



## The Indian Partnership (Maharashtra Amendment) Act, 1973

Act 25 of 1973

Keyword(s):

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amendment appended: 29 of 1984

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**MAHARASHTRA ACT No. XXV OF 1973.<sup>1</sup>**

[THE INDIAN PARTNERSHIP (MAHARASHTRA AMENDMENT) ACT, 1973.]

[22nd May 1973]

**An Act to amend the Indian Partnership Act, 1932, in its application to the State of Maharashtra.**

**IX of 1932.** WHEREAS, it is expedient to amend the Indian Partnership Act, 1932, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Partnership (Maharashtra Amendment) Act, 1973.

Short title and commencement.

(2) It shall come into force on such date<sup>2</sup> as the State Government may, by notification in the *Official Gazette*, appoint.

**IX of 1932.** 2. In Schedule I appended to the Indian Partnership Act, 1932, in its application to the State of Maharashtra, under the heading "Maximum Fees",—

Amendment of Schedule I to Act IX of 1932.

(1) for the words "Three rupees" the words "Fifteen rupees" shall be substituted;

(2) for the words "One rupee" wherever they occur, the words "Five rupees" shall be substituted;

(3) for the words "Eight annas" at both the places where they occur, the words "Two rupees and fifty paise" shall be substituted;

(4) for the words "Four annas" the words "Fifty paise" shall be substituted.

<sup>1</sup>For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1973, Part V, p. 668.

<sup>2</sup>1st day of September 1973 (see G.N., I. & L.D., No. IPA. 1068/23609-IND. III, dated 4th August 1973).

**THE INDIAN PARTNERSHIP (MAHARASHTRA AMENDMENT)  
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**MAHARASHTRA ACT No. XXIX OF 1984.<sup>1</sup>**

[THE INDIAN PARTNERSHIP (MAHARASHTRA AMENDMENT) ACT, 1984.]

[This Act received the assent of the President on 12th October 1984; assent first published in the "Maharashtra Government Gazette" on the 17th October 1984.]

An Act further to amend the Indian Partnership Act, 1932, in its application to the State of Maharashtra.

IX of 1932. WHEREAS it is expedient further to amend the Indian Partnership Act, 1932, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Thirty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Partnership (Maharashtra Amendment) Act, 1984. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

IX of 1932. 2. In section 2 of the Indian Partnership Act, 1932, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), after clause (c), the following clause shall be inserted, namely :— Amendment of section 2 of Act IX of 1932.

"(c-1) "Registrar" means the Registrar of Firms appointed under sub-section (1) of section 57 and includes the Deputy Registrar of Firms and Assistant Registrar of Firms appointed under sub-section (2) of that section;"

3. In section 9 of the principal Act for the words "or his legal representative" the words "his heir or legal representative" shall be substituted. Amendment of section 9 of Act IX of 1932.

4. In section 12 of the principal Act,—

(a) in clause (c), the word "and" appearing at the end shall be deleted;

(b) in clause (d), for the words "books of the firm." the words "books of the firm; and" shall be substituted; Amendment of section 12 of Act IX of 1932.

(c) after clause (d), the following clause shall be added, namely:—

"(e) in the event of the death of a partner, his heirs or legal representatives or their duly authorised agents shall have a right of access to and to inspect and copy any of the books of the firm."

5. For section 57 of the principal Act, the following section shall be substituted, namely :— Substitution of section 57 of Act IX of 1932.

"57. (1) The State Government may, by notification in the *Official Gazette*, appoint a Registrar of Firms who shall exercise, perform and discharge the powers, functions and duties of the Registrar under this Act throughout the State of Maharashtra. Appointment of Registrar of Firms and Deputy and Assistant Registrars of Firms.

(2) The State Government may likewise appoint one or more Deputy Registrars of Firms and Assistant Registrars of Firms who shall exercise, perform and discharge all or such of the powers, functions and duties of the Registrar and in such areas as the State Government may, by notification in the *Official Gazette*, specify.

(3) The officers appointed under sub-section (1) and sub-section (2) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code."

XLV  
of  
1860.

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part V, Extraordinary, dated the 9th July 1984, pages 200-201.

Amendment  
of section 58  
of Act IX  
of 1932.

6. In section 58 of the principal Act,—

(a) in sub-section (1),—

(i) for the words " The registration of a firm " the words, brackets, figure and letter " Subject to the provisions of sub-section (1A), the registration of a firm " shall be substituted;

(ii) the words " at any time " shall be deleted;

(iii) after the words " prescribed fee " the words " and a true copy of the deed of partnership " shall be inserted;

(iv) after clause (a), the following clause shall be inserted, namely:—

" (aa) the nature of business of the firm;";

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

" (1A) The statement under sub-section (1) shall be sent or delivered to the Registrar within a period of one year from the date of constitution of the firm;

Provided that in the case of any firm carrying on business on or before the date of commencement of the Indian Partnership (Maharashtra Amendment) Act, 1984, such statement shall be sent or delivered to the Registrar within a period of one year from such date.";

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of  
1984.

