

NATIONAL CONSUMER DISPUTES REDRESAL COMMISSION  
GOVERNMENT OF INDIA

Telephone No.24608711  
Fax No.24658505

Upbhokta Nyay Bhawan  
'F' Block, GPO Complex, INA,  
New Delhi - 110023.

No.A-2/Listing/NCDRC/2021

29<sup>th</sup> September, 2021

OFFICE ORDER NO.95 OF 2021

I. The Hon'ble Supreme Court of India, vide Order dated 23<sup>rd</sup> September, 2021, passed in Suo Motu Writ Petition (Civil) No.3 of 2020 In Re: Cognizance for Extension of Limitation (copy enclosed) has issued the following directions:

"1. In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 02.10.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2021, if any, shall become available with effect from 03.10.2021.

2. In cases where the limitation would have expired during the period between 15.03.2020 till 02.10.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 03.10.2021. In the event the actual balance period of limitation remaining, with effect from 03.10.2021, is greater than 90 days, that longer period shall apply.

3. The period from 15.03.2020 till 02.10.2021 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."

II. In the light of the order passed by the Hon'ble Supreme Court of India, as extracted above, the Hon'ble President, NCDRC, is pleased to issue the following directions to the Registry of the NCDRC, for compliance:

1. The delay in filing the matters, i.e., Revision Petitions, First Appeals, Consumer Complaints, Written Statements, Applications, etc., which shall be filed on or after 03.10.2021, in which limitation, as prescribed in the Consumer Protection Act, 1986, or the Consumer Protection Act, 2019 (as may be applicable), had expired on or before 14.03.2020, shall be computed in the following manner:

S. RA  
29/9/2021

- (i). the number of days of delay, in excess of the period of limitation provided in the Consumer Protection Act, 1986, or the Consumer Protection Act, 2019 (as may be applicable), shall be computed from the date of receipt of the free certified copy of the order of the State Commission till 14.03.2020 (i.e. before 15.03.2020).
- (ii). the period from 15.03.2020 to 02.10.2021 shall be excluded for computing limitation.
- (iii). the number of days of delay from 03.10.2021 till the date of filing of the matter shall be computed.
- (iv). the number of days computed at (i) and (iii) above shall be added to arrive at the total number of days of delay in filing a matter.

2. The delay in filing the matters, i.e., Revision Petitions, First Appeals, Consumer Complaints, Written Statements, Applications, etc., where limitation is expiring between 15.03.2020 and 02.10.2021, shall be computed in the following manner:

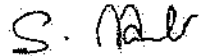
- (i). The period from 15.03.2020 to 02.10.2021 shall be excluded for computing limitation.
- (ii). Limitation shall be further extended by 90 days from 03.10.2021, i.e. till 01.01.2022.

Since 01.01.2022 is Saturday and 02.01.2022 is Sunday, both the days are holidays. Hence, the matters filed on 03.01.2022 will be considered to have been filed within limitation. However, if matters are filed on 04.01.2022 or thereafter, then delay shall be computed from 02.01.2022 onwards.

- (iii). In the event the actual balance period of limitation remaining with effect from 04.01.2022 is greater than 90 days, that longer period shall be taken for computation of limitation.
- (iv). The matters in which the limitation (provided in the Consumer Protection Act, 1986 or the Consumer Protection Act, 2019, as may be applicable) is expiring during the period from 15.03.2020 to 02.10.2021, i.e., before 03.10.2021, and such a matter is filed during the same period, i.e., from 15.03.2020 to 02.10.2021, with some delay, such matter shall be treated as having been filed within the limitation.

S. No.  
29/09/2021

3. The directions given by the Hon'ble Supreme Court shall not apply to the matters filed/instituted against such orders which shall be passed by the State Commissions on or after 02.10.2021. In such an event, the standard procedure for computation of limitation shall apply.

