2021 INSC 536

Corrected

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 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.*

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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

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 15.03.2020, 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

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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."

.....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)

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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.

	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.

	Ms. Bhavya Bhatia, Adv.
For High Court of M.P.	Mr. Arjun Garg, AOR Mr. Aakash Nandolia, Adv. Ms. Sagun Srivastava, Adv.
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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
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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. Tapesh Kumar Singh, AOR Mr. Aditya Pratap Singh, Adv. Mrs. L. Bhaswati Singh, Adv.

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 15.03.2020, 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)

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Reportable

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O R D E R

9. 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.

10. 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 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.*

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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.

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"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."

11. 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:

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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."

12. 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.

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

14. 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.

15. The learned Attorney General for India stated that paragraph No.4 of the order dated 08.03.2021 should be continued as there

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are certain containment zones in some States even today.

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

V. 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.

VI. 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.

VII. 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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New Delhi,
September 23, 2021.

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CORAM :
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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.
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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.
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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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For High Court of Jharkhand	Mr. Tapesh Kumar Singh, AOR Mr. Aditya Pratap Singh, Adv. Mrs. L. Bhaswati Singh, Adv.

Mr. Aditya Narayan Das, Adv.

Ms. Uttara Babbar, AOR
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(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

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

(Signed reportable order is placed on the file)

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