

LIMITATION ACT, 1963 - PROFESSIONAL CORPUS - BATCH 06

Section 17 fraud, mistake and concealed-document master

Discovery and reasonable diligence must be pleaded with dates; protected purchaser and execution sub-rules require separate analysis.

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Unit 31 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

- Discovery and reasonable diligence must be pleaded with dates; protected purchaser and execution sub-rules require separate analysis.
- Convert fraud/mistake type into a dated, evidence-backed control.
- Convert discovery date into a dated, evidence-backed control.
- Convert reasonable diligence into a dated, evidence-backed control.
- Convert concealed document into a dated, evidence-backed control.

Current statutory text / controlled source extract

1. Fraud/mistake type
2. Discovery date
3. Reasonable diligence
4. Concealed document
5. Protected purchaser
6. Execution one-year window

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

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/control
Gate 1	Fraud/ mistake type	Matter-specific	Test fraud/mistake type against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for fraud/ mistake type.	Retain official source, working paper and decision evidence for fraud/ mistake type.
Gate 2	Discovery date	Matter-specific	Test discovery date against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for discovery date.	Retain official source, working paper and decision evidence for discovery date.
Gate 3	Reasonable diligence	Matter-specific	Test reasonable diligence against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for reasonable diligence.	Retain official source, working paper and decision evidence for reasonable diligence.
Gate 4	Concealed document	Matter-specific	Test concealed document against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for concealed document.	Retain official source, working paper and decision evidence for concealed document.
Gate 5	Protected purchaser	Matter-specific	Test protected purchaser against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for protected purchaser.	Retain official source, working paper and decision evidence for protected purchaser.
Gate 6	Execution one-year window	Matter-specific	Test execution one-year window against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for execution one-year window.	Retain official source, working paper and decision evidence for execution one-year window.

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 company receives a dispute file with emails, invoices and a part-payment. The professional maps the special statute, article, accrual date, acknowledgment validity, exclusion periods and outer condonation limit before recommending suit, arbitration, settlement or write-off.

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.
- Track recurring instalments and successive breaches individually.
- Separate invoice date, payment due date, acceptance, breach and termination.
- 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.
- Record appeal/review/revision and condonation limits separately.
- Apply special-law period and express exclusion before the general Schedule.
- 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.
- Income-tax write-off, recovery and settlement treatment.
- Partnership agency and joint liability.
- IBC default and acknowledgment interface.
- GST invoice, credit-note and tax evidence.

- Arbitration, Commercial Courts, MSME, consumer and RERA special periods.

Finin2min Q&A

What is the first professional step?

Identify the governing special law and proceeding before selecting a Schedule article.

What is the most common failure?

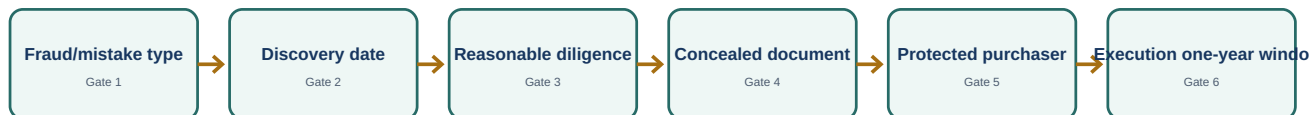
Using a generic three-year assumption without proving the statutory trigger and available exclusions.

What should the matter file contain?

A reproducible chronology, source-controlled law, computation, evidence, approvals and filing proof.

Chapter-specific decision flowchart

Section 17 fraud, mistake and concealed-document master - Decision Flow



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