

## Information Technology Act, 2000

### Chapter IV - Attribution, Acknowledgement and Despatch of Electronic Records

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An electronic record shall be attributed to the originator,--

- (a) if it was sent by the originator himself;
  - (b) by a person who had the authority to act on behalf of the originator in respect of that electronic record; or
  - (c) by an information system programmed by or on behalf of the originator to operate automatically.
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#### Section 12 - Acknowledgement of receipt

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(1) Where the originator has not <sup>4</sup>[stipulated] that the acknowledgement of receipt of electronic record be given in a particular form or by a particular method, an acknowledgement may be given by--

- (a) any communication by the addressee, automated or otherwise; or
- (b) any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.

(2) Where the originator has stipulated that the electronic record shall be binding only on receipt of an acknowledgement of such electronic record by him, then, unless acknowledgement has been so received, the electronic record shall be deemed to have been never sent by the originator.

(3) Where the originator has not stipulated that the electronic record shall be binding only on receipt of such acknowledgement, and the acknowledgement has not been received by the originator within the time specified or agreed or, if no time has been specified or agreed to within a reasonable time, then, the originator may give notice to the addressee stating that no acknowledgement has been received by him and specifying a reasonable time by which the acknowledgement must be received by him and if no acknowledgement is received within the aforesaid time limit he may after giving notice to the addressee, treat the electronic record as though it has never been sent.

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1. Substituted vide Information Technology (Amendment) Act, 2008 Prior to substitution text read as under :-

"agreed with the addressee"

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#### Section 13 - Time and place of despatch and receipt of electronic record

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(1) Save as otherwise agreed to between the originator and the addressee, the despatch of an electronic record occurs when it enters a computer resource outside the control of the originator.

(2) Save as otherwise agreed between the originator and the addressee, the time of receipt of an electronic record shall be determined as follows, namely:--

- (a) if the addressee has designated a computer resource for the purpose of receiving electronic records,--
  - (i) receipt occurs at the time when the electronic record enters the designated computer resource; or
  - (ii) if the electronic record is sent to a computer resource of the addressee that is not the designated computer resource, receipt occurs at the time when the electronic record is retrieved by the addressee;
- (b) if the addressee has not designated a computer resource along with specified timings, if any, receipt occurs when the electronic record enters the computer resource of the addressee.

(3) Save as otherwise agreed to between the originator and the addressee, an electronic record is deemed to be despatched at the place where the originator has his place of business, and is deemed to be received at the place where the addressee has his place of business.

(4) The provisions of sub-section (2) shall apply notwithstanding that the place where the computer resource is located may be different from the place where the electronic record is deemed to have been received under sub-section (3).

(5) For the purposes of this section,--

(a) if the originator or the addressee has more than one place of business, the principal place of business, shall be the place of business;

(b) if the originator or the addressee does not have a place of business, his usual place of residence shall be deemed to be the place of business;

(c) "usual place of residence", in relation to a body corporate, means the place where it is registered.

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