  
(S. Hanumantha Rao)  
Joint Registrar

Copy to:

1. Sr. PPS to the Hon'ble President.
2. PS to Hon'ble Member(s) – with a request to bring the contents of the Office Order to the knowledge of the Hon'ble Member(s).
3. Deputy Registrar, AR (CC), AR (FA), SO (Listing), OSD (RP)
4. Court Masters (Non-shorthand)
5. Dealing Assistants (Filing)
6. Notice Board
7. Office Order Folder
7. SO (IT) – with a request to upload this Office Order on the website of NCDRC.

  
(S. Hanumantha Rao)  
Joint Registrar

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

**Miscellaneous Application No. 665 of 2021**  
**In SMW(C) No. 3 of 2020**

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

**O R D E R**

1. Due to the outbreak of COVID-19 pandemic 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 proceedings within the period of limitation prescribed under the general law of limitation or under any special laws (both Central and/or State). On 23.03.2020, this Court directed extension of the period of limitation in all proceedings before the Courts/Tribunals including this Court w.e.f. 15.03.2020 till further orders.

2. Considering the reduction in prevalence of COVID-19 virus and normalcy being restored, the following order was passed in the *Suo Motu* proceedings on 08.03.2021:

*"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. Thereafter, there was a second surge in COVID-19 cases which had a devastating and debilitating effect. 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. Acceding to the request made by SCAORA, this Court passed the following order on 27.04.2021:

"We also take judicial notice of the fact that the steep rise in COVID-19 Virus cases is not limited to Delhi alone but it has engulfed the entire nation. The extraordinary situation caused by the sudden and second outburst of COVID-19 Virus, thus, requires extraordinary measures to minimize the hardship of litigant-public in all the states. We, therefore, restore the order dated 23rd March, 2020 and in continuation of the order dated 8th March, 2021 direct that the period(s) of limitation, as prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings, whether condonable or not, shall stand extended till further orders.

It is further clarified that the period from 14th March, 2021 till further orders 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.

We have passed this order in exercise of our powers under Article 142 read with Article 141 of the Constitution of India. Hence it shall be a binding order within the meaning of Article 141 on all Courts/Tribunals and Authorities."

4. In spite of all the uncertainties about another wave of the deadly COVID-19 virus, it is imminent that the order dated 08.03.2021 is restored as the situation is near normal.

5. We have heard learned Attorney General for India, Mr. Vikas

Singh, learned Senior Counsel for the Election Commission of India, Mr. Shivaji M. Jadhav, learned counsel for the SCAORA and other learned Advocates. There is consensus that there is no requirement for continuance of the initial order passed by this Court on 23.03.2020 and relaxation of the period of limitation need not be continued any further. The contention of Mr. Vikas Singh is that the order dated 08.03.2021 can be restored, subject to a modification. He submitted that paragraph No.2 of the order dated 08.03.2021 provides that the limitation period of 90 days will start from 15.03.2021 notwithstanding the actual balance of period of limitation in cases where limitation has expired between 15.03.2020 and 14.03.2021. According to him, the period of limitation prior to 15.03.2020 has to be taken into account and only the balance period of limitation should be made available for the purpose of filing cases.

6. The order dated 23.03.2020 was passed in view of the extraordinary health crisis. 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. As the said order dated 08.03.2021 was only a one-time measure, in view of the pandemic, we are not inclined to modify the conditions contained in the order dated 08.03.2021.

7. The learned Attorney General for India stated that paragraph

No.4 of the order dated 08.03.2021 should be continued as there are certain containment zones in some States even today.

8. Therefore, we dispose of the M.A. No.665 of 2021 with the following directions: -

I. In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 02.10.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2021, if any, shall become available with effect from 03.10.2021.

II. In cases, where the limitation would have expired during the period between 15.03.2020 till 02.10.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 03.10.2021. In the event the actual balance period of limitation remaining, with effect from 03.10.2021, is greater than 90 days, that longer period shall apply.

III. The period from 15.03.2020 till 02.10.2021 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.

IV. 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.”

.....CJI.  
[ N. V. RAMANA ]

.....J.  
[ L. NAGESWARA RAO ]

.....J.  
[ SURYA KANT ]

New Delhi,  
September 23, 2021.