

COVID-19 and Indian Courts

written by Rajdev Singh | March 27, 2020



Impact of COVID 19 Outbreak on Courts

In terms of the number of registered Covid-19 data across the world, India lies at the bottom of the list. However, in the last few weeks, India has witnessed a rapid increase in the number of confirmed coronavirus cases. As a result, there lies a possibility that India might witness a severe outbreak of this pandemic disease within a short period of time if its spread is left unchecked.

Keeping in mind the global outbreak of this virus and the growing number of cases in India, our judicial system has taken a few remarkable steps to control the spread of this virus within India. Several Courts and Tribunals in India have partially shut down and only urgent hearings will be carried out in order to avoid human interface. Many Courts and Tribunals have also issued directions for closing down filing counters and advocates' chambers. Owing to this present situation, the Supreme Court of India has also decided to promote visual court proceedings, and e-filing to prevent lawyers from coming to courts which in turn will help avoid the transmission of the virus. Extension of a limitation period in preferring appeal before the Apex Court^[1]

A three-judge bench comprising Chief Justice S A Bobde, Justice L. Nageswara Rao, and Justice Surya Kant, has exercised its power granted under Article 142 read with Article 141 of the Constitution of India and extended the period of limitation for filing appeals, petitions, suits and all other proceedings in Courts and Tribunals owing to this serious outbreak of the pandemic.

The Hon'ble Apex Court

has extended the period of limitation in the filing of petitions, appeals, suits, applications, and all other proceedings after taking suo moto cognizance

of the current situation in the country and the challenges being faced by the lawyers to come to the Courts physically for filing of petitions, applications, suits, appeals, and all other proceedings

within the period of limitation prescribed under the general law of limitation

or Special Laws (both Central and/or State).

Article 142 of the

Constitution of India gives inherent power to the Supreme Court of India to pass any such decree or order as is necessary for doing complete justice in any cause or matter pending before it. Article 141 states that the decision of the Supreme Court would be binding upon other courts in India.

The Hon'ble Court vide

Order dated 23.03.2020 has directed as under:-

"it

is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws

whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order/s to be passed by this Court in present proceedings".

Appeals, Petitions, Suits, or any other proceeding which are to be time-barred if not filed before the respective Courts or Tribunals shall be deemed to have been extended in this present situation until the Hon'ble Court passes any further order.

The threshold for triggering insolvency is raised as Rupees One Crore[2]

The Central Government while exercising its power conferred under the proviso to Section 4 of the Insolvency and Bankruptcy Code has increased the threshold of rupees one lakh for triggering insolvency to rupees one crore. Keeping in mind the current situation of the country, the Central Government has taken this step to provide relief to the companies who shall not be in a position to pay off their debts amidst this present crisis. This would help to protect many companies from becoming insolvent who are facing financial problems and are not being able to pay off their debts which are less than rupees one crore.

Interim Orders were extended till 15.05.2020[3]

The Hon'ble Delhi High Court vide an order dated

25.03.2020 has directed that the interim orders passed by the High Courts and any other court subordinate to it, which were subsisting as on 16.03.2020 and expired or will expire after 16.03.2020 shall stand automatically extended till

15.05.2020 until further order. The Court has taken suo moto cognizance of the

situation that due to the lockdown, routine matters have been adjourned to particular dates in the month of April 2020 as advocates were not in a position

to appear in their matters including the matters in which stay, bail and parole

have been granted by the Courts.

Conclusion

The outbreak of Covid-19 is affecting litigation in multiple ways and has also crippled the courts across the country as judges, advocates and litigants are trying to achieve justice under the law while balancing public safety. The rapid spread of this virus has led to the closing down of Courts and Tribunals in the country to avoid human association and to curb the spread of novel coronavirus in the country. However, the Central Government and Judiciary have taken plural steps to provide relief to the people who are facing this unprecedented challenge.

Even though the courts have been shut down, the Hon'ble Supreme Court of

India has decided to take up urgent matters via virtual techniques so that the advocates and litigants don't have to appear physically in the court in this present situation. The Hon'ble Supreme Court of India has also directed the respective Bars to promote virtual proceedings and e-filing. Even the Courts suo-moto, taking cognizance of the challenges being faced by the lawyers to present before the Court physically for filing of respective Appeals, Petitions, etc and has extended the period of limitation until its further order, with this, hopes to fight against coronavirus and put estoppel on its widening territorial jurisdiction.

- [\[1\]](#) Suo Moto Writ Petition (Civil) No. 3/2020
- [\[2\]](#) Ministry of Corporate Affairs, Date- 24.03.2020, Circular No. 1076
- [\[3\]](#) W.P. Urgent 2/2020

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