

General Clauses Act 1897 s 27 - Meaning of service by post

Where any Central Act or Regulation made after the commencement of this Act authorizes or requires any document to be served by post^{*i}, whether the expression “serve” or either of the expressions “give” or “send” or any other expression is used, then, unless a different intention^{*ii} appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post^{*iii} ^{*iv}, a letter containing the document, and, unless the contrary is proved^{*v}, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

ⁱ **Service by post:** It is presumed that any document to be served by post shall be deemed to have been served if the letter containing the document: (1) has been properly addressed, (2) postage has been paid, and (3) posting has been made by registered post. Even if the letter has been returned with a postal endorsement such as ‘refused’, ‘not available in the house’, ‘house locked’, ‘shop closed’, ‘addressee not in station’, etc. the service of document shall be complete. The presumption, therefore, is to meet the contingency of the addressee who is to be served with the document but is trying to evade it. This presumption is a specific presumption and stronger than the general presumption of common course of business under EV Sec 114. This presumption, however, is also not conclusive and can be rebutted by the addressee. [C.C. Alavi Haji v Palapetty Muhammed (2007) 6 SCC 555 (20070518A)]

ⁱⁱ **Different intention:** A particular enactment may require acknowledgement of the letter in which case the presumption of service must yield to that intention. [Mitra 2019 p 678]

ⁱⁱⁱ **Courier:** There is a qualitative difference between sending the document through registered post and courier. Registered post is handled through Postal department which is a Central Government agency and is governed by statutory rules and regulations and so cannot be equated with a courier service run by a private agency. [Mitra 2019 p 696]

^{iv} **Certificate of posting:** General presumption applies also to the letter sent by ordinary post under certificate of posting provided there is no doubt about the address. If it is established that the addressee has left the place then the service of document does not take place. [Mitra 2019 p 698]

^v **Unless the contrary is proved:** This phrase refers both to the service of the letter and the time of service [Mitra 2019 p 692]. The endorsement "left" is not sufficient to prove the contrary; a reading of the section indicates that the proof to the contrary can only be limited to proving that the service had not been effected at the time at which the letter would be delivered in the ordinary course of post [Mitra 2019 p 697].