as would enable him to apply for a certified copy of any entry or portion thereof in the Register of Firms.

15. **Application for copies to be in writing.**—Every application for a copy of any entry in the Register of Firms or portion thereof or a copy of the acknowledgement granted under Rule 11 shall be in writing accompanied with the requisite copying fee as prescribed in Rule 19.

16. **Seal.**—The seal used by the Registrar shall bear the words "Registrar of Firms, Madhya Pradesh."

17. **Preservation and elimination of registers and records.—**I. The following registers and papers shall be permanently retained :—

1. (a) Register of Firms.

(a)All registered documents of existing firms.

(b)Certificates of registration of dissolved firms.

(c)Dissolution of orders.

(d)References to Legal Remembrancer to Government, Madhya Pradesh.

(e)Legal Remembrancer's opinion.

(f)References to State Government regarding amendments in the law and replies to the same.

(g)Index Register.

II. The following Registers and papers shall be destroyed after five years :

(a)Cash book.

(b)Register of fees.

(c)Papers, other than the above, of firms which have been dissolved.

(d)References to State Government other than above.

IIII. The following registers and papers shall be destroyed after five years from the succeeding 1st of April :

(a)Receipt Book.

(b)Despatch Register.

(c)Other routine correspondence.

(d)Indents for forms, etc.

(e)Treasury receipts.

IV. The following registers and papers shall be destroyed after one year from the succeeding 1st of April :

(a)Reminders.

(b)Explanations of delay.

18. Cancellation of the registration of defunct firms.—(i) When the Registrar has reason to believe that a registered firm is not carrying on business or is not in operation, or that it has been finally dissolved, but the prescribed intimation has not been given, he shall send by post every partner of the firm at its last known address a letter enquiring whether the firm is carrying on business or is in operation.

(ii) If the Registrar receives an answer from any of the partners to the effect that the firm is not carrying on business or is not in operation or if he does not receive any answer within one month from the date of the posting of the letter, he shall publish in the "Madhya Pradesh Gazette" and send to all the partners by registered post, a notice that at the expiration of three months from the date of that notice the name of the firm mentioned therein shall, unless cause is shown to the contrary, be struck off and the firm shall be dissolved and the registration shall be deemed cancelled.

(iii) At the expiration of the time mentioned in the notice the Registrar shall, unless cause is shown previously by the partners, strike the name of the firm off the register, and shall publish notice of the fact in the "Madhya Pradesh Gazette" and on such publication the firm shall be considered to be dissolved.

19. Fees.—(i) The following fees shall be levied for inspection and grant of copies under the provisions of Sections 66 and 67 of the Act :

(1)For each inspection under Rule *14*—Fifty paise for inspecting one volume of the register or all documents relating to the firm.

(2)For a certified copy of any document or of any extract there from under Rule 15—Twenty five paise for each hundred words or part thereof.

(3)For certified copy of the acknowledgement of registration granted under Rule 11—One rupee.

(ii) Fees payable under the Act or these rules by a firm or person shall be credited into the Government treasury and the treasury receipts shall be presented or transmitted to the Registrar's office in token of such payment.

20. Submission of documents.—Documents to be lodged with the Registrar shall be printed or type-written and may be delivered to him either in person or by post. No fact shall be recorded on a mere oral notice.

21. **Office hours.**—The office of the Registrar shall be open for business (except on Sundays and holidays) from 11 a.m. to 3 p.m.

FORM NO.

I

***[See* Rule 3]**

THE INDIAN PARTNERSHIP ACT, 1932.

APPLICATION FOR REGISTRATION OF FIRM BY THE NAME

Presented or forwarded to the Registrar of Firms for filing by.....

We, the undersigned, being the partners of the firm ..... 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's name ..... (Here enter the name of the firm)

Place of business .....

Principal place .....

Other places ....

Name of the partner in full	Date of joining the firm	Permanent address in full
(1)	(2)	(3)
1.		
2.		

Duration of the Firm—

Station .....

Date .....

(1) .....

(2) .....

Signature of the partners or their specially authorised agents

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

Date ..... ……..

Witness ..... Signature

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

Date ..... ……

Witness ..... Signature

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 or witnesses who must be either a Gazetted Officer, Advocate, Pleader or Chartered Accountant.

FORM NO. II

[See Rule 3]

FILING FEE — RE. 1

THE INDIAN PARTNERSHIP ACT, 1932

Statement of alteration in the name of the ..... firm or in the location of the principal place of business.

Presented or forwarded to the Registrar of Firms for filing by .....

