

In Re Cognizance For Extension Of ... vs Xxxx on 23 September, 2021

Bench: Chief Justice, L. Nageswara Rao, Surya Kant

Reportable

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Miscellaneous Application No. 665 of 2021
In SMW(C) No. 3 of 2020

IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION

O R D E R

1. Due to the outbreak of COVID-19 pandemic in March, 2020, this Court took Suo Motu cognizance of the difficulties that might be faced by the litigants 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 and/or State). On 23.03.2020, this Court directed extension of the period of limitation in all proceedings before the Courts/Tribunals including this Court w.e.f. 15.03.2020 till further orders.

2. Considering the reduction in prevalence of COVID-19 virus and normalcy being restored, the following order was passed in the Suo Motu proceedings on 08.03.2021:

“1. In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till

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SATISH KUMAR YADAV

14.03.2021 shall stand excluded. Consequently, the balance

Date: 2021.09.25
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period of limitation remaining as on 15.03.2020, if any, shall
Reason:

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 under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, 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.

4. The Government of India shall amend the guidelines for containment 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.”

3. Thereafter, there was a second surge in COVID-19 cases which had a devastating and debilitating effect. The Supreme Court Advocates on Record Association (SCAORA) intervened in the Suo Motu proceedings by filing Miscellaneous Application No.665 of 2021 seeking restoration of the order dated 23.03.2020. Acceding to the request made by SCAORA, this Court passed the following order on 27.04.2021:

“We also take judicial notice of the fact that the steep rise in COVID-19 Virus cases is not limited to Delhi alone but it has engulfed the entire nation. The extraordinary situation

caused by the sudden and second outburst of COVID-19 Virus, thus, requires extraordinary measures to minimize the hardship of litigant-public in all the states. We, therefore, restore the order dated 23rd March, 2020 and in continuation of the order dated 8th March, 2021 direct that the period(s) of limitation, as prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings, whether condonable or not, shall stand extended till further orders.

It is further clarified that the period from 14th March, 2021 till further orders shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, 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.

We have passed this order in exercise of our powers under Article 142 read with Article 141 of the Constitution of India. Hence it shall be a binding order within the meaning of Article 141 on all Courts/Tribunals and Authorities."

4. In spite of all the uncertainties about another wave of the deadly COVID-19 virus, it is imminent that the order dated 08.03.2021 is restored as the situation is near normal.

5. We have heard learned Attorney General for India, Mr. Vikas

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Singh, learned Senior Counsel for the Election Commission of India, Mr. Shivaji M. Jadhav, learned counsel for the SCAORA and other learned Advocates. There is consensus that there is no requirement for continuance of the initial order passed by this Court on 23.03.2020 and relaxation of the period of limitation need not be continued any further. The contention of Mr. Vikas Singh is that the order dated 08.03.2021 can be restored, subject to a modification. He submitted that paragraph No.2 of the order dated 08.03.2021 provides that the limitation period of 90 days will start from

15.03.2021 notwithstanding the actual balance of period of limitation in cases where limitation has expired between 15.03.2020 and 14.03.2021. According to him, the period of limitation prior to 15.03.2020 has to be taken into account and only the balance period of limitation should be made available for the purpose of filing cases.

6. The order dated 23.03.2020 was passed in view of the extraordinary health crisis. On 08.03.2021, the order dated 23.03.2020 was brought to an end, permitting the relaxation of period of limitation between 15.03.2020 and 14.03.2021. While doing so, it was made clear that the period of limitation would start from 15.03.2021. As the said order dated 08.03.2021 was only a one-time measure, in view of the pandemic, we are not inclined to modify the conditions contained in the order dated 08.03.2021.

7. The learned Attorney General for India stated that paragraph

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No.4 of the order dated 08.03.2021 should be continued as there are certain containment zones in some States even today.

8. Therefore, we dispose of the M.A. No.665 of 2021 with the following directions: -

I. In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 02.10.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2021, if any, shall become available with effect from 03.10.2021.

II. In cases where the limitation would have expired during the period between 15.03.2020 till 02.10.2021, notwithstanding

the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 03.10.2021. In the event the actual balance period of limitation remaining, with effect from 03.10.2021, is greater than 90 days, that longer period shall apply.

III. The period from 15.03.2020 till 02.10.2021 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, 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.

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IV. The Government of India shall amend the guidelines for containment 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.”

.....CJI.
[N. V. RAMANA]

.....J.
[L. NAGESWARA RAO]

.....J.
[SURYA KANT]

New Delhi,
September 23, 2021.

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ITEM NO.301 Court 1 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No.665/2021 in SMW(C) No.3/2020

IN RE COGNIZANCE FOR EXTENSION OF LIMITATION Petitioner(s)

VERSUS

XXXX Respondent(s)

IA No. 55865/2021 - APPLICATION FOR PERMISSION
IA No. 116735/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 80945/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 90588/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 65908/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 55869/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 83300/2021 - CLARIFICATION/DIRECTION
IA No. 80949/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 68800/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 68797/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 80992/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 80989/2021 - INTERVENTION APPLICATION
IA No. 116732/2021 - INTERVENTION APPLICATION
IA No. 90585/2021 - INTERVENTION APPLICATION
IA No. 83297/2021 - INTERVENTION APPLICATION
IA No. 55867/2021 - INTERVENTION/IMPLEADMENT
IA No. 65905/2021 - INTERVENTION/IMPLEADMENT)

Date : 23-09-2021 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE SURYA KANT

For Appearing parties

For UOI	Mr. K.K. Venugopal, AG Mr. B.V. Balaram Das, AOR
For applicant(s)	Mr. Shivaji M. Jadhav, Adv. Mr. Manoj K. Mishra, Adv. Dr. Joseph S. Aristotle, Adv. Ms. Diksha Rai, Adv. Mr. Nikhil Jain, Adv.

