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## **KARNATAKA PARTNERSHIP (REGISTRATION OF FIRMS) RULES, 1954**

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## **KARNATAKA PARTNERSHIP (REGISTRATION OF FIRMS) RULES, 1954**

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1954

### **1. Short title :-**

These rules may be called the Karnataka Partnership (Registration of Firms) Rules, 1954.

### **2. Definitions :-**

In these Rules, unless there is anything repugnant in the subject or context

(a) the Act means the Indian Partnership Act, 1932; and

(b) Registrar means the Registrar of Firms.

### **3. Forms and verification of Statements under sections 58 and 60 :-**

The statements submitted to the Registrar under s.58 and s.60 of the Act shall respectively be in Forms I and II annexed to these Rules and shall be verified in the manner indicated therein, provided that when a statement is signed by a specially authorized agent, the original power of attorney or an express letter of authority from the partner or partners concerned shall be produced for inspection by the Registrar to prove authentication.

### **4. Forms of intimations and notices under Sections 61, 62 and 63 :-**

(1) Intimation and notices under Section 61 , Section 62 , Section 63 of sub- section (1) and Section 63 sub- section (2) of the Act shall respectively be in Forms III, IV, V and VI annexed to these rules with such variations as circumstances may require.

(2) Every statement, intimation or notice relating to a firm, under Section 60 , Section 61 , Section 62 , Section 63 of sub- section (1) or Section 63 of sub- section (2) of the Act shall be sent or given to the Registrar together with the prescribed fee within fifteen days from the date of occurrence of the event referred to in such statement, intimation or notice.

### **5. Register of Firms :-**

The Register of Firms shall be in Form A annexed to these rules. The name of and the particulars relating to each firm shall be entered therein in the order of its registration 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 shall be entered in the register in the page or pages allotted to the firm concerned 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 suitable

### **7. Protest against entries in register :-**

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. The Registrars powers of enquiry and investigation :-**

The Registrar may, in case of dispute, institute such inquiries or make such investigation as may, in his opinion, be necessary for the proper performance of his duties under the Act.

## **9. Index to the 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 B annexed to these rules. A fresh index shall be prepared for each calendar 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 add a certificate 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. Acknowledgment of registration and documents :-**

(a) Upon the registration of a firm, the Registrar shall grant to the firm an acknowledgment in Form C annexed to these rules 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 acknowledgment in Form D annexed to these rules.

(b) On every document filed under the Act, 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;

(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 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 made on the document itself and

shall be signed by the Registrar.

**11. Filing of documents :-**

(a) The Registrar shall examine every statement, intimation, notice or other document received by him which is required by the Act to be registered, recorded or filed; and if he finds any such statement, intimation, notice or other document to be defective or incomplete in any of the particulars required by the Act, or these rules, he shall return it to the party or firm tendering it, for due rectification or completion and until such statement, intimation, notice or other document is so rectified or completed, he shall not register, record or file the same.

(b) No statement, intimation, notice or other document in respect of which a fee is payable, shall be registered, recorded or filed by the Registrar until the fee has been paid to him, and the Registrar shall, pending such payment, act as if no such statement, intimation, notice or other document has been tendered for registration, record or filing.

(c) 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.

**12. Account of and receipt for fees :-**

An account of all fees received in the Registrars office shall be maintained therein. A receipt in Form E shall be granted in respect of every fee received.

**13. Inspection of the indexes to the register of firms and of original document :-**

(i) the indexes to the register of firms maintained by the Registrar may be inspected by any person on payment of the following fees:

(a) for searching the index for any one year for entries relating to a single firm One rupee.

(b) for searching the index for every other year for entries relating to the same firm fifty paise.

(ii) All statements, notices and intimations filed by a firm under Chapter VII of the Act may also be inspected on payment of the prescribed fee by any person on his satisfying the Registrar that he is interested in the firm.

**14. Application for copies and fees for grant of copies :-**

(i) Every application for a copy under Section 67 of the Acts shall be in writing.

(ii) For grant of copies, other than copies from the Registrar of Firms, the following fees shall be levied, namely:

(a) For a certified copy of an acknowledgement of registration of a firm One rupee.

(b) For a certified copy or extract from any other document Fifty paise for each hundred words or part thereof.

**15. Seal :-**

The seal used by the Registrar shall bear the words Registrar of Firms, Karnataka.

**16. Preservation and elimination of registers and records :-**

(a) The Registrar of Firms and index thereto shall be preserved permanently.

(b) All other records, including the statements referred to in Section 58 of the Act, may be destroyed

(i) in the case of a firm which has been dissolved, on the expiry of five years from the date of its dissolution; and

(ii) in the case of a firm which, though not dissolved, has not been transacting business and has not been heard for a period of not less than seven years, in accordance with and subject to the provisions of sub-rule (c).

(c) In cases falling under clause (ii) of sub-rule (b), the Registrar shall publish in the Karnataka Gazette, and at the same time send by registered post to any of the partners of the firm concerned to his last known address, a notice stating that the records and statement relating to the firm will be destroyed unless cause is shown to the contrary within a period of three months from the date of publication of the notice in the Karnataka Gazette. If cause is not shown as aforesaid, the records and statements may be destroyed.

**17. Translations to be furnished where original is not in English or Kannada :-**

If any document required to be filed under the Act, or any portion

of such document is not in English or Kannada language, an English translation of such document or portion, certified as correctly by at least one partner (or his authorized agent shall be furnished along with each copy of such document or portion.

**18. Office hours :-**

The office of the Registrar shall be open for business (Sundays and authorized holidays excepted) between the hours of 11 a.m. and 5 p.m.

**19. Administration report :-**

The Registrar shall submit to the State 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 year ending the 31st March preceding.