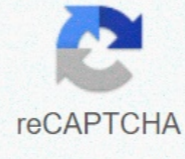




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Rectification of partnership deed format

Partnership, Rectification, Clause, Replaced, Executed, Contributions, Witness, Subsequently, Next, Costs, Www.yumpu.com Format Of Rectification Act posted at: 2016-02-26 919 views This Article contains application of provisions of Act 9 of 1872, power to exempt application of this chapter, appointment of registrars, registration of changes to fixed name and head office, noting closure and opening of branches, noting changes to the name and address of partners, rectification of errors, modification of the register on the orders of the court, inspection of register and submitted documents, granting of copies, rules of evidence, penalty for providing false information, power to make rules and means of disclosure. 1.What does Article 3 of the Partnership Act say? Section-3: Application of the provisions of Law 9 of 1872: The unsalted provisions of the Indian Convention Act, 1872, except in so far as they do not comply with the express provisions of this Act, continue to apply to undertakings. 2.What are the powers of the State Government to be exempt from the application of Article 56 under the Indian Partnership Act of 1932? Section-56: Power to exempt from this Chapter: The State Government of a State may, by notification in the Official Gazette, indicate that the provisions of this Chapter do not apply to that State or to any part thereof mentioned in the notification. 3.Who can appoint the registrar under Section 57 under the Indian Partnership Act, 1932? The registrar of the company shall be appointed by the State Government for the purposes of this Law. READ RELATED ARTICLE Income tax Compliance for partnership enterprise in India Section-57: Appointment of clerks: (1) The State Government may designate corporate clerks for the purposes of this Law and determine in which areas they exercise their powers and perform their duties. (2) Each registrar is deemed to be an official within the meaning of box 21 of the Indian Penal Code (45 of 1860). 4.What compliances should be observed when changes occur in the name or head office of the company? A statement along with the prescribed mention of the change or amendment and signed by all partners must be sent to the registrar. As soon as the registrar is so satisfied with all the documentation, he then makes the necessary changes and makes the entries and submits the declaration in the register. Section-60: Registration of changes in fixed name and head office: 5.Where a change is made to the fixed name or at the place of the head office of a registered undertaking, a certificate may be sent to the registrar accompanied by the prescribed fee, indicating the change, and verified in accordance with point 58. 2. Where the Registrar is satisfied that the provisions of subsection (1) are duly complied with, he shall amend the registration of the undertaking in the register of companies in with the declaration, and shall submit it together with the declaration, in respect of the company submitted pursuant to point 59. 5.What is meant by notifying the closure and opening of branches and making changes to the names and addresses of the partners under the Indian Partnership Act, 1932? Where a new branch is to be opened or the existing branch is to be closed or a change in the name or address of the partners occurs, the intimation of the same by a partner/agent of the undertaking must be provided to the registrar of the undertaking who will then make the indication of such intimation in the mention relating to the company and submit the declaration of such intimation in the records. READ RELATED ARTICLE Step Wise Registration Process of Partnership Act in Maharashtra and Challenges Section-61: Fixing of Closing and Opening Affiliates: When a Registered Company Stops Business at Any Place or Starts Working at Any Place, that place which is not the head office, a partner or agent of the undertaking may submit a call to the registrar, who estimates that indication in the tender in respect of the undertaking in the register of undertakings, together with the declaration concerning the undertaking submitted in accordance with Section 59. READ RELATED ARTICLE Partnership forms, registration forms and RTI Forms Section-62: Determining changes in names and addresses of partners: When a partner in a registered company changes its name or fixed address, an intimation of the change may be sent by a partner or agent of the company to the registrar, who will deal with it in the manner provided in box 61. 6.Does the registrar's powers with regard to the rectification of errors and the amendment to be made on behalf of the court under the Indian Partnership Act, 1932? The registrar has the power with all rights to correct the errors and to make the necessary changes to the documentation when the partners submit the application for such correction of errors. The registry is also to make the required change in the entry of the registrar of the company into the affairs of an enterprise brought by the court on the order of the court. Section-64: Correction of errors: (1) The Registrar shall at all times be empowered to correct any wrongdoing in order to bring the registration in the register of undertakings relating to an undertaking into conformity with the documents relating to that undertaking submitted pursuant to this Chapter. (2) At the request of all parties who have signed a document relating to an undertaking submitted pursuant to this Chapter, the Registrar may make any error in this document or in its register or note correct the register of undertakings. Section-65: Amendment of the register by order of the Court: A court which decides each case concerning a registered undertaking may require the registrar to make any change to the registration of the register of undertakings relating to those undertakings resulting from his decision; and the registrar shall amend the entry accordingly. 