

Legal Update

Supreme Court extends Limitation Period as prescribed under any general or special laws for all judicial/quasi-judicial proceedings till further orders



Supreme Court extends Limitation Period as prescribed under any general or special laws for all judicial/quasi-judicial proceedings, whether condonable or not till further orders

On account of steep rise in the Covid-19 cases which has engulfed the entire nation, the Supreme Court vide order dated **27th April 2021** has restored its erstwhile order dated **23rd March 2020** and in continuation of order dated 8th March 2021 *directed 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.*

Supreme Court has also 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.

The said order was passed by the Supreme Court pursuant to an application filed by The Supreme Court Advocates on Record Association (SCAORA) which highlighted revival of order dated 23rd March 2020 on account of daily surge in COVID cases in Delhi and difficulty for advocates and litigants to institute cases in Supreme Court and other courts in Delhi.

Background

1) SC order dated **23rd March 2020**:

Considering the Covid-19 situation in the country the Supreme Court had ordered that the period of limitation *in filing petitions/ applications/ suits/ appeals/ all other proceedings*, irrespective of the period of limitation prescribed under the general or special laws, shall stand extended with effect from 15th March, 2020 till further orders.

Extract of judgement has been reproduced as under:

*“This Court has taken Suo Motu cognizance of the situation arising out of the challenge faced by the country on account of **Covid-19 Virus** and resultant difficulties that may be faced by litigants across the country **in filing their petitions/applications/suits/ appeals/all other proceedings within the period of limitation** prescribed under the general law of limitation or under Special Laws (both Central and/or State).*

*To obviate such difficulties and to ensure that lawyers/litigants do not have to come **physically to file such proceedings in respective Courts/Tribunals across the country including this Court**, it is **hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020** till further order/s to be passed by this Court in present proceedings.*

*We are exercising this power under Article 142 read with Article 141 of the Constitution of India and declare that this order is a binding order within the meaning of Article 141 **on all Courts/Tribunals and authorities.***

*This order may be brought to the **notice of all High Courts** for being **communicated to all subordinate Courts/Tribunals** within their respective jurisdiction.*

(Highlighting is ours)

2) SC order dated **8th March 2021:**

The Supreme Court in view of the country returning to normalcy and all the Courts and Tribunals having started functioning either physically or by virtual mode, **decided to regulate and bring an end the extension of limitation and held that:**

- For 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.
- Where 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.
- 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.

(For detailed understanding, please refer Supreme Court judgements - Miscellaneous Application No. 665/2021 in SMW(C) No. 3/2020 dated 27th April 2021, Sua Motu Writ Petition (Civil) No.3 of 2020 dated 23rd March 2020 & 8th March 2021)

DISCLAIMER:

The information contained herein is in summary form based on interpretation of Supreme Court judgements - Miscellaneous Application No. 665/2021 in SMW(C) No. 3/2020 dated 27th April 2021, Sua Motu Writ Petition (Civil) No.3 of 2020 dated 23rd March 2020 & 8th March 2021. While the information is believed to be accurate to the best of our knowledge, we do not make any representations or warranties, express or implied, as to the accuracy or completeness of this information. Recipient should conduct and rely upon their own examination and analysis and are advised to seek their own professional advice. This document is not an offer, invitation, advice or solicitation of any kind. We accept no responsibility for any errors it may contain, whether caused by negligence or otherwise or for any loss, howsoever caused or sustained, by the person who relies upon it.