

The Insolvency and Bankruptcy Code, 2016

Part-V Miscellaneous

Section 238A: Limitation.

¹[238A. The provisions of the Limitation Act, 1963 shall, as far as may be, apply to the proceedings or appeals before the Adjudicating Authority, the National Company Law Appellate Tribunal, the Debt Recovery Tribunal or the Debt Recovery Appellate Tribunal, as the case may be.]

Reference

1. Ins. by the [Insolvency and Bankruptcy Code \(Second Amendment\) Act, 2018](#), w.e.f. 06.06.2018. However, in *B.K. Educational Services Pvt. Ltd. Vs. Parag Gupta and Associates* [\[2018\] ibclaw.in 32 SC](#), Hon'ble Supreme Court held that the Limitation Act, 1963 is applicable to applications filed under Sections 7 and 9 of the Code from the inception of the Code.

Judicial Pronouncements:

For interpretation of limitation under IBC, refer following judgments:

- B.K. Educational Services Pvt. Ltd. v. Parag Gupta & Associates [\[2018\] ibclaw.in 32 SC](#).
- Vashdeo R Bhojwani v. Abhyudaya Co-Operative Bank Ltd. & Anr. [\(2019\) ibclaw.in 15 SC](#)
- Gaurav Hargovindbhai Dave v. Asset Reconstruction Company (India) Ltd. & Anr. [\(2019\) ibclaw.in 16 SC](#)
- Sagar Sharma & Anr. v. Phoenix ARC Pvt. Ltd. & Anr. [\(2019\) ibclaw.in 17 SC](#)
- Jignesh Shah & Anr. v. Union of India & Anr. [\(2019\) ibclaw.in 19 SC](#)
- Babulal Vardharji Gurjar v. Veer Gurjar Aluminium Industries Pvt. Ltd. & Anr. [\(2020\) ibclaw.in 16 SC](#)
- Manish Kumar v. Union of India & Anr. [\(2021\) ibclaw.in 16 SC](#) (p353)
- Kalpraj Dharamshi & Anr. v. Kotak Investment Advisors Ltd. & Anr. [\(2021\) ibclaw.in 40 SC](#)
- Sesh Nath Singh & Anr v. Baidyabati Sheoraphuli Co-Operative Bank Ltd And Anr. [\(2021\) ibclaw.in 49 SC](#)
- Laxmi Pat Surana v. UOI & Anr. [\(2021\) ibclaw.in 53 SC](#)
- Asset Reconstruction Company (India) Ltd. v. Bishal Jaiswal & Anr., [\(2021\) ibclaw.in 55 SC](#).
- Dena Bank v. C. Shivakumar Reddy & Anr. [\(2021\) ibclaw.in 69 SC](#)
- Rajendra Narottamdas Sheth & Anr. v. Chandra Prakash Jain & Anr. [\(2021\) ibclaw.in 155 SC](#)
- SBI v. Krishidhan Seeds Pvt. Ltd. [\(2022\) ibclaw.in 40 SC](#)
- Kotak Mahindra Bank Ltd. v. A. Balakrishnan & Anr. [\(2022\) ibclaw.in 62 SC](#)
- Asset Reconstruction Company (India) Ltd. v. Tulip Star Hotels Ltd. & Ors. [\(2022\) ibclaw.in 94 SC](#)
- Kotak Mahindra Bank Ltd. v. Kew Precision Parts Pvt. Ltd. & Ors. [\(2022\) ibclaw.in 99 SC](#)
- Tech Sharp Engineers Pvt. Ltd. v. Sanghvi Movers Ltd. [\(2022\) ibclaw.in 112 SC](#)
- Sabarmati Gas Ltd. v. Shah Alloys Ltd. [\(2023\) ibclaw.in 02 SC](#)
- Next Education India Pvt. Ltd. v. K12 Techno Services Pvt. Ltd. [\(2023\) ibclaw.in 39 SC](#)
- Tottempudi Salalith v. State Bank of India & Ors. [\(2023\) ibclaw.in 123 SC](#)

Access complete Bare Act [here](#). To research Section and sub-section wise judgments, [visit here](#).

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