We, the undersigned, being the partners of the firm ..... Registration No ..... date of registration ..... hereby supply the following partners in pursuance of Section 60 (1) of the Indian Partnership Act, 1932 :

Name of the Firm ..... Registration No .....
Date ....

Previous name	New name
(1)	(2)

Previous place of business

Previous place	New Place
(!)	(2)

Station Date ...

Signature of the partners or their specially authorised agents.

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

Date ..... …….
Witness ..... ' Signature

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

Date ..... …….
Witness ..... Signature

N.B.—Strike out item not required.

FORM NO. **III**

[See Rule 4]

FILING FEE — RE. 1

THE INDIAN PARTNERSHIP ACT, 1932

Intimation 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 given at the changes specified below have occurred in the place of business of the firm

Registration No. Date of Registration

Date of change

The firm has discontinued business at .....

The firm has begun to carry on business at .....

Station ....

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

FORM NO. IV

[See Rule 4]

FILING FEE — RE. 1

THE INDIAN PARTNERSHIP ACT, 1932

Intimation of alternation in the name or Permanent address of the partner

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 change specified below has occurred in the name or/and permanent address of partner in the firm

Registration No……date of Registration

Name of partner-

Previous name in full	New name in full

Name of partner—

Previous permanent address in full	Present permanent address in full
(1) (2)	

Station……..

Date

Signature of any partner
or agent of the firm

N.B. — Strike out item not required.

FORM NO. V

[See Rule 4]

FILING FEE — RE. 1

THE INDIAN PARTNERSHIP ACT, 1932

Notice of change in the constitution of the 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 ..... Registration No……..date of registration……has been altered

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 partner
(1)	(2)

Station : .....

Date : Signature of the incoming, continuing or outgoing partner

or

of his specially authorised agent.

The firm.....

Registration No ..... Date of Registration ..... 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 agent.

N.B. — Strike off item not required.

FORM NO. VI

[See Rule 4]

FILING FEE — RE. 1

THE INDIAN PARTNERSHIP ACT, 1932

as follows :—

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 .....

Registration No ..... Date of registration ..... having now attained majority elects to bccome/elects not to become a partner of the said firm.

Station……

Date ..... …….

……...

Signature of the person electing or
of his specially authorised agent

FORM NO. VII

[See Rule 7]

REGISTER OF FIRMS MAINTAINED UNDER SECTION 59 OF THE INDIAN PARTNERSHIP ACT, 1932

1.Serial number of firm .....

2.Name of firm .....

3.Date of Registration .....

4.Duration of the firm .....

5.Address	Date of change	Remarks
(1)	(2)	(3)

6. Partners

Name of partners	Address	Date of		Remarks
		Joining	Ceasing	
(1)	(2)	(3)	(4)	(5)

7. Principal place of business and changes therein

Particulars regarding the place	Date of change	Remarks
(1)	(2)	**(3)**

8. Other places of business

Name of place	Date of		Remarks
	Opening	Ceasing	
(1)	(2)	(3)	(4)

9. Name of the firm—

Serial No. of the document	Description of document	Date of filing	Signature of Registrar
(1)	(2)	(3)	(4)

FORM NO. VIII

[See Rule 9]

INDEX TO THE REGISTER OF FIRMS

Name of firm	Name of partners	Principal place of business	Trade	Volume number	First page of entry	Number born on the Register
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM NO. IX

[See Rule 11 (a)]

ACKNOWLEDGEMENT OF REGISTRAR OF FIRMS

The Registrar of Firms, Madhya Pradesh, 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…….has been entered in the Register of Firms as ……No…….of 19…….

Seal Registrar of Firms The……..day of…….19……..

FORM NO. X

[See Rule 11 (a)]

The Registrar of Firms, Madhya Pradesh hereby acknowledges receipt of the under mentioned document and of the fee noted against…….for the same, and intimates that……..been ……..pursuant Section…….of the Indian Partnership Act, 1932.

The ..... day of ..... 19 ……..

……

Registrar of Firms .

The ..... day of 19

Forwarded to the Managing Agents/Partners of the ..... with reference to that/his letter No……dated the……..

……

Registrar of Firms

FORM NO. XI

[See Rule 13]

OFFICE OF THE REGISTRAR OF FIRMS

REGISTER OF FEE

Date of receipt	Amount received	From whom received	On what amount	Date of remittance to Government Treasury
(1)	(2)	(3)	(4)	(5)
	Rs. P.			

FORM NO. XII

[See Rule 13]

RECEIPT FOR FEE

Received from..... the sum of Rs……..words)……being the fee for……..

Filing of statement	Rs……..
Filing Notice	Rs……..
Inspection	Rs……..
Copy of (number of words)	Rs……..

……..

……..

Station…….

Dated……..19……