

THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)

No. HC.III-15/2018/2224/G

From: **Sri Gautam Baruah,**
Registrar General (I/C),
Gauhati High Court, Guwahati.

To,

The District & Sessions Judge,
Barpeta / Baksa, Mushalpur / Bongaigaon / Cachar,
Silchar / Charaideo, Sonari/ Chirang, Kajalgaon /
Darrang, Mangaldoi / Dhemaji / Dhubri / Dibrugarh /
Dima Hasao / Goalpara / Golaghat / Hailakandi / Hojai/
Jorhat / Kamrup (M), Guwahati / Kamrup (R), Amingaon
/ Karbi Anglong / Karbi Anglong (West) / Karimganj /
Kokrajhar / Lakhimpur, North Lakhimpur / Morigaon /
Nagaon / Nalbari / Sivasagar / Sonitpur, Tezpur /
Tinsukia / Udalguri, Assam.

Dated Guwahati the 19th May, 2021

Ref.: Order dated 27.04.2021, passed by Hon'ble Supreme
Court in Miscellaneous Application No. 665/2021 in SMW
(C) No. 3/2020.

Sir / Madam,

I am directed to forward herewith a copy of order dated
27.04.2021, passed by Hon'ble Supreme Court in Miscellaneous
Application No. 665/2021 in SMW (C) No. 3/2020, for your kind
information. Further, you are requested to circulate the
aforementioned order amongst all the Subordinate Courts under
your jurisdiction.

With warm regards,

Yours faithfully,

Encl.: As stated above.

REGISTRAR GENERAL (I/C)

19.5.21

THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)

NO. HC.III-15/2018/2226/G

From: **Sri Gautam Baruah,**
Registrar General (I/C),
Gauhati High Court, Guwahati.

To:

1. The Principal Judge, Family Court, Barpeta/ Cachar/ Dhubri/ Kamrup (M)- I, II, & III/ Nalbari, Assam.
2. The Member, MACT, Barpeta/ Cachar/ Dhubri/ Goalpara/ Kamrup (M)- I, II, & III/ Nagaon/ Nalbari/ Sonitpur/ Kamrup (Amingaon), Assam.
3. The Special Judge-cum-Judge, Designated Court, Assam.
4. The Special Judge, Assam.
5. The Special Judge, CBI, Assam.
6. The Special Judge, CBI, Assam, Addl. CBI Court No. 1, 2 & 3, Guwahati.
7. The Presiding Officer, Labour Court/ Industrial Tribunal, Kamrup (M), Guwahati/ Dibrugarh, Assam
8. The Presiding Officer, Industrial Tribunal, Cachar, Assam

Dated Guwahati the 19th May, 2021

Ref.: Order dated 27.04.2021, passed by Hon'ble Supreme Court in Miscellaneous Application No. 665/2021 in SMW (C) No. 3/2020.

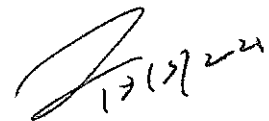
Sir / Madam,

I am directed to forward herewith a copy of order 27.04.2021, passed by Hon'ble Supreme Court in Miscellaneous Application No. 665/2021 in SMW (C) No. 3/2020, for your kind information.

With warm regards,

Yours faithfully,

Encl.: As stated above.



REGISTRAR GENERAL (I/C)

JK
19.05.2021

HON'BLE THE CHIEF JUSTICE

PUC has been received from the office of Advocate Abhimanyu Tewari, Standing Counsel of the Gauhati High Court in the Hon'ble Supreme Court of India.

Vide the **PUC**, a copy of order dated 27-04-2021 passed by the Supreme Court in *Miscellaneous Application No. 665/2021* in *SMW(C) No. 3/2020* has been forwarded (at **Flag 'A'**).

The Supreme Court Advocate on Record Association, through this application, highlighted the daily surge in COVID cases in Delhi and how difficult it had become for the Advocates-on-Record and the litigants to institute cases in Supreme Court and other courts in Delhi. Consequently, it was prayed for restoration of the order dated 23-03-2020 (at **Flag 'B'**) passed in *SMW(C) No. 3/2020*, whereby the Hon'ble Court had extended 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, w.e.f. 15-03-2020 till further orders. The *suo moto* proceeding was disposed of vide order dated 08-03-2021 (at **Flag 'C'**) with 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."*

Vide order dated 27-04-2021 passed in *Miscellaneous Application No. 665/2021*, the Hon'ble Court restored the order dated 23-03-2020 passed in *SMW(C) No. 3/2020* and in continuation of order dated 08-03-2021, 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.

