

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION No. - 564 of 2020

In Re: (Suo Moto)

v/s

State of Uttar Pradesh.

**Coram: HON'BLE RAJESH BINDAL, CHIEF JUSTICE
HON'BLE PIYUSH AGRAWAL, JUDGE**

ORDER

1. Recently, a new variant of COVID – 19 virus has drastically increased in the number of COVID-19 cases, not only across the State of Uttar Pradesh, but also all over the country and the situation is deteriorating day-by-day.

2. Noticing such situation, Hon'ble the Supreme Court in Misc. Application No. 21 of 2022 filed in Suo Motu Writ Petition (C) No. 3 of 2020 (**In Re: Cognizance for Extension of Limitation**) has issued direction on 10.01.2022, which is as follows:

“Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the M.A. No. 21 of 2022 with the following directions:

I. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till

28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasijudicial proceedings.

II. Consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022.

III. In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance

period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.

IV. It is further clarified that the period from 15.03.2020 till 28.02.2022 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”

3. This Court on 24.04.2021, has issued direction for extension of the interim order, which was extended on 31.05.2021, 02.08.2021 and directed the matter to be listed on 17.08.2021. On 17.08.2021, the interim order was not extended as no prayer was made for extension of the interim order passed earlier.

4. Looking into the fact that the number of cases of pandemic COVID – 19 are increasing day-by-day due to surge of a new variant, this

Court deems it appropriate to issue following directions for larger public interest:-

I) All interim orders passed by the High Court of Judicature at Allahabad as well as at Lucknow Bench, all the District Courts, Civil Courts, Family Courts, Labour Courts, Industrial Tribunals and all other Tribunals or Quasi-Judicial forums in the State of Uttar Pradesh, over which this Court has power of superintendence, which were subsisting on 31.12.2021, shall stand extended till 28.02.2022, provided where the interim order was upto the specific date and which could not be listed or taken up;

II) The interim orders or directions of this Court or any court subordinate to this Court in the State of Uttar Pradesh, which are meant to operate till further orders, shall continue to remain in force, subject to any specific order passed in the case listed before the Court concerned;

III) It is further directed that the criminal courts in the State of Uttar Pradesh, which granted bail orders or anticipatory bail for a limited period which are likely to expire on or before 28.02.2022, shall stand extended for a period till that date, i.e., 28.02.2022;

IV) Any orders of eviction, dispossession or demolition, already passed by the High Court, District Court or Civil Court, if not executed till the date of passing of this order, shall remain in abeyance for the period till 28.02.2022;

V) The State Government, Municipal Authorities, other Local Bodies and agencies and instrumentalities of the State Government shall be slow in taking action of demolition and eviction of persons till 28.02.2022; and

VI) It is further directed that any Bank or Financial Institution

shall not take any action for auction in respect of any property or an institute or person or party or any body corporate till 28.02.2022.

5. It is however made clear that in case of extension of interim orders as per the present order, any undue hardship and prejudice of any extreme nature is caused to any of the party to such proceedings, the said party/parties would be at liberty to seek appropriate relief by moving appropriate application before the competent court, tribunal, judicial or quasi-judicial forum and the general direction issued by this order shall not be an embargo in considering such application and deciding the same after affording an opportunity of hearing to all the parties to said *lis*. Needless to say, the State and its functionaries will also be at liberty to file appropriate application in respect of particular case for necessary directions.

6. The Registry is directed to upload this order on official website of the Court and District Courts, Tribunals, Judicial and Quasi-Judicial Authorities of State of Uttar Pradesh, over which this Court has power of superintendence, office of the learned Additional Solicitor General, learned Advocate General, Chairman of the Uttar Pradesh State Bar Council, all the respective Bar Associations and Special Public Prosecutor.

7. The Registry is also directed to give wide publicity to this order through Print and electronic media having wide circulation in the State so that the litigants may know about the order and do not rush to court for different relief (covered by these directions).

8. List the matter on 24.02.2022.

(Piyush Agrawal)
Judge

(Rajesh Bindal)
Chief Justice

Allahabad
January 11, 2022
Amit Mishra