

The INFORMATION TECHNOLOGY ACT, 2000

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

- (1) Save as otherwise agreed to between the originator and the addressee, the dispatch 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 dispatched 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