**CONSUMER COMPLAINT PROCEDURE**

**Who can file a complaint**

First, you must be a consumer. If you have purchased goods or services for your business, for example for re-selling them, you are not a consumer. But if you have purchased goods or services, like medicines, computers, mobiles, etc. for your own use, or mediclaim insurance policies, you are certainly a consumer.

**Notice**

You must give a notice in writing to the supplier or service provider asking him to rectify the faults, defects, etc. The notice should be simple, clearly pointing out your grievances, and requesting the supplier or service provider to rectify the faults, defects, etc. or replace the goods.

Normally, you should give a clear one month’s notice. You should address the notice to the nearest address available, so that if you have to file a Complaint, it will be in the nearest consumer forum.

**Limitation**

Complaint must be filed within 2 years of the cause of action. If there are reasonable causes for delay in filing the Complaint, you can always request the Consumer Forum to condone the delay.

In National Insurance Company v. Hindustan Glass[[1]](#footnote-0), the Supreme Court held that in a dispute concerning a consumer, it is necessary for the courts to take a pragmatic view of the rights of the consumer principally since it is the consumer who is placed at a disadvantage vis-à- vis the supplier of services or goods. It is to overcome this disadvantage that a beneficent legislation in the form of the Consumer Protection Act, 1986 was enacted by Parliament. The provision of limitation in the Act cannot be strictly construed to disadvantage a consumer in a case where a supplier of goods or services itself is instrumental in causing a delay in the settlement of the consumer’s claim. That being so, we have no hesitation in coming to the conclusion that the National Commission was quite right in rejecting the contention of National Insurance in this regard.

**The Complaint**:

The following is the procedure for filing a Complaint before the District Forums.

(State Forums and National Forums have their own rules, but they are essentially the same)

Although it is not essential that the Complaint should be typed, it is always better to get it typed, double spaced, with at least 1½ inches of margin space on the left, top and bottom. The Complaint has to be arranged in the following Order and you have to page number all documents.

1. Index giving the page number(s) of each document.
2. Application for condonation of delay (if there is delay), giving the reasons for the delay, duly affirmed before a notary public.
3. Complaint – containing details of the grievance, preferably arranged in chronological order; briefly giving the ground on which relief is claimed, and the relief (including legal costs, damages and interest) claimed. The Complaint has to be signed by the Complainant.
4. You can appear before the Consumer Forums in person, or allow a close relative to appear for you.But if you are engaging an advocate to appear on your behalf, you have to enclose a Vakalatnama, But then, your advocate will be doing all the paper work and attending the hearings.If you are authorizing, your close relative to appear for you,you have to enclose a letter of authority.
5. Affidavit that the contents of the Complaint are true.
6. Copies of all documents on which you rely upon in support of your Complaint.

No of copies of the Complaint to be filed

1 Original and 2 xerox copies.

In addition, if the Complaint is admitted, you will have to submit as many more copies as there are parties.

**Jurisdiction**

The jurisdiction, that is the Consumer Forum, where you should file your Complaint depends on the amount involved.

* For amount up to Rs. 20 lakhs District Consumer Forum
* Rs. 20 lakhs to Rs. 1 crore State Consumer Forum
* More than Rs. 1 crore National Consumer Forum

In Kumari Lama v General Manager ICICI Bank[[2]](#footnote-1) Held that the District Forum did not have pecuniary jurisdiction to deal with the matter as the total amount claimed by the complainant including refund, compensation etc. exceeded Rs.20 Lakhs. The State Commission therefore, rightly set aside the order and gave liberty to the Complainant to file the same before the Appropriate Authority.

In Indrani Chatterjee v AMRI Hospitals[[3]](#footnote-2) held that the trial in criminal cases against the Opposite Party, is no ground for stay of proceedings before the Consumer Fora. As a matter of fact, having regard to the object and intent of the Act, summary trial of Consumer Complaint has to be given precedence over other cases, be it civil or criminal in nature. The question of double jeopardy, self-incrimination or the binding effect of the findings in summary proceedings under the Act, did not arise on facts, at hand. Accordingly, the first preliminary objection failed.

**Fee**

The fee, which is nominal, depends upon the amount involved. It is as follows:

Before District Forum:

* For claims up to Rs. 1 lakh = Rs. 100
* For claims from Rs.1 lakh to Rs. 5 lakhs = Rs. 200
* For claims from Rs.5 lakh to Rs. 10 lakhs = Rs. 400
* For claims from Rs.10 lakh to Rs. 20 lakhs = Rs. 500

Before State Commission:

* For claims from Rs.20 lakh to Rs. 50 lakhs = Rs. 2000
* For claims from Rs.50 lakh to Rs. 1Crore = Rs. 4000

Before National Commission

* For claims exceeding Rs. 1crore = Rs. 5000

The fee has to be paid in the form of a demand draft on a nationalized bank in favour of the President of the concerned District Consumer Forum (Registrar of the State or National Commission if the Complaint is filed in these places).

**Affirmation**

In practice, you can get the affirmation done (or affidavit affirmed) before any notary public, but he will usually charge anything between Rs. 100 to Rs. 200; or you can affirm before the Registrar of the concerned Forum.

**Filing of the Complaint**

You, or your advocate, will have to personally file the Complaint in the office of the concerned Consumer Forum. The Consumer Forum’s office will go through the Complaint and point out any deficiencies. You have to correct them and submit the Complaint again.

The Consumer Forum’s office will give you a short date for admission. On this date, you or your representative has to appear and explain the Complaint to show that there is a genuine consumer Complaint. Once the Complaint is admitted, The Consumer Forum will direct you to submit more copies of the complaint (as many as there are respondents). These will be sent to the Respondents along with notice prepared by the Commission’s office.

1. CIVIL APPEAL NO. 3883 OF 2007 [↑](#footnote-ref-0)
2. 2014(4) CPR 701. [↑](#footnote-ref-1)
3. 2014(4)CPR 681. [↑](#footnote-ref-2)