

Filing of a Consumer Complaint before the Consumer Fora

A person has to satisfy the following conditions in order to be a CONSUMER:-

- The person must have purchased goods for some value i.e. he must have paid or promised to pay money.
- A person who has not himself purchased the goods but who uses the goods with the approval of the buyer is also a consumer.
- A person should not have purchased the goods for Resale or for Commercial purposes. But a person buying goods for Self employment or for earning Livelihood is A Consumer.

Before formally filing a Consumer Complaint, Consumer should give notice to the opposite party of the fact of any deficiency in service or of unfair trade practice etc to see if the trader is willing to make good the loss suffered by either replacing the commodity or returning the value of the purchase. If yes, the issue resolves then and there. But if the trader refuses or neglects here that the consumers needs to approach the Consumer Court.

There is no need to engage the services of any Advocate and one can file ones own complaint and can also appear and Argue ones own case before the Consumer Fora. The consumer protection Act has provided a very simple procedure to file the complaint that even a layman who is not from the law background, can file the complaint of his own. There is no requirement of any court fee to be paid at the time of filing any complaint in the Act.

A Complaint needs to be filed naming the opposite parties clearly along with their correct Addresses to ensure timely delivery of notices sent by the Court. The Claim in the complaint must be supported by copies of the documents as Annexures and in the prayer the complainant may submit the relief claimed along with the compensation and litigation expenses, if any. Three sets of the entire documents including the complaint plus the complete sets for the opposite party/parties need to be submitted at the time of filing and one set has to remain with the complainant for his reference.

The Act provides for limitation period of two years from the date of cause of action. In case there is delay in filing the complaint, the delay needs to be explained, which can be condoned by the Tribunal. An affidavit along with the complaint needs to be filed stating that the facts as brought out in the complaint are true and correct. The said complaint will be taken up by the Consumer Court within 21 working days of the filing of the complaint.

However, the complaint before the Consumer Fora , needs to be made with due care since under Section 26 of the Consumer Protection Act,1986 it has been laid down that where a complaint instituted are found to be frivolous or vexatious, it shall, for reasons to be recorded in writing, be dismissed and the complainant can be fined for an amount not exceeding ten thousand rupees, or as may be specified in the order.