

ISSN: 2582-6433



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 7

www.ijlra.com

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Procedure To Approach The District Consumer Dispute Reddresal Forum

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Introduction

A Consumer Court is a court came in to force under the Consumer Protection Act, 1986 to redress and adjudicate consumer disputes in India. A Consumer Court deals with cases regarding consumer complaints and grievances. The judiciary hearings are set up by the Government to protect consumer rights. consumers can file a case in consumer court who are unsatisfied about delivery of defective goods or services.

Who Is The Consumer

The definition of the consumer is defined under Section 2(d) of The Consumer Protection Act, 1986 It says that –

"consumer" means any person who—(i) buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or (ii) hires or avails of any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any

beneficiary of such services other than the person who 'hires or avails of the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person but does not include a person who avails of such services for any commercial purposes; Explanation.— For the purposes of this clause, “commercial purpose” does not include use by a person of goods bought and used by him and services availed by him exclusively for the purposes of earning his livelihood by means of self-employment;”

What Is Complaint

Section 2 (c) of The Consumer Protection Act, 1986 deals with the complaint. "complaint" means any allegation in writing made by a complainant that—

- (i) an unfair trade practice or a restrictive trade practice has been adopted by any trader or service provider;
- (ii) the goods bought by him or agreed to be bought by him; suffer from one or more defects;
- (iii) the services hired or availed of or agreed to be hired or availed of by him suffer from deficiency in any respect;
- (iv) a trader or service provider, as the case may be, has charged for the goods or for the service mentioned in the complaint a price in excess of the price –
 - a. fixed by or under any law for the time being in force*
 - b. displayed on the goods or any package containing such goods ;*
 - c. displayed on the price list exhibited by him by or under any law for the time being in force;*
 - d. agreed between the parties;*

- (v) goods which will be hazardous to life and safety when used or being offered for sale to the public,--
- a. in contravention of any standards relating to safety of such goods as required to be complied with, by or under any law for the time being in force;*
 - b. if the trader could have known with due diligence that the goods so offered are unsafe to the public;*
- (vi) services which are hazardous or likely to be hazardous to life and safety of the public when used, are being offered by the service provider which such person could have known with due diligence to be injurious to life and safety;”;

Who Can File The Complaint

According to the provision of the this Act a consumer or his legal heir or representative or voluntary consumer association can file the complaint against the seller who is suffered from unfair consumer practices and fulfill the conditions mentioned in the provision of the Act within the period of 2 years from the date of cause of action. the complaint must have the legal capacity to file the complaint.the complainant should be in written form.

Complaint Should Be On The Basis 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.

Consumer Disputes Redressal Agencies

The Consumer 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 valuation fixed by law. The district court is entry level consumer court and other are the Appellate Authority. The **Consumer Protection Act, 1986** came into force to provide consumer remedial dispute redressal mechanism.

District Consumer Disputes Redressal Forum (DCDRF):

The district court is primary consumer court and other are the Appellate Authority. 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.

Procedure To File A Complaint In The District Consumer Court

1. ISSUE NOTICE TO THE SERVICE PROVIDER:

This is the first stage before the filing the complaint. The notice to be issued by the aggrieved party to the service provider. The intention of the notice is to communicate and inform the service provider about the defects in the goods or the deficiency in the service or any unfair practice.

After issue the notice the complaint may be settle without approaching the Forum, if the service provider is willing to offer compensation or any other remedy to the complainant.

2. CONSUMER COMPLAINT

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

- ✓ Name, age, occupation the address of the complainant(s) and the Opposite Party or parties.
- ✓ Cause of Action, the approximate date, time and venue.
- ✓ Relevant facts relating to the cause of action.
- ✓ Efforts taken to redress grievances before filing a claim
- ✓ Forum has the jurisdiction to try this claim
- ✓ Claim filed within the time limit.
- ✓ The Remedy or Relief claimed by the complainant
- ✓ Signature and Verification by the complainant or his authorized agent.

3. REQUIRED DOCUMENTS

The copies of material evidence and relevant documents that support of consumer case in Consumer Court are important. These documents include:

- ✓ Four copies plus additional copies for each party are to be filed by the complainant
- ✓ A copy of the bill, receipt of delivery, packaging of a product
- ✓ A record of online booking of the goods if bought by online

- ✓ Warranty/Guarantee certificates
- ✓ A copy of the written complaint and notice sent to the manufacturer/seller
- ✓ Proof that notice received by the manufacturer/seller
- ✓ Appropriate court fee. The Court Fee is to be submitted through a demand draft made out to the President, Consumer Disputes Redressal Forum, (name of) district.
- ✓ Affidavit by complainant
- ✓ Vakalatnama if complaint filed through lawyer

4. FILING THE COMPLAINT

According to the provision of The Consumer Protection Act, 1986, Complainant can file their complaint in the office of President, Consumer Disputes Redressal Forum, in the respective district.

Procedure On Admission Of Complaint

The detailed procedure on admission of complaint. In The District Forum are provided in the section 13 and 14 of The Consumer Protection Act, 1986,

Conclusion

The district court is primary consumer court and other are the Appellate Authority. Established in each district, it comprises of 3 members each. Aggrieved Consumers get remedy from this court. And the procedure is not quit tough to approach the District Forum. The Consumer Disputes Redressal Forum, is available in each district districts. It is not necessary file the complaint with the help of the lawyer.