

**2022 LiveLaw (SC) 31**

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**N.V. RAMANA; CJI.; L. NAGESWARA RAO, J; SURYA KANT, J.**

January 10, 2022

MISCELLANEOUS APPLICATION NO. 21 OF 2022 IN MISCELLANEOUS APPLICATION NO. 665 OF 2021 IN SUO MOTU WRIT PETITION (C) NO. 3 OF 2020 WITH MISCELLANEOUS APPLICATION NO.29 OF 2022 IN MISCELLANEOUS APPLICATION NO. 665 OF 2021 IN SUO MOTU WRIT PETITION (C) NO. 3 OF 2020

**IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION**

**Covid-19 - Extension of limitation - 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 *quasi-judicial* proceedings - The balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022 - 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. (Para 5)**

**Covid-19 - Extension of limitation - Arbitration and Conciliation Act, 1996; Section 23(4), 29A - Commercial Courts Act, 2015; Section 12A - Negotiable Instruments Act, 1881; Section 138 - 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. (Para 5)**

*For Petitioner(s) Mr. Shivaji M. Jadhav, Adv. Ms. Manoj K. Mishra, Adv. Dr. Joseph Aristotle S., Adv. Ms. Diksha Rai, Adv. Mr. Nikhil Jain, Adv. Mr. Atulesh Kumar, Adv. Dr. Aman M. Hingorani, Adv. Ms. Anzu Varkey, Adv. Mr. Aljo Joseph, Adv. Mr. Sachin Sharma, Adv. Mr. Varinder K. Sharma, Adv. Mr. Abhinav Ramkrishna, AOR Mr. Neeraj Kishan Kaul, Sr. Adv. Mr. Himanshu Chaubey, AOR Mr. Prem Dave, Adv. Mr. Raghav Agrawal, Adv. Mr. Toshiv Goyal, Adv.*

*For Respondent(s) Mr. K.K. Venugopal, AG Mr. Tushar Mehta, SG 7 Mr. Rajat Nair, Adv. Mr. Kanu Agrawal, Adv. Mr. Siddhant Kohli, Adv. Mr. Chinmayee Chandra, Adv. Mr. Arvind Kumar Sharma, AOR Ms. Uttara Babbar, AOR Mr. Manan Bansal, Adv. Mr. Arjun Garg, AOR Mr. Aakash Nandolia, Adv. Ms. Sagun Srivastava, Adv. Ms. Sunieta Ojha, AOR Mr. P. I. Jose, AOR Mr. Jenis V. Frensis, Adv. Mr. Prashant K. Sharma, Adv. Ms. Anindita Mitra, AOR Mr. Sahil Tagotra, AOR Mr. Subhro Mukherjee, Adv. Mr. Amit Sharma, AOR Mr. Sameer Parekh, Adv. Mr. Kshatrashal Raj, Adv. Ms. Tanya Chaudhry, Adv. Ms. Pratyusha Priyadarshini, Adv. Ms. Nitika Pandey, Adv. For M/s.Parekh & Co., AOR M/S. VKC Law Offices, AOR Mr. Vinod Sharma, AOR Mr. Mukesh K. Giri, AOR Mr.*

*Kunal Chatterji, AOR Ms. Maitrayee Banerjee, Adv. Mr. Rohit Bansal, Adv. Ms. Pratibha Jain, AOR Sh. Soumya Chakraborty, Sr. Adv. Mr. Sanjai Kumar Pathak, AOR Ms. Shashi Pathak, Adv. 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. Ms. Shivangi Malhotra, Adv. Mr. Tapesh Kumar Singh, AOR Mr. Aditya Pratap Singh, Adv. Mr. Aditya Narayan Das, Adv. Ms. Binu Tamta, Adv. Mr. Dhruv Tamta, Adv. Mr. Siddhesh Kotwal, Adv. Ms. Ana Upadhyay, Adv. Ms. Manya Hasija, Adv. Ms. Pragya Barsaiyan, Adv. Mr. Akash Singh, Adv. Ms. Taruna Ardhendumauli Prasad, AOR Mr. Sibho Sankar Mishra, AOR Mr. Niranjana Sahu, Adv. Mr. Abhimanyu Tewari, Adv. Ms. Eliza Bar, Adv. Mr. Avijit Mani Tripathi, AOR Mr. T.K. Nayak, Adv.*

## **ORDER**

1. In March, 2020, this Court took Suo Motu cognizance of the difficulties that might be faced by the litigants in filing petitions/ applications/ suits/ appeals/ all other quasi proceedings within the period of limitation prescribed under the general law of limitation or under any special laws (both Central and/or State) due to the outbreak of the COVID-19 pandemic.

2. On 23.03.2020, this Court directed extension of the period of limitation in all proceedings before Courts/Tribunals including this Court w.e.f. 15.03.2020 till further orders. On 08.03.2021, the order dated 23.03.2020 was brought to an end, permitting the relaxation of period of limitation between 15.03.2020 and 14.03.2021. While doing so, it was made clear that the period of limitation would start from 15.03.2021.

3. Thereafter, due to a second surge in COVID19 cases, the Supreme Court Advocates on Record Association (SCAORA) intervened in the Suo Motu proceedings by filing Miscellaneous Application No. 665 of 2021 seeking restoration of the order dated 23.03.2020 relaxing limitation. The aforesaid Miscellaneous Application No.665 of 2021 was disposed of by this Court vide Order dated 23.09.2021, wherein this Court extended the period of limitation in all proceedings before the Courts/Tribunals including this Court w.e.f 15.03.2020 till 02.10.2021.

4. The present Miscellaneous Application has been filed by the Supreme Court Advocates-on-Record Association in the context of the spread of the new variant of the COVID-19 and the drastic surge in the number of COVID cases across the country. Considering the prevailing conditions, the applicants are seeking the following:

i. allow the present application by restoring the order dated 23.03.2020 passed by this Hon'ble Court in Suo Motu Writ Petition (C) NO. 3 of 2020 ; and

ii. allow the present application by restoring the order dated 27.04.2021 passed by this Hon'ble Court in M.A. no. 665 of 2021 in Suo Motu Writ Petition (C) NO. 3 of 2020; and

iii. pass such other order or orders as this Hon'ble Court may deem fit and proper.

5. 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.

6. As prayed for by learned Senior Counsel, M.A. No. 29 of 2022 is dismissed as withdrawn.

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