

Law Department (Legal Advice)

Notification

LD/153/66/78

Whereas certain draft rules which the Government of Goa, Daman and Diu proposes to make in exercise of the powers conferred by sub-section (1) of section 71 of the Indian Partnership Act, 1932 (Central Act 9 of 1932), were published as required by sub-section (3) of section 71 of the said Act, at pages 442 to 445 of the Official Gazette, Series I, No. 29, dated 19th October, 1978, under the Notification No. LD/153/66/78, dated 10th October, 1978 of Law Department, Government of Goa, Daman and Diu, inviting objections or suggestions from any person likely to be affected thereby within thirty days from the date of publication of Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 19th October, 1978;

And whereas no objections and suggestions are received from the public on the said draft;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 71 of the Indian Partnership Act, 1932 (Central Act 9 of 1932), and all other powers enabling him in that behalf and in supersession of the Government Notification No. LD. 59/65 dated 10-12-1965 published in the Official Gazette Series I, No. 38, dated 16-12-1965, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Partnership Rules, 1979.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(a) "Act" means the Indian Partnership Act, 1932 (Central Act 9 of 1932);

(b) "Document" includes statements, intimations and notices prescribed by the Act;

(c) "Firm" means a firm to which the Act applies;

(d) "Form" means a Form appended to these rules;

(e) "Notification" means the Notification published in the Official Gazette;

(f) "Registrar" means a Registrar of Firms appointed under section 57 of the Act.

3. *Filing of documents.*—(1) All applications, documents and statements required to be filed under the Act shall be made to the Registrar within whose jurisdiction the firm is carrying on business and when it is carrying on business within the jurisdiction of more than one Registrar, to the Registrar within whose jurisdiction its principal place of business is situated.

(2) Notice of change of the principal place of business shall be given to the Registrar with whom the firm is registered, even if the new principal place of business is within the jurisdiction of another Registrar. In every such case the first mentioned

1. Middle School or equivalent qualification.

2. Driving licence for heavy vehicle.

3. Unblemished experience of at least two years in the line.

Desirable:

1. S.S.C. E. or equivalent qualifications.

2. Knowledge of Konkani/Marathi or Gujarathi.

-290-EB-
-8-366-EB-
-8-390-10-
-400-

Driver
Instructor

Registrar shall make an entry to that effect in Register of Firms and the index thereto, and transmit the records to the Registrar within whose jurisdiction the new principal place of business is situated.

4. *Mode of lodging documents.* — Documents may either on payment of the prescribed fee be lodged with the Registrar in person or sent to him by post alongwith the prescribed fee.

5. *Furnishing of English translation of document.* — If any document or portion of a document required to be submitted under the Act is not in the English language, a translation thereof in English certified as correct shall be furnished alongwith such document to the Registrar.

6. *Form and Verification of statements under sections 58 and 60.* — The documents required to be filed with the Registrar under section 58(1) and 60 shall be deemed to be duly verified if they are signed and certified by all the partners or by a specially authorised agent on behalf of a partner declaring the statement made therein to be true to his knowledge and belief in the presence of at least one witness who shall attest the signatures by signing his name, provided that when a document is verified by a specially authorised agent, the original power of attorney or an express letter of authority from the partner concerned shall be produced for the inspection of the Registrar to prove authentication.

7. *Form of Register of firms statements under sections 58, 59 and 60, notices under sections 61, 62 and 63 and index to Register of Firms.* — (1) The "Register of Firms" to be maintained by the Registrar under section 59 of the Act shall be in Form I.

(2) The statement required under section 58 of the Act, for the registration of a firm shall be in Form II.

(3) The statement under section 60 of the Act, relating to changes in the Firm's name and the principal place of business, shall be in Form III.

(4) The notice under section 61 of the Act of closing and opening of branches shall be in Form IV.

(5) The notice under section 62 of the Act of changes in the names and addresses of partners shall be in Form V.

(6) The notice of alteration in the constitution of a firm and dissolution of a firm, under section 63(1) of the Act, shall be in Forms VI and VII respectively.

(7) The notice of withdrawal from, or remaining in a partnership to be given under section 63(2) of the Act by a minor on attaining majority shall be in Form VIII.

(8) An Index to the Register of Firms shall be maintained by the Registrar in Form IX.

