

Steps for filing a case and its procedure as per Consumer Protection Act 1986.

1. **Checklist**: The consumer should check the following

- a) whether he is a consumer or not
- b) Has a letter regarding the grievance been written to the opposite party
- c) Has the Regulator been approached, if any
- d) Check territorial jurisdiction
- e) Check pecuniary jurisdiction
- f) No advocate required
- g) Give notice - Format given at the back of bare act
- h) Then *approach forum*
- i) Complaint - Format given at the back of bare act

The Three tier structure suggested to be followed –

- (a) Concerned Company
- (b) Regulator
- (c) Consumer Forum

2. Notice Format

Name and address

..... (of the
trader, dealer, firm, company, etc.)
..... (Complete address)

IN RE: (Mention the goods/services complained of giving details)

.....

Dear Sir,

This is to bring to your kind notice that I had purchased.....from your
..... for a consideration of Rs..... paid in
cash vide your cash memo/Receipt/ Invoice No.....
(or through cheque No dated drawn on
.....bank for a sum of Rs

The said goods are suffering from the following defects:

(i) (ii) etc I have reported
the above matter to you several times (give reference of earlier letters, if any) but
despite all my pleadings you have not made good the defect in the goods (or
deficiency in services) which is indeed regrettable and highly un-business like. On
account of your aforesaid dereliction of duty and failure and neglect to rectify the
same I have suffered losses/incurred/expenses

.....
.....

which you are liable to compensate to me.

You are hereby finally called upon to

(i) remove the said defects in the goods and/or

(ii) replace the goods with new goods and/or

(iii) return the price/ charges paid

(iv) pay compensation for financial loss/injury/interest suffered due to your
negligence (give details) in the sum of Rs
..... with interest @..... % per annum
within.....days of the receipt of this notice failing which I shall be
constrained to initiate against you for redressal of my aforesaid grievances and
recovery of the aforesaid amount such proceedings, both civil and criminal as are
warranted by law, besides filing a complaint under the statutory provisions of The
Consumer Protection Act, 1986 exclusively at your own risk, cost, responsibility and
consequences which please note.

Place..... Dated..... Sd/-

2. Case Filling format (From the Bare Act)

BEFORE THE HON'BLE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM
AT

OR

BEFORE THE HON'BLE STATE CONSUMER DISPUTES REDRESSAL
COMMISSION AT

OR

BEFORE THE HON'BLE NATIONAL CONSUMER DISPUTES REDRESSAL
COMMISSION AT NEW DELHI

IN RE: COMPLAINT NO OF 20

IN THE MATTER OF:

(FULL NAME) (DESCRIPTION) (COMPLETE ADDRESS) Complainant

VERSUS

(FULL NAME) (DESCRIPTION) (COMPLETE ADDRESS)
Opposite Party/ Parties

**COMPLAINT UNDER SECTION 12/ SECTION 17/ SECTION 21 OF THE CONSUMER
PROTECTION ACT, 1986.**

RESPECTFULLY SHOWETH

(1)INTRODUCTION (In this opening paragraph **the complainant should give his
introduction as well as that of the opposite party/parties.**

(2)TRANSACTION (In this paragraph complainant should **describe the transaction**
complained of, i.e., particulars and details of goods/ services availed; items of

goods/kind and nature of service; date of purchase of goods/ availing of service; amount paid as price/consideration, full or in part towards the goods/service; Photocopies of the bill/cash memo/ voucher or receipt should be attached and properly marked as Annexure – A,B,C and so forth or 1,2,3 and so forth.)

(3) DEFECT DEFICIENCY (In this paragraph **complainant should explain the grievance, i.e., whether the loss or damage has been caused by some unfair trade practice or restrictive trade practice adopted by any trader or there is some defect in the goods or there has been deficiency in service or the trader has charged excessive price for the goods.** One should elucidate the nature of unfair trade practice adopted by the trader, i.e., relating to the quality of goods/services; sponsorship; warranty or guarantee for such period promised. The nature and extent of defects in goods should be explained and so should the deficiency in service. In case of excessive price one should specify the details of actual price fixed by or under any law for the time being in force or as set out on goods and their packing vis-a-vis the price charged by the trader. Complaint can also be filed against offer for sale of goods hazardous to life and safety when used. You should narrate your grievance and rest assured it is being read /heard by compassionate and pragmatic judges. Photocopies of relevant documents must be attached.)

(4) RECTIFICATION (In this paragraph complainant should highlight **what attempts were made by him to set things right, i.e., personal visits or negotiations; communication in writing if any; whether any legal notice was got served and / or whether he has approached any other agency for redressal like, Civil or Criminal Court of competent jurisdiction;** the stage of its proceedings, its outcome, if any, along with copies (certified preferably) of such proceedings. The nature of response got from the trader when irregularities were brought to his notice, should also be disclosed here).

(5) OTHER PROVISIONS - (In this paragraph reference may be made **to any other law or rules or regulations of particular procedure which is applicable to the case and/ or which has been violated by the trader and consumer's rights under the same.** There are incidental statutory obligations, which traders must fulfil and in case of their failure to do so the case in prima facie made out and Forum would take cognizance)

(6) EVIDENCE - (In this paragraph **complainant should give details of documents and/ or witnesses** he will rely upon to substantiate his case. The documents attached as Annexures as stated above may be incorporated in a proper list and a list of witnesses (if any) may be filed similarly).The annexures should be attested as "True Copy".

(7) JURISDICTION -(In this paragraph complainant should liquidate the claim in the complaint, i.e., upto 20 lakh; 20 lakh to one crore; or above and set out the **pecuniary jurisdiction** of the Forum/ State Commission/National Commission, as the case may be. The **territorial Jurisdiction** should be highlighted to obviate any formal objection).
(7)

(8)LIMITATION - That the present complaint is being filed within the period prescribed under section 24A of the Act.

(9)RELIEF CLAIMED-(In this paragraph complainant should describe **the nature of relief he wants to claim**. i.e., for removal of defects in goods or deficiency in service; replacement with new goods; return of the price or charges, etc., paid and/or compensation on account of financial loss or injury or detriment to his interest occasioned by negligence of the opposite party and elucidate how you have calculated the amount of compensation claimed).

(10)PRAYER CLAUSE- It is, therefore, most respectfully prayed that this Hon'ble Forum/ Commission may kindly be pleased to (Details of reliefs which complainant wants the Court to grant)

Place:

Dated:

Complainant