

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
GOVT. OF INDIA**

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'F' Block, GPO Complex, INA
New Delhi – 110023

No.A-2/Listing/NCDRC/2020

31st March, 2021

OFFICE ORDER NO.39 OF 2021

I. The Hon'ble Supreme Court of India, vide its Order dated 8th March, 2021, passed in Suo Motu Writ Petition (Civil) No.3 of 2020 In Re: Cognizance for Extension of Limitation (copy annexed) 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 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."

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:

1. The delay in filing the matters, i.e., Revision Petitions, First Appeals, Consumer Complaints, Written Statements, Applications, etc., which are filed on or after 15.03.2021, in which limitation, as prescribed in the Consumer Protection Act, 1986,

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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:

- (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 14.03.2021 shall be excluded for computing limitation.
- (iii). the number of days of delay from 15.03.2021 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 has expired between 15.03.2020 and 14.03.2021, shall be computed in the following manner:

- (i). The period from 15.03.2020 to 14.03.2021 shall be excluded for computing limitation.
- (ii). Limitation shall be further extended by 90 days from 15.03.2021, i.e. till 12.06.2021.

Since 12.06.2021 is Saturday and 13.06.2021 is Sunday, both the days are holidays. Hence, the matters filed on 14.06.2021 will be considered to have been filed within limitation. However, if matters are filed on 15.06.2021 or thereafter, then delay shall be computed from 13.06.2021 onwards.

- (iii). 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 be taken for computation of limitation.
- (iv). The matters in which the limitation (as provided in the Consumer Protection Act, 1986 or the Consumer Protection Act, 2019, as may be applicable) has expired during the period from 15.03.2020 to 14.03.2021, i.e., before

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15.03.2021, and such a matter had been filed during the same period, i.e. from 15.03.2020 to 14.03.2021, with some delay, such matter shall be treated as having been filed within the limitation.

3. The directions given by the Hon'ble Supreme Court shall not apply to such matters filed/instituted against such orders which have been passed by the State Commissions on or after 15.03.2021. In such an event, the standard procedure for computation of limitation (as it was being done pre-pandemic period i.e. prior to 15.03.2020) shall apply.

III. The method of computation of limitation, as envisaged above, is explained hereunder by way of illustrations, for the sake of easy understanding:

Illustration No.1:

i. Let it be assumed that the State Commission had passed the final order in a Consumer Complaint on 01.02.2020. The Certified Copy of the said Order was received by the Opposite Party on 10.02.2020. First Appeal is filed on 30.03.2021.

ii. Sec.19/Sec.51 of the Consumer Protection Act, 1986/2019 provides that First Appeal shall be filed within 30 days from the date of receipt of the order of the State Commission.

iii. **Calculation of Limitation:** First of all, the Registry shall find out the 30th day by which the First Appeal has to be filed.

Calculation of 30 days period:

Date of receipt of the Certified copy of the order of the State Commission		10.02.2020
Number of days available in February 2020 i.e. from 10.02.2020 to 29.02.2020 are 20 (There are 29 days in February, 2020) Out of these, the date of receipt of the order is to be excluded (Section 9 of the General Clauses Act). Hence, the net number of days available in the month of February, 2020 are: (20 minus 1)	19	
Number of days to be taken from the succeeding month of March, 2020 is: 11 (to make it 30 days.)	11	
Hence, the date on which the First Appeal shall be filed		11.03.2020

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iv. If the First Appeal is filed on 12.03.2020, then it is said to have been filed with a delay of 1 day.

v. Thus, in this example, the First Appeal should have been filed on or before 11.03.2020. But, it was filed on 30.03.2021.

vi. In such circumstances, the delay shall be computed as under:

Date of filing		30.03.2021
Number of days taken to file the First Appeal from the date of receipt of the certified copy of the impugned order till the date of filing i.e. from 10.02.2020 to 30.03.2021		414 days
Less: Prescribed period for filing the Appeal (Sec.51)	30 days	
Less: Time to be excluded (i.e. from 15.03.2020 to 14.03.2021) as directed by the Hon'ble Supreme Court in pr.2(1) of its Order	365 days	
Total Time to be excluded	395 days	395 days
Delay, if any: Total Time taken for filing the Appeal Minus the Total Time to be excluded, i.e. 414 days minus 395 days		19 days

(a). Computation of 414 days

Total Number of days taken to file the First Appeal is 414 days (i.e. from 10.02.2020 to 30.03.2021), the calculation of which is as under:

Number of days available in February 2020 i.e. from 10.02.2020 to 29.02.2020 are 20 (There are 29 days in February, 2020) Out of these, the date of receipt of the order is to be excluded (Section 9 of the General Clauses Act). Hence, the net number of days available in the month of February, 2020 are: (20 minus 1)	19 days
No.of days in March, 2020	31 days
No.of days in April, 2020	30 days
No.of days in May, 2020	31 days
No.of days in June, 2020	30 days
No.of days in July, 2020	31 days
No.of days in August, 2020	31 days

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No.of days in September, 2020	30 days
No.of days in October, 2020	31 days
No.of days in November, 2020	30 days
No.of days in December, 2020	31 days
No.of days in January, 2021	31 days
No.of days in February, 2021	28 days
No.of days in March, 2021 (upto 30.03.2021)	30 days
Total No.of days	414 days

(b). Calculation of 365 days:

From 15.03.2020 to 14.03.2021, there are 365 days.