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	Mr. Atulesh Kumar, Adv. Dr. Aman Hingorani, Adv. Ms. Anzu Varkey, Adv. Mr. Sachin Sharma, Adv. Mr. Aljo Joseph, Adv. Mr. Varinder Kumar Sharma, Adv. Mr. Abhinav Ramkrishna, AOR
For State of A.P.	Mr. S. Niranjan Reddy, Sr.Adv. Mr. Mahfooz Ahsan Nazki, AOR Mr. Polanki Gowtham, Adv. Mr. Shaik Mohamad Haneef, Adv. Mr. T. Vijaya Bhaskar Reddy, Adv. Mr. Amitabh Sinha, Adv. Mr. K.V. Girish Chowdary, Adv.
For Patna High Court	Mr. P.H. Parekh, Sr.Adv. Mr. Sameer Parekh, Adv. Mr. Kshatrashal Raj, Adv. Ms. Tanya Chaudhry, Adv. Ms. Pratyusha Priyadarshini, Adv. Ms. Nitika Pandey, Adv.
For Registrar General, High Court of Meghalaya	Mr. Soumya Chakraborty, Sr.Adv. Mr. Sanjai Kumar Pathak, Adv. Ms. Shashi Pathak, Adv.
For Election Commission of India	Mr. Vikas Singh, Sr.Adv. Mr. Amit Sharma, Adv. Mr. Dipesh Sinha, Adv. Ms. Pallavi Barua, Adv. Mr. Prateek Kumar, Adv. Mr. Ashok Nijhawan, Adv. Mr. Aman Bhalla, Adv. Ms. Anindita Mitra, AOR

Mr. Pawan Reley, Adv.
Mr. Akshay Lodhi, Adv.
Mr. Vinod Sharma, AOR
Mr. Joydip Roy, Adv.
Mr. Sajal Awasthi, Adv.
Mr. Binod Kumar Singh, Adv.
Mr. Parijat Som, Adv.

For High Court of
Allahabad

Mr. Yashvardhan, Adv.
Mr. Apoorv Shukla, Adv.
Ms. Smita Kant, Adv.
Ms. Ishita Farsaiya, Adv.
Ms. Prabhleen Kaur, Adv.
Ms. Kritika Nagpal, Adv.

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Ms. Bhavya Bhatia, Adv.

For High Court of
M.P.

Mr. Arjun Garg, AOR
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.

Ms. Sunieta Ojha, AOR

For Gauhati High
Court

Mr. P. I. Jose, AOR
Mr. Prashant K. Sharma, Adv.
Mr. Jenis V. Francis, Adv.

For State of
Meghalaya

Mr. Avijit Mani Tripathi, Adv.
Mr. T.K. Nayak, Adv.

Mr. Sahil Tagotra, AOR

For Bombay &
Gujarat High Court

Mr. A.P. Mayee, Adv.
M/S. Vkc Law Offices, AOR
Mr. Mukesh K. Giri, AOR

For Calcutta
High Court

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.

For Arunachal
Pradesh

Mr. Abhimanyu Tewari, Adv.
Ms. Eliza Bar, Adv.

For High Court of
Chhattisgarh

Mr. Apoorv Kurup, Adv.
Ms. Nidhi Mittal, Adv.

For High Court of
Delhi

Ms. Binu Tamta, Adv.
Mr. Dhruv Tamta, Adv.

Ms. Pratibha Jain, AOR

Mr. Sanjai Kumar Pathak, AOR

Mr. Divyakant Lahoti, AOR

Mr. Parikshit Ahuja, Adv.

Ms. Praveena Bisht, Adv.

Ms. Madhur Jhavar, Adv.

Ms. Vindhya Mehra, Adv.

Mr. Kartik Lahoti, Adv.

Mr. Rahul Maheshwari, Adv.

Ms. Shivangi Malhotra, Adv.

For High Court of
Jharkhand

Mr. Tapes Kumar Singh, AOR

Mr. Aditya Pratap Singh, Adv.

Mrs. L. Bhaswati Singh, Adv.

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Mr. Aditya Narayan Das, Adv.

Ms. Uttara Babbar, AOR

Mr. Manan Bansal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We dispose of the M.A. No.665 of 2021 with the following directions: -

I. In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 02.10.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2021, if any, shall become available with effect from 03.10.2021. II. In cases where the limitation would have expired during the period between 15.03.2020 till

02.10.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 03.10.2021. In the event the actual balance period of limitation remaining, with effect from 03.10.2021, is greater than 90 days, that longer period shall apply. III. The period from 15.03.2020 till 02.10.2021 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, 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.

IV. The Government of India shall amend the guidelines for containment 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.” As a sequel to disposal of MA No.665/2021, pending interlocutory applications, including the applications for intervention/impleadment, also stand disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed reportable order is placed on the file)