

30 days' timeline prescribed u/s 142(b) of the NI Act for filing a complaint is mandatory, unless there is a formal application seeking condonation of delay and a judicial order allowing it

The Supreme Court in the case of **H. S. Oberoi Buildtech vs MSN Woodtech [SLP(Criminal) No. 2002 of 2025]** dated September 09, 2025, quashed a cheque bounce complaint which was filed beyond the statutory 30-day limitation period, and held that the 30 days' timeline prescribed under Section 142(b) of the Negotiable Instruments Act, 1881 (NI Act) for filing a complaint is mandatory, unless there is a formal application seeking condonation of delay and a judicial order allowing it.

The Apex Court observed that once the statute prescribes a mandatory time limit for filing a complaint, there cannot be any deviation from the same except when an application accompanying the complaint is filed seeking condonation disclosing reasons for the delay and even then it is obligatory on the part of the Court to take note of such filing beyond limitation and to consider the reasons disclosed independently and to come to a judicious conclusion that in the facts and circumstances of that case condonation is justified.

The Apex Court also observed that neither a delay condonation application was filed along with the complaint nor was there a judicial recording justifying the condonation, and said that there cannot be an automatic or presumed condonation when the complaint was filed beyond the time prescribed under the statute.

The Apex Court also said that even if for the sake of argument, it is assumed that the power under Section 142 of the NI Act exists for the Court to condone delay, the first requirement is that the Court has to take note of the fact that there is a delay and thereafter it had to go on the point whether the reasons which have been furnished by the complainant are sufficient to condone such delay and only then move on to take cognizance and proceed for issuing of summons.

[Click on the link to read the original judgment](#)