



राजस्थान राज्य विधिक सेवा प्राधिकरण

राजस्थान उच्च न्यायालय परिसर, जयपुर पीठ, जयपुर

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क्रमांक: F-(172)/रालसा/Spl. Sec./PIMS/2020/20707

दिनांक: 10.9.2020

प्रेषित:-

सचिव,
जिला विधिक सेवा प्राधिकरण,
समस्त राजस्थान।

संयुक्त सचिव,
राजस्थान राज्य विधिक सेवा प्राधिकरण, जोधपुर।

विषय:- Extension of time-limit prescribed under section 12A of the Commercial Courts Act, 2015 बाबत।

संदर्भ:- राजस्थान उच्च न्यायालय, जोधपुर का पत्र क्रमांक: Gen/XV/76/2020/4624 दिनांक 31.08.2020 एवं सचिव, विधि और न्याय मंत्रालय, भारत सरकार का पत्र क्रमांक: DO.No.A-60011(6)/20/2016-Admn.III(LA) दिनांक: 06.08.2020

महोदय,

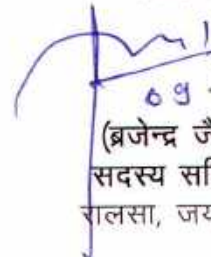
उपर्युक्त विषयान्तर्गत लेख है कि माननीय राजस्थान उच्च न्यायालय से सचिव, विधि एवं न्याय मंत्रालय, भारत सरकार के पत्र क्रमांक DO.No.A-60011(6)/20/2016-Admn.III(LA) दिनांक: 06.08.2020 के साथ माननीय सर्वोच्च न्यायालय Suo Moto Writ Petition (c) No. 3/2020 के निर्णय दिनांक 10.07.2020 की प्रतिलिपि प्राप्त हुई है।

माननीय सर्वोच्च न्यायालय द्वारा उक्त निर्णय में धारा 12A वाणिज्यिक न्यायालय अधिनियम 2015 के तहत मध्यस्थता प्रक्रिया की समयावधि को कोविड-19 महामारी के तहत किये गये लॉकडाउन के कारण विस्तारित करने के संदर्भ में यह निर्णित किया गया है कि-

"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."

अतः माननीय सर्वोच्च न्यायालय के निर्णय दिनांक 10.07.2020 की पालना सुनिश्चित की जाये। साथ ही जन सामान्य की जागरूकता के लिए उक्त मध्यस्थता प्रक्रिया की समयावधि बाबत दिये गए निर्देश जिला न्यायालय की वेबसाइट पर भी अपलोड करवाना सुनिश्चित करें।

भवदीय


09.9.2020
(ब्रजेन्द्र जैन)
सदस्य सचिव,
रालसा, जयपुर।

संलग्न:-

माननीय सर्वोच्च न्यायालय Suo Moto Writ Petition (c) No. 3/2020 के निर्णय दिनांक 10.07.2020 की प्रति।

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)

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 Mr. Tushar Mehta, SG
 Mr. Ankur Talwar, Adv.
 Mr. Kanu Agrawal, Adv
 Mr. B.V. Balram Das, AOR

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 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.

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Mr. Nikhil Ranjan, Adv.
Mr. Utkarsh Kulvi, Adv.
Mr. Govind Manoharan, Adv.
Ms. Sarrah Khambati, Adv.
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Ms. Anuradha Arputham, Adv.
Ms. Geetanjali, Adv.
For M/s. Arputham Aruana & Co.

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Mr. Kshatrshal Raj Adv
for M/S. Parekh & Co., AOR

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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

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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