8. *Examination of Documents received by the Registrar.* — On receipt of every statement, intimation, notice or any other document prescribed by the Act to be filed or registered in his office, the Registrar shall examine it, and if it is found to be defective or incomplete in any of the particulars required to be given therein, or not verified in the prescribed manner or in any way not in accordance with the provisions of the Act or these rules, he shall return it to the person applying for filing or recording or to the firm concerned; and until proper rectification or completion is made, he shall not register or file the document in question nor shall he file or register the same unless and until the prescribed fees are paid to and received by him. The Registrar shall, pending the receipt of such fees, act in the same way as if no such document has been tendered for filing or recording or registration.

9. *Acknowledgement by the Registrar.* — The Registrar may acknowledge the receipt or filing of any document after necessary entries have been made in the Register of Firms.

10. *Enquiries and investigations by the Registrar in case of disputes.* — 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 administration of the Act, especially when a dispute arises amongst the several partners of a firm. The Registrar may in his discretion call upon any of the partners or all of them to produce any original deed, document or such other evidence as he thinks fit.

11. *Procedure on dispute.* — If any person wishes to dispute any entry in the Register, such person shall give the Registrar notice in writing that he disputes the said entry and the Registrar shall make a remark to that effect at the end of the existing entries and shall also make a remark in red ink in the remarks column against the entry so disputed.

The Registrar shall then as soon as may be, send an intimation of such notice to all the partners of the firm concerned and if the person giving such notice is one of the partners to the remaining partners of such firm as the case may be.

12. *Amendment of Register.* — When an entry made in the Register is to be amended, the amendment shall be made by drawing a red line through the entry and making a new entry at the end of the existing entries. A reference in red ink to the serial number of the new entry shall be made against the amended entry.

13. *Office of the Registrar and Business hours.* — The office of the Registrar shall be situated in the towns of Panjim, Mapusa, Margao, Quepem, Bicholim and Daman in the office of the respective sub-registrars of assurances or Conservadores of Predial of the said places and at Diu in the office of the Assistant Public Prosecutor; and shall be open for business (Sundays and authorised holidays excepted) between the hours of 10 a. m. and 5.30 p. m.

14. *Inspection of Registers of Firms and documents and copies of entries.* — (1) Any person may inspect the documents and the "Register of Firms" kept by the Registrar on payment of fifty paise for the inspection of all documents relating to one firm:

Provided that he shall not have the right, while so inspecting to take copies or extracts from any of the documents or the Register.

(2) Any person may inspect the particulars of any firm in the Register of Firms kept by the Registrar

on payment of fifty paise in respect of each volume of the registers inspected:

Provided that he shall not have the right, while so inspecting to take copies or extracts from any of the document or the Register.

(3) Any person shall, on application to the Registrar be supplied on plain paper with a certified copy or extract of any of the documents or any of the entries or portion thereof in the "Register of Firms" on payment of fifty paise for each hundred words or part thereof.

15. *Destruction of documents.*— (1) No document filed in the office of the Registrar of Firms, under the Indian Partnership Act, 1932 shall be destroyed without the previous order of the Registrar in that behalf.

(2) The Registrar may order the destruction of any such document at the expiration of five years after the date of dissolution of the firm in respect of which such document was filed in his offices:

Provided that the Registrar shall give three months previous notice of such destructions by Notification in the Goa, Daman and Diu Official Gazette. (3) After the expiration of the said three months, the Registrar shall, unless sufficient reason be shown to the contrary, cause all the documents of each firm named in the said notice to be destroyed, and shall record the fact of such destruction in the book kept for such purpose.

16. *Fees payable to the Registrar of firms.*— The fees payable to the Registrar under the Act shall be as follows:

Document or act in respect of which the fee is payable

Maximum fee

1. Statement under section 58. Three rupees.
2. Statement under section 60. One rupee.
3. Intimation under section 61. One rupee.
4. Intimation under section 62. One rupee.
5. Notice under section 63. One rupee.
6. Application under section 64. One rupee.
7. Inspection of the Register of Firms under sub-section (1) of Section 66. Fifty paise for inspecting one volume of the Register.
8. Inspection of documents relating to a firm under sub-section (2) of section 66. Fifty paise for the inspection of all documents relating to one firm.
9. Copies from the Register of Firms. Fifty paise for each hundred words or part thereof.

FORM No. I
Register of Firms

The Indian Partnership Act, 1932
(See Section 59 and Rule 7(1))

Number of the firm on the Register.

Name of the firm.

Date of establishment.

Important Notes.

Duration or date of registration.

Date of dissolution.

How dissolved.