(c). Calculation of 19 days' delay:

As stated above, the Appeal should have been filed on 11.03.2020, whereas it was filed on 30.03.2021.

Delay occurred from 11.03.2020 to 14.03.2020 is to be computed.

The period from 15.03.2020 to 14.03.2021 shall be excluded from computing the delay.

The delay occurred from 15.03.2021 till 30.03.2021 (i.e. the date of filing) shall be computed.

In this case, there is a delay of 19 days (i.e.3 days prior to 15.03.2020 and 16 days after 14.03.2021) in filing the Appeal, computation of which is as under:

<u>Delay upto 14.03.2020 (prior to 15.03.2020):</u> No. of days from 12.03.2020 to 14.03.2020 (i.e. 12 th , 13 th and 14 th March, 2020)		3 days
<u>Delay after 14.03.2021, (i.e. from 15.03.2021):</u> No. of days from 15.03.2021 to 22.03.2021 (i.e. 15 th , 16 th , 17 th , 18 th , 19 th , 20 th , 21 st , 22 nd , 23 rd , 24 th , 25 th , 26 th , 27 th , 28 th 29 th and 30 th March, 2021)		16 days
Total delay in filing the Appeal is		19 days

Illustration No.2:

i. This illustration covers such matters, where limitation prescribed in the Consumer Protection Act, 1986/Consumer Protection Act, 2019, had expired between the dates 15.03.2020 and 14.03.2021.

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ii. Let it be assumed that the State Commission had passed the final order in a Consumer Complaint on 01.02.2020. The Certified Copy of the said Order was received by the Opposite Party on 25.02.2020.

iii. **In this illustration, the computation of limitation, in terms of the directions given the order of the Hon'ble Supreme Court, shall be done as under:**

The Appeal, in terms of Section 19 (1) of the Consumer Protection Act, 1986/Section 51(1) of the Consumer Protection Act, 2019 shall be filed within 30 days from the date of receipt of the certified copy of order of the State Commission.

Calculation of 30 days shall be done as under:

Date of receipt of the Certified copy of the order of the State Commission		25.02.2020
Number of days available in February 2020 is 5, i.e. 25 th , 26 th , 27 th , 28 th , and 29 th , February, 2020. (There are 29 days in February, 2020) Out of this, the date of receipt of the order, i.e. 25.02.2020, is to be excluded (Section 9 of the General Clauses Act). Hence, the net number of days available in the month of February is : 26 th , 27 th , 28 th and 29 th February 2020 are to be taken for the purpose of calculation of limitation.	04	
Number of days to be taken from the succeeding month of March, 2020 is 26 (to make it 30 days.)	26	
Hence, the date on which the First Appeal shall be filed is		26.03.2020

iv. **The date 26.03.2020 falls between the dates 15.03.2020 and 14.03.2021.**

v. The Limitation has been extended by the Hon'ble Supreme Court by 90 days from 15.03.2021, i.e., upto 12.06.2021. The days falling on 12.06.2021 and 13.06.2021 are holidays being Saturday and Sunday, respectively.

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vi. Hence, the matter, if filed, on or before 14.06.2021, it will be considered to have been filed within limitation. However, if the matter is filed on 15.06.2021 or thereafter, then delay shall be computed from 13.06.2021 till the date of filing.



(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. SO (IT) – with a request to upload this Notice on the website of NCDRC.



(S. Hanumantha Rao)

Joint Registrar

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
Suo Motu Writ Petition (Civil) No.3 of 2020**

IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION.

..... Petitioner (s)

Versus

.....Respondent (s)

O R D E R

1. Due to the onset of COVID-19 pandemic, this Court took *suo motu* cognizance of the situation arising from difficulties that might be faced by the litigants across the country 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 or State). By an order dated 27.03.2020 this Court extended the period of limitation prescribed under the general law or special laws whether compoundable or not with effect from 15.03.2020 till further orders. The order dated 15.03.2020 was extended from time to time. Though, we have not seen the end of the pandemic, there is considerable improvement. The lockdown has been lifted and the country is returning to normalcy. Almost all the Courts and Tribunals are functioning either physically or by

virtual mode. We are of the opinion that the order dated 15.03.2020 has served its purpose and in view of the changing scenario relating to the pandemic, the extension of limitation should come to an end.

2. We have considered the suggestions of the learned Attorney General for India regarding the future course of action. We deem it appropriate to issue the following directions: -

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. The Suo Motu Writ Petition is disposed of accordingly.

.....CJI.
[S. A. BOBDE]

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

.....J.
[S. RAVINDRA BHAT]

New Delhi,
March 08, 2021.