

Email

Regarding extension of time-limit prescribed under section 12A of the Commercial Courts Act, 2015.

From : JAGADISH PRASAD <adapptt.hcpat-bih@gov.in>

Wed, Oct 14, 2020 05:45 PM

Subject : Regarding extension of time-limit prescribed under section 12A of the Commercial Courts Act, 2015.

1 attachment

To : bslsa 87 <bslsa_87@yahoo.co.in>, "bslsa 87 <"bslsa_87@yahoo.co.in">@gpogw12.nic.in>, Piyush Kamal Dixit <dj.araria-bih@gov.in>, District and Sessions Judge Bhojpur <dj.ara-bih@indianjudiciary.gov.in>, Balram Dubey <dj.banka-bih@gov.in>, Dj Kishanganj <dj.kishanganj-bih@gov.in>, DISTT. & SESSIONS JUDGE, LKR <dj.lakhisarai-bih@gov.in>, District and Sessions Judge Sheikhpura <dj.shekhpara-bih@gov.in>, District & Sessions Judge Sheohar <dj.sheohar-bih@gov.in>, Shashi Bhushan Prasad Singh <dj.supaul-bih@gov.in>, Shiv Gopal Mishra, D.J, Aurangabad (Bihar) <dj.aurangabad-bih@indianjudiciary.gov.in>, District & Sessions Judge, Begusarai <dj.begusarai-bih@indianjudiciary.gov.in>, District and Sessions Judge <dj.bettiah-bih@indianjudiciary.gov.in>, District and Sessions Judge Kaimur at Bhabua <dj.bhabhua-bih@indianjudiciary.gov.in>, Arvind Kumar Pandey, District & Sessions Judge Bhagalpur <dj.bhagalpur-bih@indianjudiciary.gov.in>, District Judges and Buxar <dj.buxar-bih@indianjudiciary.gov.in>, District Judge Saran <dj.chapra-bih@indianjudiciary.gov.in>, Sri Rudra Prakash Mishra <dj.darbhanga-bih@indianjudiciary.gov.in>, District and Sessions Judge Gaya <dj.gaya-bih@indianjudiciary.gov.in>, District & Sessions Judge Gopalganj <dj.gopalganj-bih@indianjudiciary.gov.in>, District Judge Vaishali <dj.hajipur-bih@indianjudiciary.gov.in>, District & Sessions Judge Jamui <dj.jamui-bih@indianjudiciary.gov.in>, District & Sessions Judge Jehanabad <dj.jehanabad-bih@indianjudiciary.gov.in>, District & Sessions Judge Katihar <dj.katihar-bih@indianjudiciary.gov.in>, District and Sessions Judge Khagaria <dj.khagaria-bih@indianjudiciary.gov.in>, D.J.Madhepura <dj.madhepura-bih@indianjudiciary.gov.in>, District Judge Madhubani <dj.madhubani-bih@indianjudiciary.gov.in>, District & Sessions

Get it by email to the Secretary D.S.A.R. returned 15/10/20

15/10/20

copy to 1 -

mix cases -

Sub. No. 1 - 15/10/20

10/15/2020

Email

Judge Munger <dj.munger-bih@indianjudiciary.gov.in>, Anil Kumar Sinha <dj.muzafferpur-bih@indianjudiciary.gov.in>, District & Sessions Judge Nalanda <dj.nalanda-bih@indianjudiciary.gov.in>, SRI RAJESH NARAYAN SEWAK PANDEY <dj.nawada-bih@indianjudiciary.gov.in>, District and Sessions Judge Patna <dj.patna-bih@indianjudiciary.gov.in>, District & Sessions Judge Purnea <dj.purnea-bih@indianjudiciary.gov.in>, District Judge Saharsa <dj.saharsa-bih@nic.in>, District & Sessions Judge Samastipur <dj.samastipur-bih@indianjudiciary.gov.in>, DISTRICT AND SESSIONS JUDGE ROHTAS <dj.sasaram-bih@indianjudiciary.gov.in>, Krishna Bihari Pandey <dj.sitamarhi-bih@indianjudiciary.gov.in>, District Judge Siwan <dj.siwan-bih@indianjudiciary.gov.in>

Sir,

Please find attached herewith this Court's letter no. 42392-42430 dated 14-10-2020 along with its enclosures on the aforementioned subject for needful.

