

SC allows email, fax, WhatsApp for service of notices, summons

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The Supreme Court on Friday decided to increase the use technology in judicial proceedings keeping in mind the prevailing coronavirus COVID-19 situation and directed that from now onwards court summons and notices can be served through emails, fax and instant messaging applications like WhatsApp and also Telegram

"Two blue ticks would convey that the receiver has seen the notice," said the apex court. When instant messenger service is used, care should be taken to email the records "simultaneously", it added. The top court also permitted the Reserve Bank of India (RBI) to extend the validity of a cheque owing to the lockdown, it will be in the discretion of the RBI to issue suitable orders, altering the validity period of a cheque.

The top court had earlier taken suo motu (on its own) cognizance of the difficulties faced by lawyers and litigants during lockdown due to COVID-19 and had decided to extend the period of limitation prescribed under laws for initiating arbitral proceedings and the cheque bounce cases with effect from March 15 till further orders.

A bench comprising Chief Justice S A Bobde and Justices R Subhash Reddy and A S Bopanna passed the order on the plea filed by Attorney General K K Venugopal in the case. "For services of notices and summons, pleadings it has been seen that it was not possible during lockdown to visits postal offices, we direct that such service (of notices and summons) may be done by email, fax, or through an instant messenger service," the bench said.

On the extension of the limitation period for filing of cheque dishonour cases under section 138 of the Negotiable Instruments Act, the apex court Friday said that it will not intervene into this and the time period can be extended by the RBI only.

"Under Section 35A of the Banking Regulation Act, we don't consider it appropriate to interfere in the deadline prescribed by RBI. If RBI considers extending, then they can do it." The apex court then allowed the modification plea and said the 12 months-time under the law to complete arbitral proceedings be allowed to remain in force.