

In Residence

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 564 of 2020

Petitioner :- In re

Respondent :- State of U.P.

Counsel for Petitioner :- Suo Moto

Hon'ble Govind Mathur,Chief Justice

Hon'ble Siddhartha Varma,J.

To meet the eventualities occurred as a consequence to lockdown due to the threat of Novel Corona Virus (COVID-19), we issued certain directions under an order dated 26th March, 2020. In continuation of the directions aforesaid it is further directed that:-

(i) As per provisions of Section 29A of the Arbitration and Conciliation Act, 1996 the award in the matter other than international commercial arbitration is required to be made within a period of twelve months from the date of completion of pleadings under sub-section (4) of Section 23. The requirement of Section 29A of the Act is mandatory by nature. However, looking to the extraordinary circumstances, it is desirable to extend the period aforesaid.

Accordingly, it is directed that if in any arbitral proceedings the pleadings under sub-section (4) of Section 23 of the Act have been completed and the period of twelve months has expired or is going to be expired on or after 25th March, 2020 then the same stands extended upto 25th May, 2020.

(ii) It is brought to our notice that before enforcement of the lockdown different courts in the State of Uttar Pradesh including the High Court have granted orders to release the accused-applicants on bail but they have not been released so far due to non-availability of sureties.

Looking to impediments in arranging sureties because of lockdown, while invoking powers under Article 226 and 227 of the Constitution of India, we deem it appropriate to order that all the accused-applicants

whose bail applications came to be allowed on or after 15th March, 2020 but have not been released due to non-availability of sureties as a consequence to lockdown may be released on executing personal bond as ordered by the Court or to the satisfaction of the jail authorities where such accused is imprisoned, provided the accused-applicants undertakes to furnish required sureties within a period of one month from the date of his/her actual release.

The order be published in the official website of this Court. A soft-copy of this order shall be sent to all concerned Courts and Tribunals; the learned Advocate General; the learned Additional Solicitor General of India; the learned Assistant Solicitor General of India; State Public Prosecutor and the Chairman of Bar Council of Uttar Pradesh.

Order Date :- 6.4.2020
Bhaskar

(Siddhartha Varma, J.)

(Govind Mathur, C.J.)



From:
Registrar General
High Court of Judicature at
Allahabad

To:
All the District Judges/OSDs
Subordinate to the High Court of Judicature at
Allahabad

No. PS (RG) / 39 / 2020 : Allahabad

Dated: April 06, 2020

Subject:- Compliance of order dated 06.04.2020 passed in PUBLIC INTEREST LITIGATION (PIL) No. 564 of 2020 – In re Vs. State of U.P.

Sir/Madam,

On the captioned subject, Hon'ble Court (Hon'ble Govind Mathur, Chief Justice & Hon'ble Siddhartha Varma, J.) on 06.04.2020 has been pleased to direct as under:

"To meet the eventualities occurred as a consequence to lockdown due to the threat of Novel Corona Virus (COVID-19), we issued certain directions under an order dated 26th March, 2020. In continuation of the directions aforesaid it is further directed that:-

(i) As per provisions of Section 29A of the Arbitration and Conciliation Act, 1996 the award in the matter other than international commercial arbitration is required to be made within a period of twelve months from the date of completion of pleadings under sub-section (4) of Section 23. The requirement of Section 29A of the Act is mandatory by nature. However, looking to the extraordinary circumstances, it is desirable to extend the period aforesaid.

Accordingly, it is directed that if in any arbitral proceedings the pleadings under sub-section (4) of Section 23 of the Act have been completed and the period of twelve months has expired or is going to be expired on or after 25th March, 2020 then the same stands extended upto 25th May, 2020.

(ii) It is brought to our notice that before enforcement of the lockdown different courts in the State of Uttar Pradesh including the High Court have granted orders to release the accused-applicants on bail but they have not been released so far due to non-availability of sureties.

Looking to impediments in arranging sureties because of lockdown, while invoking powers under Article 226 and 227 of the Constitution of India, we deem it appropriate to order that all the accused-applicants whose bail applications came to be allowed on or after 15th March, 2020 but have not been released due to non-availability of sureties as a consequence to lockdown may be released on executing personal bond as ordered by the Court or to the satisfaction of the jail authorities where such accused is imprisoned, provided the accused-applicants undertake to furnish required sureties within a period of one month from the date of his/her actual release.

The order be published in the official website of this Court. A soft-copy of this order shall be sent to all concerned Courts and Tribunals; the learned Advocate General; the learned Additional Solicitor General of India; the learned Assistant Solicitor General of India; State Public Prosecutor and the Chairman of Bar Council of Uttar Pradesh."

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Enclosing herewith a soft copy the order dated 06.04.2020, I have been directed by the Hon'ble Court to request you to kindly ensure strict compliance.

You are also requested to bring the above directions in the notice of all the Presiding Officers of Commercial Courts, Motor Accident Claims Tribunals and Land Acquisition Rehabilitation and Resettlement Authorities also, as the case may be, of your district for their information and strict compliance, in its letter and spirit.

This order may also be uploaded on the website of your respective district courts so that all stakeholders viz. advocates, litigants, other concerned authorities etc. be informed, accordingly.

Encls: As above.

With regards,

Yours sincerely
Atul K. Singh
5/4/2020
Registrar General