Further, the Hon'ble Court laid down as follows:

"...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.

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

Issue notice to all the Registrars General of the High Courts, returnable in 6 weeks.

List the Miscellaneous Application on 19th July, 2021."

In view of the above, the following may, perhaps, be considered:

- (i) Registry be directed to circulate a copy of the order dated 27-04-2021 passed in *Miscellaneous Application No. 665/2021* for information amongst:

- (a) The Hon'ble Judges of this Hon'ble Court.
- (b) The Subordinate Courts/Tribunals under the jurisdiction of the Gauhati High Court.
- (c) The Judicial Sections of the Principal Seat and the Outlying Benches.
- (ii) Since notice has been issued, a learned Standing Counsel be appointed to represent this Hon'ble Court in the aforesaid matter; and/or,
- (iii) Any other order (s) as may be deemed fit and proper.

Laid.

R. A. Tapadar
29.04.21

REGISTRAR (JUDICIAL)

P. I. Jose
Sudhakar Deka

CHIEF JUSTICE

ITEM NO.1 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)

(FOR ADMISSION and IA No.55867/2021-INTERVENTION/IMPLEADMENT and IA No.55869/2021-APPROPRIATE ORDERS/DIRECTIONS and IA No.55865/2021-APPLICATION FOR PERMISSION)

Date : 27-04-2021 This Application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE A.S. BOPANNA

For the Parties:

For applicant

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 Union of
India

Mr. K.K. Venugopal, AG
Mr. Tushar Mehta, SG
Mr. Rajat Nair, adv.
Mr. Kanu Agrawal, Adv.
Mr. Siddhant Kohli, Adv.
Ms. Chinmayee Chandra, Adv.
Mr. B.V. Balaram, Das, Adv.

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Neelam Gulati
Date: 2024.04.28
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Reason: —

For R.No.4
in SMWP 3/20

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.

Mr. Abhimanyu Tewari, Adv.
Ms. Eliza Barr, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

This Court took *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 could be faced by the litigants across the country. Consequently, it was directed vide order dated 23rd March, 2020 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.

Thereafter on 8th March, 2021 it was noticed that the country is returning to normalcy and since all the Courts and Tribunals have started functioning either physically or by virtual mode, extension of limitation was regulated and brought to an end. The *suo motu* proceedings were, thus, disposed of issuing 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."

Supreme Court Advocate on Record Association (SCAORA) has now through this Interlocutory Application highlighted the daily surge in COVID cases in Delhi and how difficult it has become for the Advocates-on-Record and the litigants to institute cases in Supreme Court and other courts in Delhi. Consequently, restoration of the order dated 23rd March, 2020 has been prayed for.

We have heard Mr. Shivaji M. Jadhav, President SCAORA in support of the prayer made in this application. Learned Attorney General and Learned Solicitor General have also given their valuable suggestions.

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.

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

Issue notice to all the Registrars General of the High Courts, returnable in 6 weeks.

List the Miscellaneous Application on 19th July, 2021.

(NEELAM GULATI)
ASTT. REGISTRAR-cum-PS

(RAJ RANI NEGI)
DY. REGISTRAR

ITEM NO.1501
(For Orders)

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
R E C O R D O F P R O C E E D I N G S

SMW(C) No(s). 3/2020

IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION

Petitioner(s)

VERSUS

Respondent(s)

([HEARD BY: HON. THE CHIEF JUSTICE, HON. L. NAGESWARA RAO AND HON. S. RAVINDRA BHAT, JJ.])

Date : 08-03-2021 This petition was called on for pronouncement of order today.

Counsel for the parties:

By Courts Motion

Mr. K K Venugopal, AG
Mr. Tushar Mehta, SG
Mr. Kanu Agrawal, Adv.
Mr. Ankur Talwar, Adv
Mr. B.V. Balram Das, AOR

Mr. Arvind Kumar Sharma, AOR

Mr. A. Lakshminarayanan, AOR

Mr. Ranjan Mukherjee, AOR

Mr. Sidharth Luthra Sr. Adv.
Mr. Varun K Chopra, Adv.
Mr. Arshdeep Singh Khurana, Adv.
Mr. Akshat Gupta, Adv.
Mr. Gurtejpal Singh, Adv
Mr. Rajshree Sharma, Adv.
M/s. VKC LAW OFFICES, AOR

Mr. Apoorv Kurup, AOR
Ms. Nidhi Mittal, Adv.

