

# INSTITUTE OF INSOLVENCY PROFESSIONALS

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Learning Curve-511

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**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.**

<b>CASE TITLE</b>	In Re: Cognizance for extension of limitation <sup>1</sup>
<b>CASE CITATION</b>	Suo Motu Writ Petition (Civil) No.3 of 2020
<b>DATE OF ORDER</b>	08.03.2021
<b>COURT/TRIBUNAL</b>	Supreme Court
<b>CASES REFERRED</b>	Suo Motu Writ Petition (Civil) No(s) 3 -2020 in Cognizance for Extension of Limitation
<b>SECTION/REGULATION REFERRED</b>	

Hon'ble Supreme Court due to the onset of COVID-19 pandemic, took suo motu cognizance and opined that the order dated 15.03.2020 (extension of limitation) has served its purpose and was of the view of the changing scenario relating to the pandemic, the extension of limitation should come to an end. The court issued the following directions:

- “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 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.”*



QR CODE FOR FULL ORDER/JUDGEMENT:

<sup>1</sup><https://ibbi.gov.in/uploads/order/8cb5eb11db26a2711ee77eadeda29d43.pdf>