

**IN THE SUPREME COURT OF BANGLADESH
APPELLATE DIVISION**

Present:

Mr. Justice Syed Mahmud Hossain, Chief Justice.

Mr. Justice Muhammad Imman Ali

Mr. Justice Hasan Foez Siddique

Mr. Justice Md. Nuruzzaman

Mr. Justice Obaidul Hassan

**CIVIL PETITION FOR LEAVE TO APPEAL NO.2103 OF 2020 CIVIL
PETITION FOR LEAVE TO APEAL NO.2151 OF 2020.**

(From the order dated 09.11.2020 and 03.11.2020 passed by this Division in Writ Petition No.6636 of 2020 and Writ Petition No.7506 of 2020).

Government of the People's Republic of Bangladesh, represented by its Secretary, Ministry of Finance, internal Resources Division, Bangladesh Secretariat, Ramna, Dhaka-1000 and others.

.....**Petitioners.**
(In C.P. No.2103 of 2020).

National Revenue Board of Revenue, Rajswa Bhaban Segunbagicha, Dhaka-1000, represented by its Chairman and another.

.....**Petitioners.**
(In C.P. No.2151 of 2020).

-Versus-

Ali Karam Reza.

.....**Respondent.**
(In C.P. No.2103 of 2020).

Sunnydale (Pvt.) Limited, represented by its Managing Director and another.

.....**Respondent.**
(In C.P. No.2151 of 2020).

For the Petitioners:
(In both the cases)

Mr. A. M. Amin Uddin, Attorney General instructed by Mr. Haridas Paul, Advocate-on-Record.

For the Respondent :
(In C.P. No.2103 of 2020)

Mr. Omar Sadat, Advocate instructed by Mrs. Madhu Malati Chowdhury Barua, Advocate-on-Record.

For the Respondents:
(In C.P. No.2151 of 2020)

Mr. Ahsan-ul-Karim, Advocate instructed by Mr. Md. Helal Amin, Advocate-on-Record.

Date of hearing:

The 17th August, 2021.

ORDER

Let the two civil petitions for leave to appeal be tagged with Civil Appeal No.181 of 2017.

In course of hearing the civil petitions by virtual means, the learned Attorney General mentioned that this court previously passed an order on 6th August, 2020 in Civil Appeal No.28 of 2019 in exercise of this Court's

power and the authority vested in it by the Constitution under article 104 extending the limitation for interim orders up to 31st August, 2020. Since then, the Courts restarted functioning until there was again a complete lockdown on 05.04.2021. Thus, there has again arisen the need to extend interim orders and the extension of limitation for filing petitions/applications/appeals etc. As there is no certainty that the need to lockdown will not arise again, as is happening in many parts of the world, he submits that the need is there to have an open-ended safeguard like that pronounced by the Supreme Court of India in *Suo Motu WP (C) No.3 of 2020* allowing a blanket extension of all periods of limitations in all proceedings, including limitations specified in special laws, till further order. The learned Attorney General was supported by the Secretary of the Supreme Court Bar Association and Mr. Motaher Hossain Saju, learned Advocate.

In the prevailing facts and circumstances, bearing in mind that there is no certainty that the incidence of Covid-19 will end soon, we consider it our bounden duty to ensure the rights of the litigant public and the continuity of the period of limitation. In these extraordinary circumstances we must overlook the niceties of the existing laws for the sake of justice.

We are conscious of the fact that the existing laws do not give any Court or Tribunal the authority to extend the period of limitation provided under any special law. However, we have previously exercised our power and the authority vested in us by the Constitution under article 104 extending the limitation for interim orders and also permitted the filing of petitions/applications/suits/appeals/revisions/all other proceedings, civil, criminal or administrative, under general or special laws till 31st August, 2020.

Therefore, in exercise of our power and the authority vested in us by the Constitution under article 104, it is thus ordered that any period of limitation in filing petitions/applications/suits/appeals/revisions/all other proceedings, civil, criminal or administrative, under general or special laws, which expired on or after 05 April, 2021 stands extended till 31st August, 2021.

It is further ordered that petitions filed before the Virtual Benches of the High Court Division must be filed before the appropriate regular Bench by 31st August, 2021, in default any interim order passed by the Virtual Benches shall stand vacated and all petitions filed before the Virtual Benches shall be deemed to have been dismissed.

This order has been passed to do complete justice and is a binding order within the meaning of article 111 of the Constitution on all Courts/Tribunals.

C. J.

J.

J.

J.

J.

The 17th August /2021