

Pradeep Rai

Senior Advocate,
Supreme Court of India

2C & 2D, White House,
10, Bhagwan Das Road,
New Delhi-110001
Phone : +91-11-23389483
Mobile : +91-11-9911045000
Fax : +91-11-23389998
E-mail : pradeep@pradeeprai.com

To,
The Chief Justice of India
Supreme Court of India,
New Delhi -110001

Date: 15.04.2021

SUBJECT – Regarding Re- Extension of Limitation Period In pursuant to Suo Motu Writ Petition
(Civil) No. 3 of 2020

Your Lordship,

I would like to bring this to the kind attention of Your Lordship that in order to ease the problems of millions of litigants, during the COVID pandemic, the Court had taken Suo Motu cognizance and extended the limitation period for filing of cases before the Courts and Tribunals across the Country.

As per the order passed on 27.03.2020, by the bench headed by the Hon'ble Lordship, Justices L. Nageswara Rao and S. Ravindra Bhat, considering the tough challenging times, faced by litigants across the country in filing petitions/applications/suits/appeals, had extended the limitation period. The Hon'ble Court had 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, which was extended time to time.

The Hon'ble bench headed by your Lordship on 8th March, 2021, had disposed off the Suo Motu matter with the following directions;

"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. We have considered the suggestions of the learned Attorney General for India regarding the future course of action."

Now, again the cases are increasing at a fast pace, whereas, Delhi reported 17000 COVID cases on April 14, 2020 which is the highest ever since the pandemic COVID arose.

However, your lordship, being aware of the current situation about the Second Wave of COVID19 in India, which is causing tremendous loss to human lives and put the lives millions of citizens at stake. The Hon'ble court as well constrained to continue working Virtually by taking all the precautionary measures. However, the numbers of cases are increasing day by day and even the Court staff too coming in contact of this virus and getting effected.

Your Lordship is also seeing the drastically change in the number of cases of covid 19 across the nation which are rapidly increasing and in such unprecedented times, it is my humble request to re- extend the limitation period for betterment and welfare of litigants and accordingly, time period should be extended.

Keeping in view the extenuating circumstances prevailing across nation, I would urge to kindly take suo-motu cognizance and re-extend the limitation time period in filing the petitions/applications/suits/appeals/all other such proceedings.



Pradeep Kumar Rai
Senior Advocate
Vice President, SCBA