Thank you.
Warm Regards.

**A.D. Appointment Section,
Patna High Court, Patna**



— Courts letter no. 42392-42430 dated 14.10.2020.PDF
2 MB

All communications should be addressed to Registrar by designation not by name.

Fax/Speed Post/Registered Post

(P.H.C. Sch. 1-6)

Letter No. 42392-42430 /A.D. Apptt.

File No. XXVII-03-2016

प्रेषक/FROM :

नवनीत कुमार पाण्डेय
महानिबंधक,
उच्च न्यायालय, पटना

Nawneet Kumar Pandey

Registrar General,
High Court of Judicature at Patna.

Fax No.: 0612-2504088

Ph.: Off.-P.B.X.-2504071-73-75-76, Ext.-601

2505318-19

Off.-2504111, Res. -

Dated, Patna, the 14th October, 2020

To

The Member Secretary,
Bihar State Legal Services Authority,
Budh Marg, Opposite- Museum, Patna-800001

All the District and Sessions Judges of Bihar.


Sub.: Regarding extension of time-limit prescribed under section 12A of the
Commercial Courts Act, 2015.

Sir,

I am directed to enclose herewith a copy of letter dated 06.08.2020 of the
Secretary, Ministry of Law & Justice, Government of India, New Delhi along with
order dated 10.07.2020 in Suo Moto Writ Petition (c) no. 03/2020 of Hon'ble
Supreme Court of India and request you to send the compliance report within one
week.

Encl.: As above.

Yours faithfully


Registrar General

अनूप कुमार मन्दिरत्ता
Anoop Kumar Mendiratta



P. U. C.

विधि और न्याय मंत्रालय
भारत सरकार
SECRETARY
DEPARTMENT OF LEGAL AFFAIRS
MINISTRY OF LAW & JUSTICE
GOVERNMENT OF INDIA

SO Anoop
DO.No.A-60011(6)/20/2016-Admn.III(LA)

Dated the 06th August, 2020

Subject : Extension of time-limit prescribed under section 12A of the Commercial Courts Act, 2015 – reg.

Dear Registrar General,

LD 09.2
You may be aware that, taking note of the situation arising out of the challenge faced by the country on account of Covid-19 pandemic and resultant difficulties that may be faced by litigants across the country, the Hon'ble Supreme Court of India invoking power under Article 142 read with Article 141 of Constitution of India vide order dated 23rd March 2020, extended the period of limitation prescribed under the general law of limitation or under Special Laws in respect of the proceedings referred therein, w.e.f. 15th March, 2020 till further orders in *Suo Motu* Writ Petition (Civil) No(s).3/2020. Thereafter, the Hon'ble Supreme Court vide order dated 6th May 2020 extended all periods of limitation prescribed under the Arbitration and Conciliation Act, 1996 and under section 138 of the Negotiable Instruments Act, 1881 till further orders to be passed by the Supreme Court of India in said proceedings.

2. In this regard, Department of Legal Affairs, Ministry of Law and Justice had *inter-alia* requested the Ld. AG to seek appropriate directions of the Hon'ble Court on the issue of extension of time limit prescribed under section 12A of the Commercial Courts Act, 2015 for the conduct of Pre-institution Mediation and Settlement (PIMS). Consequently, Hon'ble Supreme Court of India vide order dated 10.07.2020 has extended the above time-period (copy enclosed). The Court has directed that ***"the said time shall stand extended from the time when the lockdown is lifted plus 45 days thereafter. That is to say that if the above period, i.e. the period of lockdown plus 45 days has expired, no further period shall be liable to be excluded"***.

