

EXTENSION GRANTED BY SUPREME COURT ON 23rd Sep 2021

Due to the outbreak of the Covid-19 pandemic in the beginning of Year 2020 and the difficulties faced by litigants in filing petitions/applications/suits/appeals/all other proceedings within the prescribed period of limitation, the Hon'ble Supreme Court of India on March 23, 2020, took suo moto cognizance of the situation and the challenges faced by the Country on account of Covid-19 pandemic and passed Order dated March 23, 2020 in *Suo Moto Writ (Civil) No. 3 of 2020, titled as In Re : Cognizance For Extension Of Limitation*, extending the period of limitation in all cases in proceedings in all Courts/Tribunals throughout the Country with effect from March 15, 2020 till further orders. The Hon'ble Supreme Court exercised this power under Article 142 read with Article 141 of the Constitution of India and declared that their order is a binding order within the meaning of Article 141 on all Courts/Tribunals and authorities

However, on 08-03-2021 due to changing scenario, the govt was of view that extension of limitation should come to an end and issued certain directions to remove extension.

Further, **The Supreme Court on 27-04-2021** on considering the pandemic situation decided to restore the order dated 23-03-2020 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.** The bench extended all periods of limitation ending on 14.03.2021 until further orders, by restoring the order passed on March 23, 2020, which had extended the limitation period.

The Supreme Court on 23-09-2021 considering the reduction in prevalence of COVID-19 virus and normalcy being restored, the following directions were issued:

- I. In computing the period of limitation for any suit, appeal, application or proceeding, **the period from 15.03.2020 till 02.10.2021** shall stand excluded. Consequently, the **balance period of limitation remaining as on 15.03.2021**, if any, shall become available **with effect from 03.10.2021**.
- II. In cases where the **limitation would have expired** during the **period between 15.03.2020 till 02.10.2021**, notwithstanding the actual balance period of limitation remaining, all persons shall have a **limitation period of 90 days from 03.10.2021**. In the event the actual balance period of **limitation remaining**, with effect from 03.10.2021, is **greater than 90 days, that longer period shall apply**.
- III. The period from **15.03.2020 till 02.10.2021** 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.