7.Can the inspection of the register/ documents and required copies are granted? Yes, access to the documents and the required documents and copies may be permitted by submitting the application for an inspection/application for the granting of copies in the prescribed form, together with the required fees to the registrar of the undertakings. Section-66: Verification of the register and documents filed: (1) The register of companies is open to inspection by any person in return for payment of any prescribed fee. (2) All declarations, notices and estimates submitted pursuant to this Chapter are open for inspection, subject to the conditions and against payment of the prescribed fee. READ RELATED ARTICLE Income tax Compliance for Partnership Company in India Section-67: Granting of copies: The Registrar shall, upon request, provide each person, on request, with payment of any prescribed fee, a copy, certified under his hand, of any entry or part thereof in the register of undertakings. 8.De rules for the grounds of proof? Any certified copy/ declaration, intimation, notification etc registered can be submitted as proof for the registration of the company. Section-68: Rules of evidence: (1) Any statement, intimation or notification entered or recorded in the register of undertakings shall contain, for any person by whom or on whose behalf that declaration, intimation or notification is signed, any conclusive proof of any fact therein. (2) A one-off notice of a registration relating to an undertaking in the register of undertakings may be presented as proof of the fact that that undertaking is registered and of the contents of a declaration, an intimate or notified therein. 9.What is the penalty for providing false data in accordance with the Indian Partnership Act of 1932? In accordance with the Indian corporate act 1932 if any person is found guilty of providing false statement, notice, intimation or any incomplete details which he knows is falsely punished by means of imprisonment for 3 months or a fine or both according to the seriousness of the offence thus committed. READ RELATED ARTICLE Partnership forms, registration forms and RTI Forms Section-70: Fine for providing false information: Any person who has a statement, modification statement, notification or intimation under this chapter with a particular one that he knows to be false or does not believe is true, or with information he knows to believe incomplete or incomplete, may be punishable by imprisonment that can be up to three months, or with fine, or with respect to both. 10.Who has the powers to enforce rules under Section 71 of the Indian Partnership Act 1932 The state government will be given the power to frame rules through notification in the official gazette outlining fees, documents, etc. The rules include fees, procedures, the granting of copies, inspection, the form of submission, the required documents and compliance, etc. Section-71: Power to make rules: (1) The State State 1[may lay down rules by notification in the Official Gazette] which shall be submitted in which the fees are submitted, accompanied by documents sent to the registrar of the undertakings, or which are due for the inspection of documents supervised by the registrar of undertakings, or copies from the register of undertakings; provided that such fees do not exceed those in Schedule I 58. , and of their verification, (b) require that declarations, intimations and notices from points 60, 61, 62 and 63 must be in prescribed form and their form be prescribed; (c) the form of the register of undertakings and the manner in which tenders relating to undertakings are to be made therein, and the manner in which such tenders are to be amended or the notes to be made therein; (d) the regulation of the registrar's procedure when disputes arise; (e) the regulation of the submission of documents received by the Registrar; (f) the conditions for the inspection of original documents; (g) regulation of the granting of copies; (h) the regulation of the removal of registers and documents; (i) the maintenance and form of an indexation of the register of undertakings; and (j) in general, to implement the objectives of this chapter. 3. All the rules adopted pursuant to this Section shall be subject to the condition of previous publication. 1[4] Any rule which the State Government has under this section shall be submitted to the state legislature as soon as it is adopted.] 11.What are the ways to inform the public? The announcement must be made by publication in the official journal and in at least one volkskrant circulating in the district where the company has its head office or branch of business. READ RELATED ARTICLE Step Wise Partnership Deed Registration Process in Maharashtra and challenges section-72: Method of giving a public notice: A public notice under this Law is given- (a) when it relates to the retirement or expulsion of a partner of a registered company, or to the dissolution of a registered company, or the election to become a partner in a registered company by a person who reaches a majority minor was admitted to the benefits of partnership, by notifying the registrar of undertakings under Section 63, and by publication in the Official Gazette and in at least one newspaper circulating in the district where the undertaking to which it relates has its place or head office, and (b) in any other case, by publication in the Official Journal and in at least one newspaper circulating in the district where the undertaking to which it is has its place or headquarters. 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