3. I am, therefore, to request you to inform the State Legal Services Authority and the District Legal Services Authorities under your jurisdiction regarding the extension of time-limit prescribed for PIMS under section 12A of the Commercial Courts Act, 2015 for necessary action. The same may also be displayed on the website for public awareness.

With warm regards,

Yours sincerely,

(Anoop Kumar Mendiratta)

Encl : As above.

The Registrar General,
High Court of Judicature at Patna
Patna – 800001
BIHAR

B

ITEM NO.19

Virtual Court 1

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

SUO MOTO WRIT PETITION (C) NO. 3/2020

IN RE COGNIZANCE FOR EXTENSION OF LIMITATION

Petitioner(s)

VERSUS

Respondent(s)

- IA No. 48672/2020 - APPROPRIATE ORDERS/DIRECTIONS
- IA No. 48375/2020 - CLARIFICATION/DIRECTION
- IA No. 48461/2020 - CLARIFICATION/DIRECTION
- IA No. 48673/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 48374/2020 - INTERVENTION APPLICATION
- IA No. 48416/2020 - INTERVENTION APPLICATION
- IA No. 48408/2020 - INTERVENTION APPLICATION
- IA No. 48671/2020 - INTERVENTION/IMPLEADMENT)
- ALONG WITH IAS. 48574/2020 49221/2020, 51078,
51082, 50977, 50985, 55276, 55277, 58914, 58910/2020 AND
60198/2020

Date : 10-07-2020 These applications were called on
for hearing today.

CORAM :

- HON'BLE THE CHIEF JUSTICE
- HON'BLE MR. JUSTICE R. SUBHASH REDDY
- HON'BLE MR. JUSTICE A.S. BOPANNA

By Courts Motion, AOR

Counsel for the parties:

- Mr. Dushyant Dave, Sr.Adv.(AC)(Not Joined)
- Mr. KK Venugopal, AG
- Mr. Tushar Mehta, SG
- Mr. Ankur Talwar, Adv.
- Mr. Kanu Agrawal, Adv
- Mr. B.V. Balram Das, 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.

Digitally signed by
Dushyant Dave, Sr. Adv.
Date: 2020.07.10
10:09:43+05'30'

Mr. Bhanu Pant, Adv.

Mr Apoorv Kurup, Adv.
Ms. Upama Bhattacharjee, Adv.

Mr. C.M. Lall, Sr. Adv.
Mr. Gurvinder Singh, Adv.
Mr. Gaurav Miglani, Adv.
Mr. Rahul Vidhani, Adv.
Ms. Nancy Roy, Adv.
Ms. Archana Sahadeva, AOR

Mr. Shyam Divan, Sr. Adv.
Mr. Sameer Pandit, Adv.
Mr. Nikhil Ranjan, Adv.
Mr. Utkarsh Kulvi, Adv.
Mr. Govind Manoharan, Adv.
Ms. Sarrah Khambati, Adv.
Mr. Pranaya Goyal, AOR

Mr. V. Giri, Sr. Adv.
Mr. Ramesh Babu M.R., Adv.

Ms. Aruna Mathur, AOR
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Ms. Geetanjali, Adv.
For M/s. Arputham Aruana & Co.

Mr. Pravin H. Parekh, Sr. Adv.
Mr. Sameer Parekh Adv
Mr. Kshatrshal Raj Adv
for M/S. Parekh & Co., AOR

Mr. Yashvardhan, Adv,
Mr. Apoorv Shukla, AOR,
Ms. Ishita Farsaiya, Adv.
Ms. Prabhleen Kaur, Adv.

