

LIMITATION ACT, 1963 - PROFESSIONAL CORPUS - BATCH 06

Repealing and Amending Act, 1974

Sections 28 and 32 were repealed with effect from 20 December 1974.

Authors: CA Nikhil Gupta and Kajri Singh

Legal review cut-off: 2026-07-18

Unit 21 of 43

India-first

Statutory source control. The local text below is a professional transcription and article map aligned to the current India Code architecture and listed amendments. The signed Gazette/current official source controls punctuation, footnotes, State variations and event-date application.

Dedicated Finin2min Summary - Chapter in 2 Minutes

- Sections 28 and 32 were repealed with effect from 20 December 1974.
- Central amendment and repeal history.
- Use event-date law and retain the signed official source.
- Update every affected page, register and calculator rule after a change.

Current statutory text / controlled source extract

Repealing and Amending Act, 1974

Legal effect: Sections 28 and 32 were repealed with effect from 20 December 1974.

Source classification: Central amendment and repeal history.

The signed Gazette/current official source controls.

Section-by-section / article-by-article provision map

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/control
Instrument identity	Repealing and Amending Act, 1974	Source-controlled	Central amendment and repeal history.	Confirm signed Gazette/current official source and legal effect.	Instrument PDF, publication date, commencement and amendment link.
Affected text	Act/territory/ transition	Event-date specific	Sections 28 and 32 were repealed with effect from 20 December 1974.	Update current-text and event-date redline.	Official Gazette, India Code footnote and matter date.
Operational control	Legal research and docketing	Mandatory	Do not rely on a historical bare act without this instrument.	Source register, legal review and filing checklist.	
State/forum overlay	Local implementation	Matter specific	Check State/ UT official sources and forum practice.	Current State Gazette, High Court rules and order.	

Finin2min implementation explanation

Classification

Determine whether the matter is a suit, appeal, application, execution, arbitration claim or special-statute proceeding. Record relief, forum and event date.

Computation

Select the exact article or special-law period. Record the third-column trigger, first-day exclusion, calendar period and each legally available adjustment.

Control owner

Legal owns statutory classification; business/finance owns transaction dates; secretarial/HR/property teams supply authority and evidence; counsel confirms forum filing.

Change control

Recalculate after any amendment, acknowledgment, payment, order, stay, certified-copy event or forum change. Preserve the superseded computation.

Practical examples and calculations

Chapter-specific scenario.

A legacy proceeding straddles a territorial or amendment date. The team retains both versions, identifies the operative date and records why the selected text governs.

Calculation step	Method	Evidence
Base trigger	Record the exact statutory third-column or special-law event date.	Contract/order/notice/service/knowledge evidence
First day	Exclude the day from which the period is reckoned under section 12(1).	Calendar worksheet
Period	Add the prescribed days, months or years using the Gregorian calendar.	Date calculation and assumptions
Adjustments	Apply only proven exclusions, disability, fraud, acknowledgment/payment or court-closure rules.	Orders, copy records, signed documents, bank proof
Final cut-off	State last filing day, forum hours/e-filing rule and any condonation range.	Court calendar, portal receipt and legal sign-off

Practical transaction application

1. Open the chronology when the first default, refusal, knowledge event, dispossession, order or enforceability event occurs.
2. Classify every proposed relief separately and select the governing special statute and Schedule article.
3. Record authority, service, contractual cure periods, statutory notice, copy time, stay and prior proceedings.
4. Test acknowledgment, part-payment, fraud, disability and continuing-wrong claims against their exact statutory conditions.
5. Approve the last filing date, fallback forum, condonation position and evidence pack before action.

Authority, consent and execution controls

- Confirm claimant/applicant legal capacity and representative authority.
- Obtain board, partner, trustee, government or power-of-attorney approvals.
- Authorise acknowledgments, settlements and admissions carefully because they affect limitation.
- Check counsel authority and affidavit/verification requirements.

Stamp duty and registration alerts

- Limitation does not cure an unstamped or unregistered instrument.
- Assess State stamp duty and registration separately for the underlying contract, deed, mortgage, lease, release or settlement.
- Preserve original instrument and adjudication/impounding record.
- Do not assume an electronic record avoids stamp or registration law.

Evidence and document-retention checklist

- Executed instrument and amendments.
- Trigger-date correspondence and service proof.
- Invoices, delivery, acceptance, account and bank records.
- Court/tribunal orders and certified-copy records.
- Acknowledgment and authority evidence.
- Chronology and independent calculation.
- Special-law text and amendment snapshot.
- Filing receipt, diary number and portal timestamp.

Performance, delivery and payment controls

- Map each obligation, milestone, due date and cure period.
- Separate invoice date, payment due date, acceptance, breach and termination.
- Track recurring instalments and successive breaches individually.
- Record mitigation and substitute performance without assuming a new limitation period.

Breach, loss, mitigation and remedy framework

- Identify suit, appeal, application, arbitration, execution or public-law remedy.
- Quantify principal, interest, damages, restitution and costs separately.
- Do not allow negotiations or a legal notice to revive a barred right unless statute permits.
- Evaluate settlement, acknowledgment and standstill language for unintended consequences.

Limitation and forum controls

- Confirm territorial, pecuniary and subject-matter jurisdiction.
- Apply special-law period and express exclusion before the general Schedule.
- Record appeal/review/revision and condonation limits separately.
- For arbitration, separate claim limitation from court-application limitation.

Arbitration and mediation interface

Arbitration does not create a new substantive limitation period for a barred claim. Separately compute the underlying claim, arbitration commencement, section 11 application, interim relief, award challenge and enforcement. For mediation and PIMS, identify the statutory exclusion period and preserve application, service, closure and settlement records.

Company, partnership, GST and tax overlays

- Companies Act and LLP authority/records.
- Partnership agency and joint liability.
- GST invoice, credit-note and tax evidence.
- Income-tax write-off, recovery and settlement treatment.
- IBC default and acknowledgment interface.
- Arbitration, Commercial Courts, MSME, consumer and RERA special periods.

Finin2min Q&A

Why is event-date law important?

Territorial application, repeals, adaptations and transition provisions can change the controlling text.

Is India Code enough for State amendments?

It is the central starting point; obtain the current State Gazette and court source for State-specific matters.

What must be archived?

Signed Gazette/source copy, redline, effective date, affected provisions and research sign-off.

Chapter-specific decision flowchart

Repealing and Amending Act, 1974 - Decision Flow



Record the governing source, dates, assumptions, evidence and sign-off at every gate.