Mr. B. Krishna Prasad, AOR

Ms. Suchita Dixit, Adv.
Mr. Anilendra Pandey, AOR
Mr. Madhusudan, Adv.
Mr. Sandeep, Adv.

Signature Not Verified

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Madhu Bala
Date: 2024.03.08
15:46:49 IST
Reason:

Mr. Ashwani Kumar, Adv.

Mr. Abhimanyu Tewari, AOR

Ms. Riddhi Sancheti, AOR

Mr. Ramesh Babu M. R., AOR

Mr. Saurabh Mishra, AAG

Mr. Arjun Garg, AOR

Ms. Shrutika Garg, Adv.

Ms. Garima Prashad, AOR

Ms. Archana Sahadeva, AOR

Ms. Binu Tamta, AOR

Mr. Krishnanand Pandeya, AOR

Mr. V. N. Raghupathy, AOR

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.

M/S. Parekh & Co., AOR

Sh. Soumya Chakraborty, Sr. Adv.

Mr. Sanjai Kumar Pathak, AOR

Mr. Arvind Kumar Tripathi, Adv.

Ms. Shashi Pathak, Adv.

Mr. S. Thananjayan, AOR

Mr. Mayank Kshirsagar, AOR

Mr. Apoorv Shukla, AOR

Ms. Aruna Mathur, AOR

Mr. Avneesh Arputham, Adv.

M/S. Arputham Aruna And Co, AOR

Mr. Divyakant Lahoti, AOR

Mr. Parikshit Ahuja, Adv.

Ms. Praveena Bisht, Adv.

Ms. Vindhya Mehra, Adv.

Ms. Madhur Jhavar, Adv

Mr. Kartik Lahoti, Adv.

Mr. Rahul Maheshwari, Adv.
Ms. Shivangi Malhotra, Adv.
Mr. Jaigopal Saboo, Adv

Mr. Mukul Kumar, AOR

Mr. B. V. Balaram Das, AOR

Ms. Anannya Ghosh, AOR

Mr. Aniruddha P. Mayee, AOR

Mr. Vivek Narayan Sharma, AOR

Mr. Pranaya Goyal, AOR

Mr. Nikhil Ranjan, Adv.

Mr. Utkarsh Kulvi, Adv.

Mr. Pranav Saigal, Adv.

Ms. Radhika Gautam, AOR

Mr. Sarvam Ritam Khare, AOR

The Bench comprising Hon'ble the Chief Justice of India, Hon'ble Mr. Justice L. Nageswara Rao and Hon'ble Mr. S. Ravindra Bhat pronounced the order today.

The Suo Motu Writ Petition is disposed of in terms of the signed reportable order.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)

AR-CUM-PS

(Signed reportable order is placed on the file)

(INDU KUMARI POKHRIYAL)

ASSISTANT REGISTRAR

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
Suo Motu Writ Petition (Civil) No.3 of 2020**

IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION.

..... Petitioner (s)

Versus

.....Respondent (s)

O R D E R

1. Due to the onset of COVID-19 pandemic, this Court took *suo motu* cognizance of the situation arising from difficulties that might be faced by the litigants across the country 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 or State). By an order dated 27.03.2020 this Court extended the period of limitation prescribed under the general law or special laws whether compoundable or not with effect from 15.03.2020 till further orders. The order dated 15.03.2020 was extended from time to time. Though, we have not seen the end of the pandemic, there is considerable improvement. The lockdown has been lifted and the country is returning to normalcy. Almost all the Courts and Tribunals are functioning either physically or by

virtual mode. We are of the opinion that the order dated 15.03.2020 has served its purpose and in view of the changing scenario relating to the pandemic, the extension of limitation should come to an end.

2. We have considered the suggestions of the learned Attorney General for India regarding the future course of action. We deem it appropriate to issue 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.”

3. The Suo Motu Writ Petition is disposed of accordingly.

.....CJI.
[S. A. BOBDE]

.....J.
[L. NAGESWARA RAO]

.....J.
[S. RAVINDRA BHAT]

**New Delhi,
March 08, 2021.**