Mr. Arjun Garg, AOR
Mr. Rati Tandon, Adv

Ms. Anannya Ghosh, AOR

Mr. Vivek Narayan Sharma, AOR

Mr. Sarvam Ritam Khare, AOR

Mr. Arvind Kumar Sharma, AOR

Mr. A. Lakshminarayanan, AOR

Mr. Sidharth Luthra, Sr. Adv.
Mr. Arshdeep Singh Khurana, Adv.
Mr. Varun K Chopra, Adv.
Mr. Akshat Gupta, Adv.
Ms. Rajshree Sharma, Adv.
Mr. Gurtejpal Singh, Adv.
Mr. Ayush Luthra, Adv.
Mr. Shivanshu Singh, Adv.
Mohd. Shakei Naru, Adv.
For M/s. VKC Law Offices, AOR

Mr. Anilendra Pandey, AOR

Mr. Abhimanyu Tewari, AOR

Ms. Binu Tamta, AOR

Mr. V.N. Raghupathy, AOR

Mr. S. Thananjayan, AOR

Mr. Mayank Kshirsagar, AOR

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

Parties have prayed to this Court for extending the time where limitation is to expire during the period when there is a lockdown in view of COVID-19 or the time to perform a particular act is to expire during the lockdown.

I.A. No. 49221/2020 -Section 29A of the Arbitration and Conciliation Act, 1996

Taken on Board.

In Suo Moto Writ Petition (C) No. 3/2020, by our order dated 23.03.2020 and 06.05.2020, we ordered that all periods of limitation prescribed under the Arbitration and Conciliation Act, 1996

shall be extended w.e.f. 15.03.2020 till further orders.

Learned Attorney General has sought a minor modification in the aforesaid orders.

Section 29A of the Arbitration and Conciliation Act, 1996 does not prescribe a period of limitation but fixes a time to do certain acts, i.e. making an arbitral award within a prescribed time. We, accordingly, direct that the aforesaid orders shall also apply for extension of time limit for passing arbitral award under Section 29A of the said Act. Similarly, Section 23(4) of the Arbitration and Conciliation Act, 1996 provides for a time period of 6 months for the completion of the statement of claim and defence. We, accordingly, direct that the aforesaid orders shall also apply for extension of the time limit prescribed under Section 23(4) of the said Act.

The application is disposed of accordingly.

Pre-Institution Mediation and Settlement under Section 12A of the Commercial Courts Act, 2015.

Under Section 12A of the Commercial Courts Act, 2015, time is prescribed for completing the process of compulsory pre-litigation, mediation and settlement. The said time is also liable to be

extended. We, accordingly, direct that the said time shall stand extended from the time when the lockdown is lifted plus 45 days thereafter. That is to say that if the above period, i.e. the period of lockdown plus 45 days has expired, no further period shall be liable to be excluded.

I.A. No. 48461/2020- Service of all notices, summons and exchange of pleadings

Service of notices, summons and exchange of pleadings/documents, is a requirement of virtually every legal proceeding. Service of notices, summons and pleadings etc. have not been possible during the period of lockdown because this involves visits to post offices, courier companies or physical delivery of notices, summons and pleadings. We, therefore, consider it appropriate to direct that such services of all the above may be effected by e-mail, FAX, commonly used instant messaging services, such as WhatsApp, Telegram, Signal etc. However, if a party intends to effect service by means of said instant messaging services, we direct that in addition thereto, the party must also effect service of the same document/documents by e-mail, simultaneously on the same date.

Extension of validity of Negotiable Instruments Act, 1881-I.A. Nos. 48461 and 48672/2020 (IA. No. 48671/2020, 48673/2020)

I.A. No. 48671/2020 for impleadment is allowed.

With reference to the prayer, that the period of validity of a cheque be extended, we find that the said period has not been prescribed by any Statute but it is a period prescribed by the Reserve Bank of India under Section 35-A of the Banking Regulation Act, 1949. We do not consider it appropriate to interfere with the period prescribed by the Reserve Bank of India, particularly, since the entire banking system functions on the basis of the period so prescribed.

The Reserve Bank of India may in its discretion, alter such period as it thinks fit. Ordered accordingly.

The instant applications are disposed of accordingly.

I.A. Nos. 48374/2020 and 48375/2020

List after six weeks.

[CHARANJEET KAUR]
ASSTT. REGISTRAR-CUM-PS

[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR