

Dated 26-03-2020

TO

THE HON'BLE THE CHIEF JUSTICE
AND HIS COMPANION JUSTICES
OF THE SUPREME COURT OF INDIA

**Application to extend the limitation period of Demand Notices,
required to be served in cheque bounce cases within 30 days from
the date of receipt of information of cheque bounce.**

Respectfully Showeth:-

Your Lordship is very much aware about the challenge faced by the country on account of Covid-19 Virus and resultant difficulties that may be faced by the country in filing their cases and other prior notice as per requirement of Law.

To obviate the difficulties, your lordship by way of order dated 23-03-2020 in Suo Motu Writ Petition (Civil) No(s). 3 of 2020 pleased to extend the period of limitation in all proceedings as observed in the order.

It is respectfully submitted that while extended the period of limitation your lordship has observed as under :-

“To obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/Tribunals across the country including this Court, 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”

Cursory reading of the order shows that it has been passed to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/Tribunals across the country including Hon’ble Supreme Court.

Your Lordship is very much aware about the fact that in order to file cheque bounce cases under section 138 of Negotiable Instrument Act (N.I. Act), prior requirement is to serve Demand Notice to the Drawer of Cheque within 30 days from the date of receipt of information of dishonor of the cheque. Generally litigants choose to serve Demand Notice upon the drawer of the cheque through Advocate of their choice.

It is respectfully submitted that Hon’ble Supreme Court of India in case titled ***Kamlesh Kumar Vs State of Bihar 2014(2) SCC 424*** has held that cheque bounce complaint is not maintainable if demand notice is not sent within 30 days from the date of receipt of information of cheque bounce.

With great respect, it is the apprehension of the undersigned that if someone intends to take the benefit of the order dated 23-03-2020 to extend the limitation period of 30 days to serve Demand Notice in cheque bounce cases then opposite party will interpret the order in such a manner that Hon’ble Apex Court has passed the order only to

ensure that lawyers/litigants do not have to come physically to file proceedings in respective Courts/Tribunals across the country including Hon'ble Supreme Court but to serve demand notice there is no requirement to come physically in the court. This may result in multifarious litigations across the country.

Your Lordship is not oblivious about the fact that amid the corona virus pandemic, on dated 24-03-2020, Hon'ble Prime Minister on India has effectuated a complete lockdown across the country for 21 days. Now it is very difficult to visit even up to the post office in order to post Demand Notice as required under section 138 N.I. Act.

It is, therefore, respectfully prayed that your Lordship may kindly consider the submissions as outlined above and kindly extend the benefit of order dated 23-03-2020 passed in Suo Motu Writ Petition (Civil) No(s). 3 of 2020 on the Demand Notice u/s 138 N.I. Act as well so that limitation period of 30 days may not come in the way at the time of filing of complaints of cheque bounce cases.

With a further prayer to extend the benefit of the above said order on all proceedings where there is any prior requirement to serve any notice with in time bound manner for filing of cases before the competent court of law or any other authority.

Applicant

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