



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक २५]

गुरुवार, मार्च २३, २०१७/चैत्र २, शके १९३९

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असाधारण क्रमांक ४६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Indian Partnership (Maharashtra Amendment) Bill, 2017 (L. A. Bill No. X of 2017), introduced in the Maharashtra Legislative Assembly on the 23rd March 2017, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,
Principal Secretary
to Government,
Law and Judiciary Department.

L. A. BILL No. X OF 2017.

A BILL

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 Sixty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Partnership (Maharashtra Amendment) Act, 2017.

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.

(१)

Amendment of section 59A-1 of IX of 1932. **2.** In section 59A-1 of the Indian Partnership Act, 1932, in its application to the State of Maharashtra (hereinafter referred to as “ the principal Act ”), for the words “ one hundred rupees ” the words “ one thousand rupees ” shall be substituted. IX of 1932.

Substitution of section 69A of IX of 1932. **3.** For section 69A of the principal Act, the following section shall be substituted, namely :—

Charges for delay in compliance of section 60, 61, 62 or 63. **“ 69A.** If any statement, intimation or notice under section 60, 61, 62 or as the case may be, 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, make suitable amendments in the records relating to the firm, upon payment of charges for delay in sending or giving the same, at the rate of rupees two thousand per year or part thereof in respect of the period between the date of expiry of the period specified in that section and the date of making the payment.”.

STATEMENT OF OBJECTS AND REASONS.

The Indian Partnership Act, 1932 (IX of 1932) has been enacted to define and amend law relating to partnership. Section 59A-1 providing for late registration on payment of penalty and section 69A providing for penalty for contraventions of section 60, 61, 62, or 63 have been inserted in the said Act, in its application to the State of Maharashtra, by the Indian Partnership (Maharashtra Amendment) Act, 1984 (Mah. XXIX of 1984).

2. The said section 59A-1, in its application to the State of Maharashtra, provides that, 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. At that time, the fee for registration of the partnership firm was fifty rupees only. Now the fee for registration of partnership firm is one thousand five hundred rupees. More than thirty years have elapsed since the enactment of the said section 59A-1. Considering the increase in the fee for registration of partnership firm and the lapse of the period of more than thirty years from the enactment of the said section 59A-1, the Government considers it expedient to enhance the penalty to rupees one thousand per year of delay or part thereof under the said section 59A-1, by suitably amending it.

3. The said section 69A, in its application to the State of Maharashtra, provides that, if any statement, intimation or notice under section 60, 61, 62 or as the case may be, 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 section 60, 61, 62 or as the case may be, 63 and the date of making the amendments in the entries relating to the firm.

Considering the difficulties faced in implementation of the said section 69A for imposing the penalty as well the lapse of the period of more than thirty years from the enactment of the said section 69A in the year 1984, the Government of Maharashtra considers it expedient to provide for payment of charges of rupees two thousand per year or part thereof for delay in compliance of section 60, 61, 62 or 63, under the said section 69A, instead of the existing penalty, not exceeding ten rupees per day by the Registrar, by substituting the said section 69A.

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 20th March 2017.

DEVENDRA FADNAVIS,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 1(2).—Under this clause, power is taken to the State Government to bring the Act into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.