



LITIGATION

# No Trade License, No Bar: Calcutta High Court Upholds Registration Rights of Advocate's Firms

WPA/805/2026 | Dr. Arjun Chowdhury v. State of West Bengal & Ors. High Court at Calcutta, Circuit Bench at Jalpaiguri | Decided: 18 June 2026 Introduction In a significant ruling delivered on 18 June 2026, the Hon'ble High Court at Calcutta, Circuit Bench at Jalpaiguri, has unequivocally held that the Registrar of Firms, Societies and [...]

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## Introduction

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In a significant ruling delivered on 18 June 2026, the Hon'ble High Court at Calcutta, Circuit Bench at Jalpaiguri, has unequivocally held that the **Registrar of Firms, Societies and Non-Trading Corporations, West Bengal** cannot insist upon the production or submission of a trade license as a precondition for the registration of a partnership firm constituted exclusively for the professional practice of law.

The judgment, rendered by Hon'ble Justice Bivas Pattanayak in WPA/805/2026 (*Dr. Arjun Chowdhury v. State of West Bengal & Ors.*), reaffirms the primacy of the **Indian Partnership Act, 1932** over subordinate guidelines and clarifies the rights of advocate's firms seeking formal registration.

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## Background and Facts

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**M/s Pinava Legal** is an unregistered partnership firm of advocates that submitted an application (No. APP-022334) before the Registrar, Office of the Registrar of Firms, Societies and Non-Trading Corporations, West Bengal, seeking registration under the Indian Partnership Act, 1932.

The firm duly complied with all preliminary objections raised by the registering authority, save for one persistently insisted requirement — the furnishing of a **trade license**.

The Registrar's repeated refusal on this sole ground compelled Dr. Arjun Chowdhury, an advocate and partner of the firm, to approach the High Court by way of a writ petition under the Constitutional Writ Jurisdiction of the Court, appearing in person.

The petitioner sought a direction compelling the Registrar to process and register the firm without insisting upon a trade license. He also sought a declaration that such insistence is arbitrary, **ultra vires** the Indian Partnership Act, 1932, and contrary to the Advocates Act, 1961 and the Bar Council of India Rules.

## The Issue Before the Court

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The Court narrowed the controversy to a single, precise question: whether the Registrar was legally justified in **refusing to register M/s Pinava Legal** solely on the ground of non-production of a trade license. This framing reflects the Court's disciplined approach to confining adjudication to the live statutory question.

## Submissions of the Parties

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### Petitioner's Arguments

The petitioner advanced a multi-pronged statutory argument. He submitted that **Section 58 of the Indian Partnership Act, 1932** enumerates the requirements for registration, which include:

- The firm name
- Place of business
- Names and addresses of partners
- Duration of the firm

Crucially, Section 58 does not prescribe the production of a trade license. Once these requirements are satisfied, **Section 59 of the Act** mandates that the Registrar *shall* register the firm, leaving no residual discretion to impose extraneous conditions.

He further argued that a firm of advocates does not constitute a “**commercial establishment**” and therefore cannot be subjected to trade license obligations applicable to commercial entities.

## Respondent State’s Position

The respondent State, through its learned Additional Government Pleader, relied upon guidelines published on the official government website which include trade license as a required document for registration. Reference was also made to the **Bengal Partnership Rules, 1933** to suggest that the Registrar must be satisfied before proceeding to register.

Notably, however, the State conceded that a lawyer’s firm is not a commercial establishment — a concession of **considerable significance** to the ultimate outcome.

## Case Laws Relied Upon

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The petitioner drew upon a well-considered body of **judicial precedent**:

- **Registrar of Firms, Societies and Non-Trading Corporations, WB v. Tarun Manna & Ors.** (2009 SCC Online Cal 2699) — A Division Bench of the Calcutta High Court affirmed the mandatory character of registration under Section 59 upon due compliance with Section 58.
- **V. Sasidharan v. M/s Peter and Karunakar and Others** [(1984) 4 SCC 230] — The Hon’ble Supreme Court authoritatively held that a lawyer’s office or a firm of lawyers is not a commercial establishment — a proposition that the State did not contest.
- **Santosh Choudhary and Associates v. ESIC** (WPA 6417 of 2024) — A coordinate bench decision reinforced the same position that a law firm is not a commercial establishment.
- **Union of India v. S. Srinivasan** [(2012) 7 SCC 683] — The Supreme Court held that a rule which travels beyond or supplants the parent statute, for which no power has been conferred, is ultra vires and cannot be enforced.

## Court’s Analysis

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The Court conducted a careful **textual analysis of Sections 58 and 59** of the Indian Partnership Act, 1932. It observed that Section 58 provides an exhaustive list of requirements for registration and that a trade license features nowhere in that enumeration.

The Court further held that Section 59 casts a **statutory obligation** on the Registrar — once satisfied that Section 58 requirements have been met, he is bound to register the firm and cannot arrogate to himself any additional discretion to impose conditions not contemplated by the legislature.

The Court rejected the State’s reliance on **administrative guidelines**, noting that no rule under the Bengal Partnership Rules, 1933 had been placed on record to establish a mandatory requirement of a trade license for the registration of an advocate’s firm.

More fundamentally, even if such a guideline existed, it could not override the parent statute. Applying the principle in *S. Srinivasan* (supra), the Court held that **guidelines or rules cannot travel beyond the legislation** under which they are framed.

Since the State itself had conceded that a law firm is not a commercial establishment, the very premise for insisting on a trade license — a requirement designed for commercial entities — stood extinguished.

## Conclusion and Directions

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The Court **allowed the writ petition** and issued the following directions:

1. The Registrar shall process Application No. APP-022334 and cause the registration of M/s Pinava Legal **within two weeks** of communication of the order.
2. The Registrar shall not insist on the production or submission of a trade license.

3. The petitioner was directed to communicate the order for compliance.

The writ petition was disposed of with no order as to costs.

## Key Implications

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This judgment carries **important implications** for advocate's firms across West Bengal and potentially beyond. It settles that the registering authority under the Indian Partnership Act, 1932 possesses no discretion to impose conditions beyond those enumerated in Section 58.

It further affirms that **subordinate guidelines must remain within the bounds of the parent statute** and cannot be used to deny registration to professional firms that are not commercial establishments.

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