(c) for sub-section (3), the following sub-sections shall be substituted, namely:—

" (3) A firm shall not have any of the names or emblems specified in the Schedule to the Emblems and Names (Prevention of Improper Use) Act, 1950, or any colourable imitation thereof, unless permitted so to do under that Act, or any name which is likely to be associated by the public with the name of any other firm on account of similarity, or any name which, in the opinion of the Registrar, for reasons to be recorded in writing, is undesirable;

XII of  
1950.

Provided that nothing in this sub-section shall apply to any firm registered under any such name before the date of the commencement of the Indian Partnership (Maharashtra Amendment) Act, 1984.

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XXIX  
of  
1984.

(4) Any person aggrieved by an order of the Registrar under sub-section (3) may, within 30 days from the date of communication of such order, appeal to the officer not below the rank of Deputy Secretary to Government authorised by the State Government in this behalf, in such manner, and on payment of such fee, as may be prescribed. On receipt of any such appeal, the authorised officer shall, after giving an opportunity of being heard to the appellant, decide the appeal, and his decision shall be final."

Amendment  
of section 59  
of Act IX  
of 1932.

7. Section 59 of the principal Act shall be renumbered as sub-section (1) of that section, and,—

(a) in sub-section (1) as so renumbered, after the words " file the statement." the words " On the date such entry is recorded and such statement is filed, the firm shall be deemed to be registered." shall be added;

(b) after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

" (2) The firm, which is registered, shall use the brackets and word "(Registered)" immediately after its name."

8. After section 59 of the principal Act, the following section shall be inserted, namely :—

Insertion of section 59A-1 in Act IX of 1932.

“ 59A-1. If the statement in respect of any firm is not sent or delivered to the Registrar within the time specified in sub-section (1A) of section 58, then the firm may be registered on payment, to the Registrar, of a penalty of one hundred rupees per year of delay or a part thereof.”

Late registration on payment of penalty.

9. In section 60 of the principal Act,—

Amendment of section 60 of Act IX of 1932.

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“ (1) When an alteration is made in the firm name or in the nature of business of a firm or in the location of the principal place of business of a registered firm, a statement shall be sent to the Registrar, within a period of 90 days from the date of making such alteration, accompanied by the prescribed fee, specifying the alteration and signed and verified in the manner required under section 58.”;

(b) in the marginal note, for the words “ firm name and ” the words “ firm name, nature of business and ” shall be substituted.

10. In section 61 of the principal Act, for the words “ may send intimation thereof to the Registrar, who shall ” the following shall be substituted, namely :—

Amendment of section 61 of Act IX of 1932.

“ shall send intimation thereof to the Registrar, within a period of 90 days from the date of such discontinuance or, as the case may be, from the date on which the firm begins to carry on business at such place. The Registrar shall then ”.

11. In section 62 of the principal Act, for the words “ may be sent ” the words “ shall be sent, within a period of 90 days from the date of making such alteration,” shall be substituted.

Amendment of section 62 of Act IX of 1932.

12. In section 63 of the principal Act,—

Amendment of section 63 of Act IX of 1932.

(a) in sub-section (1),—

(i) for the word “ any ”, wherever it occurs, the word “ every ” shall be substituted;

(ii) for the words “ may give notice to the Registrar of such change or dissolution, specifying the date thereof; ” the following shall be substituted, namely:—

“ shall, within a period of 90 days from the date of such change or dissolution, give notice to the Registrar of such change or dissolution, specifying the date thereof; ”;

(b) after sub-section (1), the following sub-section shall be added, namely:—

“ (1A) Where a change occurs in the constitution of a registered firm, all persons, who after such change are partners of the firm, shall jointly send an intimation of such change duly signed by them, to the Registrar, within a period of 90 days from the date of occurrence of such change and the Registrar shall deal with it in the manner provided by section 61.”;

(c) in sub-section (2), for the words “ may give notice to the Registrar ” the words “ shall, within a period of 90 days from the date of his election, give notice to the Registrar ” shall be substituted.

Amendment  
of section 69  
of Act IX  
of 1932.

13. In section 69 of the principal Act,—

(a) to sub-section (1), the following proviso shall be added, namely:—

“ Provided that the requirement of registration of firm under this sub-section shall not apply to the suits or proceedings instituted by the heirs or legal representatives of the deceased partner of a firm for accounts of the firm or to realise the property of the firm.”;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) No suit to enforce any right for the dissolution of a firm or for accounts of a dissolved firm or any right or power to realise the property of a dissolved firm shall be instituted in any Court by or on behalf of any person suing as a partner in a firm against the firm or any person alleged to be or to have been a partner in the firm, unless the firm is registered and the person suing is or has been shown in the Register of Firms as a partner in the firm :

Provided that the requirement of registration of firm under this sub-section shall not apply to the suits or proceedings instituted by the heirs or legal representatives of the deceased partner of a firm for accounts of a dissolved firm or to realise the property of a dissolved firm.”;

(c) in sub-section (3),—

(i) for the words, brackets and figures “ sub-sections (1) and (2) ” the words, brackets, figures and letter “ sub-sections (1), (2) and (2A) ” shall be substituted;

(ii) for clause (a), the following clause shall be substituted, namely :—

“(a) the firms constituted for a duration upto six months or with a capital upto two thousand rupees; or”.

