

GATI - विधि

-LAW IN ACTION



Legal Updates

Supreme Court extends period of limitation under the Arbitration Act and Negotiable Instruments Act

In consideration of effect of the lockdown imposed due to COVID – 19 and to obviate certain difficulties faced by lawyers and litigants, the Hon'ble Supreme Court in an Interim Application filed in *Suo Moto Writ (Civil) No. 3 of 2020* to issue appropriate directions qua (i) arbitration proceedings in relation to Section 29A of the Arbitration and Conciliation Act, 1996 (“**Arbitration Act**”); and (ii) Section 138 of Negotiable Instruments Act, **1881** (“**NI Act**”), has passed general directions to extend all periods of limitation prescribed under the Arbitration Act and under Section 138 of NI Act with effect from 15.03.2020 till further orders to be passed by this Court. Where limitation has expired after 15.03.2020 then the period from 15.03.2020 till the date on which the lockdown is lifted in the jurisdictional area where the dispute lies or where the cause of action arises shall be extended for a period of fifteen (15) days after the lifting of lockdown.

The Hon'ble High Court at Delhi also reiterated the aforesaid order of the Hon'ble Supreme Court in the matter of *Rategain Travel Technologies Pvt. Ltd. Vs. Ujjwal Suri* wherein the Hon'ble High Court extended the time for conclusion of the evidence and for passing of the award in the said case for a period of six (6) months from the date of the order.

No new petition under Section 7 of the IBC to be entertained without filing of record of default

The National Company Law Tribunal (“**NCLT**”) passed its order directing all concerned to file default record from Information Utility along with new petitions to be under Section 7 of the Insolvency and Bankruptcy Code, 2016 (“**IBC**”).

It was also clarified that, no new petition would be entertained without record of default under Section 7 of IBC. It was further clarified that, for matters pending admission under Section 7 of IBC, the authorized representatives/parties in the said proceedings shall file default record from Information Utility before the next date of hearing.

**Corporate
compliance
relaxations due to
COVID – 19**

The rampant spread of the virus in the world and more specifically in India, has called for relaxations in corporate compliance requirements. Click [here](#) to access the Consolidated Note on Corporate Compliance relaxations amid COVID-19.

**KERC passes order
for determination of
generic tariff for
wind power projects
for FY 2020-21**

Vide its order dated 27.02.2019, Karnataka Electricity Regulatory Commission (“**KERC**”) had determined levelized tariff of Rs. 3.26/- for wind power projects, which was in force with effect from 01.04.2019 to 31.03.2020. KERC observed the need to determine the generic tariff after 31.03.2020 for the purpose of ceiling tariff for bidding and payment towards banked energy purchased by ESCOMs during FY21.

In view thereof, KERC has passed the present order dated 06.05.2020 continuing generic tariff for wind power projects at Rs. 3.26/- per unit. KERC further directed that, the said tariff shall be the ceiling tariff for tariff-based reverse bidding for wind power projects and shall also be applicable for payment towards any banked energy purchased by distribution licensees and in such other cases as specified in relevant orders passed by the KERC. The present order shall be in force with effect from 01.04.2020 to 31.03.2021.

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