

26.04.2022.
Court No. 13
Item No. 37
pk

**W.P.A. No. 5545 of 2022
(Through Video Conference)**

**Standard Trading Company
Versus
The Registrar of Firms, Societies and Non-trading
Corporation, West Bengal & Ors.**

Mr. Soumya Majumder,
Mr. Soumava Mukherjee.

...For the petitioner.

Mr. S. N. Mookherjee, Ld. A. G.
Mr. Anirban Ray, Ld. G. P.
Mr. Raja Saha,
Mr. B. B. Mallick

... for the State

The writ petitioner is aggrieved that the application for intimation of change of constitution of a partnership firm has been refused by the Registrar of Firms on the ground that the same has been filed beyond the period of 15 days specified under the Rule 5 of the Bengal Partnership Rules, 1933.

The writ petitioner has also challenged the constitutional vires of the said Rule, inter alia, for being ultra vires the provisions of Section 58 of the Partnership Act, 1932.

Without going into the questions of propriety and vires, this Court is of the view that justice would be sub-served if the application of the petitioner is considered by the Registrar of Firms within a period of one month from date.

For the aforesaid purpose, the writ petitioner shall make fresh application before the Registrar of

Firms taking all and additional available grounds within a period of three days from date and the Registrar of Firms shall consider the same within a period of thirty days thereafter.

Since the respondents have not used any affidavit, the allegations made in this writ petition shall not be deemed to have been admitted by them.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)