

Where the requirements under Section 58 of the Indian Partnership Act, 1932 have been duly complied with, then the Registrar is under a statutory obligation under Section 59 to register the partnership firm, and cannot insist upon production and/or submission of a trade licence as an additional condition

The **Calcutta High Court** in the case of **Dr. Arjun Chowdhury vs State of West Bengal [WPA/805/2026]** dated **June 18, 2026**, has held that where the requirements under Section 58 of the Indian Partnership Act, 1932 have been duly complied with, then the Registrar is under a statutory obligation under Section 59 to register the partnership firm, and cannot insist upon production and/or submission of a trade licence as an additional condition, particularly in the case of a firm formed for carrying on the professional practice of law. The Court held that Section 58 does not require submission of a trade licence, and any guideline imposing such requirement cannot override or travel beyond the parent statute.

The Court identified the only issue for consideration as whether the Registrar was justified in refusing to register M/s Pinava Legal on the ground of non-production/non-submission of trade licence. Upon reproducing Section 58 of the Indian Partnership Act, 1932, the Court observed that the provision lays down the mode of making an application for registration of a partnership firm and requires a statement in the prescribed form, accompanied by the prescribed fee, containing the particulars set out in clauses (a) to (f).

The Court recorded that there was no dispute that the firm had complied with Section 58, and further observed that Section 58 does not provide for production/submission of a trade licence. It noted that Section 59 provides that where the Registrar is satisfied that Section 58 has been duly complied with, he shall record an entry in the Register of Firms and file the statement, thereby casting a duty upon the Registrar to register the firm.

The Court also observed that no rule under the Bengal Partnership Rules, 1933 had been placed showing a mandatory requirement of submission of a trade licence for registration of a partnership firm formed for the purpose of carrying legal profession, and that even if guidelines provide for such a requirement, they must be in accord with the parent statute and cannot travel beyond it.

Accordingly, the Court directed the Registrar, Office of the Registrar of Firms, Societies and Non-Trading Corporations, West Bengal, to process the petitioner's application for registration in respect of M/s Pinava Legal, without insisting upon production and/or submission of trade licence of the firm.