

How to File a Case in Consumer Court?

A Consumer Court deals with cases regarding consumer complaints and grievances. The judiciary hearings are set up by the Government of India to protect consumer rights wherein unsatisfied consumers can file a case in consumer court against the seller on the grounds of harassment or deliverance of flawed goods or services.

What is a Consumer Court in India?

A Consumer Court is a court established under the **Consumer Protection Act, 1986** to **redress and adjudicate disputes in India**. These Courts are established at three levels i.e. District, State, and National levels. According to the law, a dispute is filed in these forums depending on the monetary limit i.e. each Court has a valuation fixed by law.

Who can file a complaint in a Consumer Court?

A complaint can be made in the Consumer Court by:

- A consumer. But who is a 'consumer' exactly? A person is a consumer if he/she fulfils the following conditions:
 - The person has purchased goods or availed some services in exchange for some value, i.e. he/she has paid money
 - The person must have bought the goods for personal use, and not for resale or commercial purposes
- Voluntary consumer association: Any registered association under the Companies Act, 1956, or under any other law
- The Central or the State Government
- One or more consumers who have the same interest
- In cases of death of a consumer, his legal heir or representative.

When can a consumer lodge a complaint?

A complaint can be filed by the Consumer or his legal heir or representative or voluntary consumer association if

- any of the grounds listed below are satisfied in his case;
- the statutory period of 2 years from the date of cause of action has not lapsed;
- the complainant must have the legal capacity to file the complaint i.e. should be sane, solvent and major.

If you fall within the ambit of the definition of a "Consumer", you need to identify the ground under which you can file the "Complaint". A complaint here means any allegation made by the complainant in written form.

Grounds for Filing a Complaint are:

- Adoption of unfair trade practice or a restrictive trade practice by the service provider;
- Defective goods, whether already bought or agreed to be bought by the complainant;
- Deficiency in Services, whether hired or availed or agreed to be hired or availed;
- Overcharging of goods or services in excess of the price that may have been fixed by law or displayed on the packaging of goods or the price list exhibited or so agreed between the parties;
- Selling or offering to sell hazardous goods or services which pose a threat to life and safety when used or availed provided the trader could know that the goods or services are hazardous by due diligence.

What are the different Consumer Disputes Redressal Agencies responsible for consumer protection?

Once the grounds are established, the next step is to estimate the pecuniary limit for the complaint. Under the Consumer Protection Act there exists a three-tier redressal forum. complaints are filed in these forums in accordance with the pecuniary limit as fixed by the law.

- **District Consumer Disputes Redressal Forum (DCDRF):** Established in each district, it comprises of 3 members each. If the value of the claim is up to 20 lakhs then, an appeal may be filed from the order of DCDRF in State Consumer Disputes Redressal Commission.
- **State Consumer Disputes Redressal Commission (SCDRC):** Established in every State, the SCDRC can entertain original as well as appellate complaints. If the value of the claim is between 20 lakhs to 1 Crore, an appeal may be filed from the order of SCDRC to the National Consumer Disputes Redressal Commission.
- **National Consumer Disputes Redressal Commission (NCDRC):** Located in New Delhi, it is the highest forum in the three-tier Redressal System under the Consumer Protection Act. The pecuniary jurisdiction lies if the value of the claim exceeds 1 crore. It is also authorized to hear appeals from SCDRC. Further, an appeal from the order of NCDRC lies to the Supreme Court.

**It is pertinent to note that an Amendment has been passed and published in the Gazette in 2019 which enhances the pecuniary limit of jurisdiction for the forums. The amendment has increased the Pecuniary Jurisdiction of District Forum upto 1 crore, the SCDRC from 1 crore to 10 Crores and that of NCDRC exceeding 10 Crores.*

What is the procedure to file a complaint in the Consumer Court?

STEP 1: Intimation via Notice:

A notice to be sent by the aggrieved party to the service provider who provided the goods or the services. The notice communicates the intention of the complainer to resort to litigation and informs him about the defects in the goods or the deficiency in the service or any unfair practice. The notice is also an attempt to settle the complaint without approaching the Forum i.e. if the service provider is willing to offer compensation or any other remedy.

STEP 2: Get the Consumer Complaint Drafted:

If the service provider is not willing to offer compensation or any other remedy, the next step is to **file a formal complaint** under the **Consumer Protection Act, 1986**. The filing of the Complaint does not necessarily require a lawyer. The complaint can be filed by the aggrieved person. The following details must be specified in the complaint:

1. Name, description and the address of the complainant(s) and the Opposite Party or parties.
2. Cause of Action, the approximate date, time and venue.
3. Relevant facts relating to the cause of action.
4. The Relief or Remedy claimed by the complainant in accordance with the facts of the case.
5. Signature and Verification by the complainant or his authorized agent.

STEP 3: Attach Relevant Documents:

Copies of material evidence and **relevant documents** that support your case in Consumer Court are important. These documents include:

- A copy of the bill, receipt of delivery, packaging of a product, a record of online booking of the goods bought
- Warranty/Guarantee certificates
- A copy of the written complaint and notice sent to the manufacturer/seller

STEP 4: Appropriate Forum:

Choose the appropriate forum for filing the complaint in accordance with the pecuniary jurisdiction which is estimated in reference to the total value of goods and services bought or availed and the amount of compensation sought.

STEP 5: Pay Requisite Court Fees:

A prescribed fee is required to be paid along with the complaint filed depending on the forum. The court fee depends upon the value of goods bought and the amount of compensation sought.

STEP 6: Submit an Affidavit:

The person who wants to file a case in the Consumer Court is also required to submit an affidavit in the court. The affidavit must state that the facts presented and statements made by the consumer are true to their knowledge.

What are the reliefs that can be granted under the Consumer Protection Act?

- Refund of the price paid by the Consumer while purchasing the product and additional compensation for damages suffered if any and cost of litigation, if claimed.
- Removal of Defects i.e. if the Consumer Forum concludes after conducting proper tests that there exist material

defects, it may pass an order to cure or remove those defects.

- Replacement of goods by the service provider if feasible.
- Compensation may be awarded to the complainant if it has been proved that physical, mental or any other loss or damage was suffered owing to the usage of the goods or availing of the services.
- Imposing a ban on the sale of hazardous goods and their withdrawal from the market.
- An order for removal of deficiency in service if feasible.
- An order for discontinuance of Unfair/ Restrictive Trade Practice in cases where the cause of action was such practice. The Authority is empowered to impose a complete or conditional ban on the aforementioned practices which may be unfair or restrictive in nature.
- Payment of the adequate cost or the cost of litigation if claimed by the complainant.

Is there a time limit to file a case in the Consumer Court?

A consumer complaint should be filed within two years from the date on which the cause of action or deficiency in service or defect in goods arises. However, the law allows the Consumer to file a complaint after the statutory period of two years if the District Forum is satisfied that the complainant has sufficient reasons for not filing the complaint within the statutory period. The delay can be condoned if it is reasonable and can be accounted for.

Can I appeal against the order of the Consumer Court?

The law allows the complainant and the Accused to file an appeal against the order of the forum at all three levels to ensure that there is no injustice. The hierarchical order for filing an appeal is:

1. District Forum
2. State Forum
3. National Forum
4. Supreme Court

Thus, under the **Consumer Protection Act** protection has been extended to the Consumers to protect them against unscrupulous traders or sellers and to safeguard their basic rights. It provides protection, a mechanism to settle disputes and the establishment of forums exclusively for Consumer Protection Cases.