

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Suo Moto-Company Appeal (AT) (Insolvency) No. 01 of 2020

O R D E R
(Through Virtual Mode)

18.03.2021: This Appellate Tribunal taking *Suo Moto* cognizance of the unprecedented situation arising out of spread of COVID 19 declared as pandemic, the hardships being faced by various stakeholders and having regard to the directions passed by the Hon'ble Apex Court extending the period of limitation with effect from 15th March, 2020 till further order/s in terms of order dated 23rd March, 2020 in *Suo Moto* Writ Petition (Civil) No(s). 03/2020, on 30th March, 2020 passed the following directions:

“(1) That the period of lockdown ordered by the Central Government and the State Governments including the period as may be extended either in whole or part of the country, where the registered office of the Corporate Debtor may be located, shall be excluded for the purpose of counting of the period for ‘Resolution Process’ under Section 12 of the Insolvency and Bankruptcy Code, 2016, in all cases where ‘Corporate Insolvency Resolution Process’ has been initiated and pending before any Bench of the National Company Law Tribunal or in Appeal before this Appellate Tribunal.

Cont'd.../

(2) It is further ordered that any interim order/ stay order passed by this Appellate Tribunal in anyone or the other Appeal under Insolvency and Bankruptcy Code, 2016 shall continue till next date of hearing, which may be notified later.”

As the situation has improved considerably though the pandemic is still not over, the Hon'ble Apex Court has in terms of order dated 8th March, 2021 disposed of the Suo Moto Writ Petition by passing a slew of directions incorporated in Paragraph 2 of the order dated 8th March, 2021 which is reproduced hereinbelow:

“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.”

Having regard to the directions passed by the Hon'ble Apex Court and adopting the same, we dispose of this Suo Moto Appeal in terms of the above.

This order be uploaded on the NCLAT Website.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Justice Anant Bijay Singh]
Member (Judicial)**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

am/gc

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Suo Moto-Company Appeal (AT) No. 01 of 2020

ORDER
(Through Virtual Mode)

18.03.2021: This Appellate Tribunal taking Sua Moto cognizance of the unprecedented situation arising out of spread of COVID 19 declared as pandemic, the hardships being faced by various stakeholders and having regard to the directions passed by the Hon'ble Apex Court extending the period of limitation with effect from 15th March, 2020 till further order/s in terms of order dated 23rd March, 2020 in Sua Moto Writ Petition (Civil) No(s). 03/2020, on 30th March, 2020 passed the following directions:

“(1) It is ordered that any interim order/ stay order passed by this Appellate Tribunal in anyone or the other Appeal under the Companies Act, 2013 shall continue till next date of hearing, which may be notified later.”

As the situation has improved considerably though the pandemic is still not over, the Hon'ble Apex Court has in terms of order dated 8th March, 2021 disposed of the Sua Moto Writ Petition by passing a slew of directions incorporated in Paragraph 2 of the order dated 8th March, 2021 which is reproduced hereinbelow:

“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: -

Cont'd.../

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.”

Having regard to the directions passed by the Hon’ble Apex Court and adopting the same, we dispose of this Suo Moto Appeal in terms of the above.

This order be uploaded on the NCLAT Website.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Justice Anant Bijay Singh]
Member (Judicial)**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

am/gc

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Suo Moto-Competition Appeal (AT) No. 01 of 2020

O R D E R
(Through Virtual Mode)

18.03.2021: This Appellate Tribunal taking Sua Moto cognizance of the unprecedented situation arising out of spread of COVID 19 declared as pandemic, the hardships being faced by various stakeholders and having regard to the directions passed by the Hon'ble Apex Court extending the period of limitation with effect from 15th March, 2020 till further order/s in terms of order dated 23rd March, 2020 in Sua Moto Writ Petition (Civil) No(s). 03/2020, on 30th March, 2020 passed the following directions:

“(1) That interim direction / stay order passed in all competition Appeals shall continue until further order.

“(2) In the event of expiry of period of Fixed Deposits, the concerned bank shall renew the same for further period of six months.”

As the situation has improved considerably though the pandemic is still not over, the Hon'ble Apex Court has in terms of order dated 8th March, 2021 disposed of the Sua Moto Writ Petition by passing a slew of directions incorporated in Paragraph 2 of the order dated 8th March, 2021 which is reproduced hereinbelow:

“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.”

Having regard to the directions passed by the Hon’ble Apex Court and adopting the same, we dispose of this Suo Moto Appeal in terms of the above.

This order be uploaded on the NCLAT Website.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Justice Anant Bijay Singh]
Member (Judicial)**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

am/gc