

A IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION

(Suo Motu Writ Petition (Civil) No. 03 of 2020)

MARCH 08, 2021

B **[S. A. BOBDE, CJI, L. NAGESWARA RAO AND  
S. RAVINDRA BHAT, JJ.]**

C *Limitation – Extension of – COVID-19 pandemic – Sou motu cognizance was taken of the situation arising from difficulties faced by the litigants across the country during COVID-19 pandemic in filing petitions/applications/suits/appeals/other proceedings within the prescribed period of limitation under general law of limitation or under special laws (both Central or State) – By an order dated 23.03.2020, the period of limitation was extended with effect from 15.03.2020 and order dated 23.03.2020 was extended from time to time – Considering improvement in the situation and changing scenario relating to pandemic, order dated 23.03.2020 has served its purpose and extension of limitation should come to an end – Regarding the future course of action, the following directions are issued: 1) In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 14.03.2021 shall stand excluded – Consequently, the balance period of limitation remaining as on 15.03.2020, if any, shall become available with effect from 15.03.2021; 2) In cases where the limitation would have expired during the period between 15.03.2020 till 14.03.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 15.03.2021 – In the event the actual balance period of limitation remaining, with effect from 15.03.2021, is greater than 90 days, that longer period shall apply; 3) The period from 15.03.2020 till 14.03.2021 shall also stand excluded in computing the periods prescribed u/ss. 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, s.12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of s.138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings; 4) The Government of India shall amend the guidelines for containment*

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*zones, to state – “Regulated movement will be allowed for medical emergencies, provision of essential goods and services, and other necessary functions, such as, time bound applications, including for legal purposes, and educational and job-related requirements” – Accordingly, the Suo motu writ petition is disposed of.*

CIVIL ORIGINAL JURISDICTION: Suo Moto Writ Petition (Civil) No. 03 of 2020

(Under Article 32 of the Constitution of India)

By Courts Motion.

K. K. Venugopal, AG, Tushar Mehta, SG, Dushyant Dave, P.H. Parekh, K.V. Vishwanathan, Sidharth Luthra, Soumya Chakraborty, Sr. Advs, Kanu Agrawal, Ankur Talwar, B.V. Balram Das, Zoheb Hossain, M. K. Maroria, Sameer Parekh, Kshatrashal Raj, Ms.Tanya Chaudhry, Ms. Pratyusha Priyadarshini, Ms. Nitika Pandey, M/s Parekh & Co., Varun K. Chopra, Arshdeep Singh Khurana, Akshat Gupta, Gurtejpal Singh, Rajshree Sharma, M/s Vkc Law Offices, Siddhesh Kotwal, Divyansh Tiwari, Ms. Ana Upadhyay, Ms. Manya Hasija, Nirnimesh Dube, Yashvardhan, Apoorv Shukla, Ms. Smita Kant, Ms. Ishita Farsaiya, Ms.Prabhleen Kaur, Ms. Aruna Mathur, Ms. Anuradha Arputham, Avneesh Arputham, M/s Arputham Aruna and Co., Sanjai Kumar Pathak, Arvind Kumar Tripathi, Ms. Shashi Pathak, Divyakant Lahoti, Parikshit Ahuja, Ms. Praveena Bisht, Ms. Vindhya Mehra, Ms. Madhur Jhavar, Kartik Lahoti, Rahul Maheshwari, Jaigopal Saboo, Mukul Kumar, Mahfooz A. Nazki, Polanki Gowtham, Shaik Mohammad Haneef, T.Vijaya Bhaskar Reddy, Amitabh Sinha, Shrey Sharma, Ms. Anannya Ghosh, Aniruddha P. Mayee, Vivek Narayan Sharma, Pranaya Goyal, Nikhil Ranjan, Utkarsh Kulvi, Pranav Saigal, Ms. Radhika Gautam, Sarvam Ritam Khare, Ms. Vrinda Kapoor, Ms. Meena Schravat, Arvind Kumar Sharma, A. Lakshminarayanan, Ranjan Mukherjee, Aproov Kurup, Ms. Nidhi Mittal, B. Krishna Prasad, Anilendra Pandey, Ms. Suchita Dixit, Sandeep, Madhusudan, Ms. Eliza Bar, Pai Amit, Abhimanyu Tewari, Ms. Riddhi Sancheti, Ramesh Babu M.R., Arjun Garg, Ms. Shrutika Garg, Avijit Mani Tripathi, T.K. Nayak, Ms. Garima Prashad, Ms. Archana Sahadeva, Ms. Binu Tamta, Dhruv Tamta, Krishnanand Pandeya, V.N. Raghupathy, S. Thananjayan, Mayank Kshirsagar, Advs. for the appearing parties.

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A The Order of the Court was passed:

**ORDER**

B 1. Due to the onset of COVID-19 pandemic, this Court took *suo motu* cognizance of the situation arising from difficulties that might be faced by the litigants across the country in filing petitions/applications/suits/appeals/all other proceedings within the period of limitation prescribed under the general law of limitation or under any special laws (both Central or State). By an order dated 27.03.2020 this Court extended the period of limitation prescribed under the general law or special laws whether compoundable or not with effect from 15.03.2020 till further orders. The order dated 15.03.2020 was extended from time to time. C Though, we have not seen the end of the pandemic, there is considerable improvement. The lockdown has been lifted and the country is returning to normalcy. Almost all the Courts and Tribunals are functioning either physically or by virtual mode. We are of the opinion that the order dated 15.03.2020 has served its purpose and in view of the changing scenario D relating to the pandemic, the extension of limitation should come to an end.

2. We have considered the suggestions of the learned Attorney General for India regarding the future course of action. We deem it appropriate to issue the following directions: -

- E 1. In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 14.03.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2020, if any, shall become available with effect from 15.03.2021.
- F 2. In cases where the limitation would have expired during the period between 15.03.2020 till 14.03.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 15.03.2021. In the event the actual balance period of limitation remaining, with effect from 15.03.2021, is greater than 90 days, that longer period shall apply.
- G 3. The period from 15.03.2020 till 14.03.2021 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996,

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Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings. A

4. The Government of India shall amend the guidelines for containment zones, to state. B

“Regulated movement will be allowed for medical emergencies, provision of essential goods and services, and other necessary functions, such as, time bound applications, including for legal purposes, and educational and job-related requirements.” C

3. The Suo Motu Writ Petition is disposed of accordingly.