Serial number of document	Date of filing or Registration	Description of documents filed	Name	Address (Permanent)	Date of joining	Date of changes	Principal place	Other place	Date of closing or opening	Recording of changes of constitution of dissolution and also of withdrawal of partners	Names and addresses of the partners and the date of joining or changes therein	Place where the business is carried on
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FORM No. II

Statement required for Registration of a Firm

The Indian Partnership Act, 1932

(See Section 58 and Rule 7(2))

Filing Fee

To, The Registrar of Firms.

We the undersigned partners of the firm ... submit the following statement, prescribed under section 59 of the Indian Partnership Act, 1932, for the purpose of registration of the said firm under section 59 of the Act.

A.—The name of the firm:

B.—The duration of the firm (with date of establishment)

C.—The principal place of business, with full address

D.—The name of any other places where the firm is carrying on business with full address:

1.

2.

3.

E.—The names in full and permanent addresses of the partners, and the date when each partner joined the firm:—

Names in full of partners	Permanent addresses	Dates of joining
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Verification

We, the partners of the firm ... do hereby declare the foregoing statements are true to the best of our knowledge and belief.

Witness or Witnesses attesting the signature of the firm.

FORM No. III

Notice of alteration in the name of the firm or in the principal place of business thereof

The Indian Partnership Act, 1932

(See Section 60 and Rule 7(3))

Filing Fee

To, The Registrar of Firms.

Notice is hereby given, pursuant to section 60 of the Indian Partnership Act, 1932 of the following alteration in the principal place of business * of the firm.

Date of alteration	Name of firm	Former name	Present name	Former address	Principal place of business
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* Strike out the portion which does not apply.

Signature of all the partners of the firm.

Witness or Witnesses attesting the signature of the firm.

Verification

We, the partners of the firm ... do hereby declare that the foregoing statements are true to the best of our knowledge and belief.

Witness or Witnesses attesting the signature Signature of all the partners of the firm.

FORM No. IV

Notice of closing and opening of places of business (other than the principal place of business)

The Indian Partnership Act, 1932
(See Section 61 and rule 7(4))

Filing Fee Re. 1-00

To, The Registrar of Firms.

Notice is hereby given, pursuant to section 61 of the Indian Partnership Act, 1932, of the closing/opening of the following places of business of the firm.

(other than principal place of business)

Place of business closed	Date of closing	Place of business opened	Date of opening	Remarks

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

FORM No. V

Notice of changes in the names and addresses of the partners of firm

The Indian Partnership Act, 1932
(See Section 62 and rule 7(5))

Filing Fee Re. 1-00

To, The Registrar of Firms.

Notice is hereby given, pursuant to section 62 of the Indian Partnership Act, 1932 of changes in the names and addresses of the partners of the firm.

Former name and address	Present name and address	Remarks

Signature of any partner or agent of the firm.

FORM No. VI

Intimation for recording of changes of the constitution of a firm

The Indian Partnership Act, 1932
(See Section 63(1) and rule 7(6))

Filing Fee Re: 1-00

To, The Registrar of Firms.

Notice is hereby given, pursuant to sub-section (1) of section 63 of the Indian Partnership Act, 1932 of the following changes in the constitution of the firms.

Previous constitution of firm		Present constitution of firm		Remarks
Names of Partners	Permanent address	Names of Partners	Permanent address	

Signature of any partner or his agent.

FORM No. VII

Intimation for recording dissolution of a firm

The Indian Partnership Act, 1932
(See Section 63(1) and rule 7(6))

Filing Fee Re. 1-00

To, The Registrar of Firms.

Notice is hereby given, pursuant to sub-section (1) of section 63 of the Indian Partnership Act, 1932, that the firm ... was dissolved on ... 19...

Signature of any partner or his agent

FORM No. VIII

Notice of withdrawal from, or remaining in, a partnership to be given under section 63(2) of the Act by a minor on attaining of majority

The Indian Partnership Act, 1932
(See Section 63(2) and rule 7(7))

Filing Fee Re. 1-00

To, The Registrar of Firms.

Notice is hereby given, pursuant to sub-section (2) of section 63 of the Indian Partnership Act, 1932 that the undersigned a minor who was admitted to the benefits of partnership in the firm has now attained majority and elects to become/not to become a partner of the said firm.

Signature of the partner concerned or his specially authorised agent

FORM No. IX

Index to the Register of Firms

The Indian Partnership Act, 1932
(See rule 7(8))

Name of firm	Date of registration	Number of firm in the register	Volume of Register and Folio

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

B. S. Subbanna, Under Secretary (Law).

Panaji, 3rd February, 1979.