Insertion of  
section 69A  
in Act IX of  
1932.

14. After section 69 of the principal Act, the following section shall be inserted, namely :—

Penalty for  
contraven-  
tion of  
sections 60,  
61, 62 or 63.

“ 69A. If any statement, intimation or notice under sections 60, 61, 62 or 63 in respect of any registered firm is not sent or given to the Registrar, within the period specified in that section, the Registrar may, after giving notice to the partners of the firm and after giving them a reasonable opportunity of being heard, refuse to make the suitable amendments in the records relating to the firm, until the partners of the firm pay such penalty, not exceeding ten rupees per day, as the Registrar may determine in respect of the period between the date of expiry of the period specified in sections 60, 61, 62, or as the case may be, 63 and the date of making the amendments in the entries relating to the firm.”.

Amendment  
of section 70  
of Act IX  
of 1932.

15. In section 70 of the principal Act, for the words “ shall be punishable with imprisonment which may extend to three months, or with fine, or with both. ” the following shall be substituted, namely :—

“ shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine, or with both :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, the fine shall not be less than one thousand rupees.”.

Insertion of  
section 70A  
in Act IX  
of 1932.

16. After section 70 of the principal Act, the following section shall be inserted, namely :—

“ 70A. (1) The fees payable under this Act and the rules made thereunder shall not exceed the maximum fees as specified in Schedule I. Maximum  
fees and  
power to  
amend  
Schedule I.

(2) Subject to the provisions of this section, the State Government may, having regard to the expenditure incurred or to be incurred for carrying out the purposes of this Act, from time to time, by notification in the *Official Gazette*, vary any of the amounts of maximum fees and other particulars specified in Schedule I, and, thereupon, the said Schedule shall be deemed to be amended accordingly.

(3) Every notification issued under sub-section (2) shall take effect from the date of its publication in the *Official Gazette*, unless some other date is specified therein for this purpose.

(4) Every notification issued by the State Government under sub-section (2) shall be laid, as soon as may be after it is issued, before each House of the State Legislature, while it is in session, for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be issued, and notify such decision in the *Official Gazette*, the notification shall, from the date of publication of such decision, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done in pursuance of that notification.”

17. In section 71 of the principal Act,—

Amendment  
of section 71  
of Act IX  
of 1932.

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“ (1) Subject to the provisions of section 70A, the State Government may, by notification in the *Official Gazette*, make rules prescribing the fees which shall accompany documents sent to the Registrar or which shall be paid in respect of any intimation, notice or application given to the Registrar or which shall be payable for the inspection of documents in the custody of the Registrar or for copies from the Register of Firms or which shall be paid for supply of any prescribed forms.”;

(b) in sub-section (2),—

(i) in clause (a), for the words and figures “ under section 58 ” the words, brackets and figures “ under sub-section (1) of section 58 ” shall be substituted;

(ii) after clause (a), the following clause shall be inserted, namely :—

“ (aa) prescribing the manner of filing an appeal under sub-section (4) of section 58; ”;

(c) for sub-section (4), the following sub-section shall be substituted namely :—

“ (4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session, for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such decision, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done in pursuance of that rule.”



Substitution of Schedule I to Act IX of 1932. 18. For Schedule I appended to the principal Act, the following Schedule shall be substituted, namely :—

**“ SCHEDULE I**

*Maximum Fees*

(See sections 70A and 71)

Document or act in respect of which the fee is payable	Maximum fee
(1) Statement under section 58 (1) .. .. .	Fifty rupees.
(2) Memorandum of appeal under section 58 (4) ..	Twenty-five rupees.
(3) Statement under section 60 .. .. .	Fifteen rupees.
(4) Intimation under section 61 .. .. .	Fifteen rupees.
(5) Intimation under section 62 .. .. .	Fifteen rupees.
(6) Notice under section 63 (1) .. .. .	Fifteen rupees.
(7) Intimation under section 63 (1A) .. .. .	Fifteen rupees.
(8) Notice under section 63 (2) .. .. .	Fifteen rupees.
(9) Application under section 64 .. .. .	Fifteen rupees.
(10) Inspection of the Register of Firms under sub-section (1) of section 66, for inspection of one volume of the Register of Firms.	Seven rupees and fifty paise.
(11) Inspection of documents relating to a firm under sub-section (2) of section 66, for the inspection of all documents relating to one firm.	Seven rupees and fifty paise.
(12) Copies from the Register of Firms under section 67, for each hundred words or part thereof.	Two rupees.
(13) Price of Forms prescribed under the rules ..	One rupee per Form.”