

**TO BE PREPARED/TYPED ON NON JUDICIAL STAMP PAPER
OF THE VALUE AS APPLICABLE IN YOUR STATE**

FORMAT OF MERGER AGREEMENT

We, (1)..... (2)
(3).....partners of M/s & (1)
..... (2) (3)
partners of M/s.execute this Merger Agreement on this ____
day of _____, at _____:

1. M/s A & Co., a Partnership/Proprietorship firm of Chartered Accountants having its registered Head Office at _____, duly registered with the Institute of Chartered Accountants of India vide Firm No. _____ in _____ region (which expression shall include its successors, heirs and assigns).

The date of establishment, name of the partners, their membership nos, are as follows :-

- (i) Date of establishment
- (ii) Name of the Partners Membership No.

2. M/s B & Co., a Partnership/Proprietorship firm of Chartered Accountants having its registered Head Office at _____, duly registered with the Institute of Chartered Accountants of India vide Firm No. _____ in _____ region (which expression shall include its successors, heirs and assigns).

The date of establishment, name of the partners, their membership nos, are as follows :-

- (i) Date of establishment
- (ii) Name of the Partners Membership No.

Now, therefore, in consideration of mutual promise herein made and the consideration hereunder expressed, the parties hereto mutually covenant and agree as follows :-

1. That the name of the merged firm will be _____ and the date of establishment of the merged firm is the date of establishment of the oldest/older firm i.e. _____.

2. That this merger will come into force w.e.f. _____ 20XX, whereafter, the merging firm i.e. M/s A & Co, M/s B & Co. cease to exist and a separate partnership deed has been executed on _____ amongst the partners of the merged firm.

3. That the following persons are the partners of the merged firm :-
 1. Mr. _____ Membership No. _____
 2. Mr. _____ Membership No. _____
 3. Mr. _____ Membership No. _____
 4. Mr. _____ Membership No. _____
 5. Mr. _____ Membership No. _____
 6. Mr. _____ Membership No. _____
 7. Mr. _____ Membership No. _____
 8. Mr. _____ Membership No. _____

We, all the partners of the merged firm understand that this merger has the following consequences in pursuance to the decision of the Council of the Institute: -

1. That the name of the erstwhile merging firms will be frozen by the Institute.

2. And in case 75% or more of the continuing partners of one or more erstwhile merging firm(s) are willing to demerge, they can demerge after giving due notice and will be entitled to the following benefits :
 - (i) They will be entitled to the total seniority acquired i.e. their earlier pre-merger seniority and the years during which they were in merged firm.
 - (ii) They are entitled to their old firm's name.

Provided in case, 75% is a fraction, then the same will be rounded off to the next number.

3. That the date of establishment of the new demerged firm will be the date of demerger.

4. That the demerged firm is entitled to seniority of pre-merger and merger period for the empanelment and other professional purpose.

5. That to effectuate such demerger, no concurrence/acceptance is required from the other continuing partners of the merged firm. The partners of such demerged firm shall execute a partnership deed. The merged firm as well as the demerged firm shall submit fresh Form 18 as prescribed under the Chartered Accountants Regulations, 1988 to the Institute within the prescribed period.

6. In case of 75% or more of the continuing partners of one of the erstwhile merging firm have demerged after giving due notice to the other partners, then in such case, the merger shall come to an end and if the

remaining erstwhile merging firms/partners of the erstwhile merged firm decided to continue, then they should enter into a fresh Merger/Partnership Agreement and shall submit fresh Form 18 as prescribed under the Chartered Accountants Regulations, 1988 to the Institute within the prescribed period.

7. That the demerger in the manner hereinbefore mentioned can be demanded only within a period of 5 years from the date of merger.

IN WITNESS WHEREOF, the Partners of the Merged firm M/s.....

hereto set their hands on this agreement in the presence of the witnesses.

WITNESSES :

1.

- (i) -----
- (ii) -----
- (iii) -----
- (iv) -----

2

- (v)
- (vi)
- Partners of M/s.