

Received by email
Aqul
14/8/2020



From
Registrar General
High Court of Uttarakhand
Nainital

- To,
1. All the District Judges subordinate to High Court of Uttarakhand.
 2. Director, Uttarakhand Judicial & Legal Academy, Bhowali, Nainital.
 3. Member Secretary, Uttarakhand State Legal Service Authority, Nainital.
 4. All the Family Court Judges, State of Uttarakhand.
 5. Chairman, Commercial Tax Tribunal, Dehradun.
 6. Chairman, State Transport Appellate Tribunal, Dehradun.
 7. Registrar, State Consumer Redressal Commission, Dehradun.
 8. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District. Nainital
 9. Presiding Officer, Labour Courts, Dehradun, Haridwar & Kashipur, District. Udham Singh Nagar
 10. Presiding Officer, Food Safety Appellate Tribunal, Dehradun & Haldwani
 11. Registrar, Public Service Tribunal, Uttarakhand, Dehradun
 12. Chairman, Uttarakhand Cooperative Tribunal, Dehradun
 13. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun
 14. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar

No. 370 /UHC/Admn-B/v(a)6/2020

Dated: 14 August, 2020

Subject:- Extension of Limitation Period :Hon'ble Supreme Court Order

Madam/Sir,

With reference to subject cited above, I am directed to enclose herewith copy of Order dated 10.07.2020 passed by Hon'ble Supreme Court in *Suo Motu* Writ Petition(C) No. 03/2020 titled as "*In Re Cognizance For Extension of Limitation*" for your information and compliance and also with a request to upload the Order in your respective official website for public awareness.

Encl: As above

With regards

Yours sincerely

(Dharmendra Singh Adhikari)
Registrar (Judicial)
For Registrar General

14.08.2020

Seen. Circulate amongst all the courts as well as Bar Association and also upload the order in the official website for public awareness.

District & Sessions Judge
Tehri Garhwal
14/08/2020

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.

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. Akash Shukla, Adv.
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. Charanpal Singh Bagri, Adv.
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
Mr. Sahil Mongia, Adv.
Mr. Tushar Singh, Adv.
Mr. Rahul Yadav, Adv.
Ms. Pankhuri, Adv.
Mr. Akhilesh Yadav, Adv.

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