

The Consumer Protection (Consumer Disputes Redressal Commissions) Rules, 2020

CONTENTS

| <i>Rules</i> | <i>Pages</i> |
|--|--------------|
| 1. Short title and commencement | 62 |
| 2. Definitions | 62 |
| 3. Working days and office hours of National Commission | 63 |
| 4. Seal and emblem | 63 |
| 5. Sitting of National Commission | 63 |
| 6. Manner of authentication of goods by National Commission for analysis and testing | 63 |
| 7. Fee for making complaints | 63 |
| 8. Manner of filing complaints electronically | 65 |
| 9. Additional powers of National Commission, State Commission and District Commission | 65 |
| 10. Credit of amount payable for loss or injury suffered by consumers who are not identifiable conveniently | 66 |
| 11. Procedure for filing and hearing of appeal before State Commission | 66 |
| 12. Procedure in respect of complaints before National Commission .. | 67 |
| 13. Appeals before National Commission | 68 |
| 14. Procedure for filing and hearing of appeal before National Commission | 68 |
| 15. Number of Members in National Commission | 70 |
| 16. Sitting of National Commission and signing of orders | 70 |
| 17. Manner of depositing amount in appeals before Supreme Court ... | 70 |
| 18. Furnishing of information by State Commission | 70 |
| SCHEDULE I | 70 |

The Consumer Protection (Consumer Disputes Redressal Commissions) Rules, 2020¹

In exercise of the powers conferred by sub-section (1) and clauses (a), (p), (q), (s), (u), (v), (y), (z), (zd), (ze), and (zj) of sub-section (2) of Section 101 of the Consumer Protection Act, 2019 (35 of 2019) and in supersession of the Consumer Protection Rules, 1987 in so far as they relate to matters covered under these rules, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Consumer Protection (Consumer Disputes Redressal Commissions) Rules, 2020.

(2) They shall come into force on the 20th day of July, 2020.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) ‘Act’ means the Consumer Protection Act 2019 (35 of 2019);
- (b) ‘appellant’ means a person who makes an appeal against the order of the National Commission, the State Commission or the District Commission, as the case may be;
- (c) ‘authorised agent’ means a person duly authorised by a party to present any complaint, appeal or reply on behalf of such party before the National Commission, the State Commission, or the District Commission, as the case may be;
- (d) ‘Commission’ means the District Commission, the State Commission, or the National Commission, as the case may be;
- (e) ‘Consumer Welfare Fund’ means the Consumer Welfare Fund established by a State Government or, as the case may be, by the Central Government under Section 57 of the Central Goods and Services Tax Act, 2017 (12 of 2017);
- (f) ‘memorandum’ means any memorandum of appeal filed by the appellant;
- (g) ‘nationalised bank’ means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);
- (h) ‘opposite party’ means a person who answers a complaint under the Act;

1. Ministry of Consumer Affairs, Food and Public Distribution (Deptt of Consumer Affairs), Noti. No. G.S.R. 448(E), dated July 15, 2020 and published in the Gazette of India, Extra., Part II, Section 3(i), datd 15th July, 2020, pp. 4-7, No. 345

- (i) 'President' means the President of the National Commission, the State Commission or the District Commission, as the case may be;
- (j) 'respondent' means the person who answers any memorandum of appeal;
- (k) "section" means a section of the Act;
- (l) 'State' includes a Union territory;

(2) The words and expressions used herein, but not defined and defined in the Act shall have the meaning assigned to them in the Act.

3. Working days and office hours of National Commission.—The working days and office hours of the National Commission shall be the same as that of the Central Government.

4. Seal and emblem.—The official seal and emblem of the National Commission shall be such as the Central Government may specify.

5. Sitting of National Commission.—The President of the National Commission shall convene sittings of the National Commission as and when it may be necessary, and such sittings shall be notified by the National Commission.

6. Manner of authentication of goods by National Commission for analysis and testing.—(1) The National Commission may direct the complainant to provide one or more than one sample of the goods in clean containers with stopper properly fixed on them for the purposes of testing or analysis.

(2) On receiving the samples of such goods, the National Commission shall seal it and fix labels on the containers carrying the following information, namely:—

- (a) the name and address of the appropriate laboratory to whom sample shall be sent for analysis and test;
- (b) the name and address of the National Commission;
- (c) the case number; and
- (d) the official seal of the National Commission.

(3) The sealed sample shall be sent to the recognised laboratory by the National Commission.

(4) The recognized laboratory shall, after receiving sealed sample and examining it, shall forward its report to the National Commission within forty-five days or within such extended time as may be granted by the National Commission, specifying the nature of the defect and date of submission of report.

7. Fee for making complaints.—(1) Every complaint filed under sub-section (1) of Section 35 or under sub-clauses (i) and (ii) of clause (a) of sub-section (1) of Section 47 or under sub-clauses (i) and (ii) of clause (a) of sub-section (1) of Section 58 shall be accompanied by a fee, as specified in the table given below, in the form of crossed Demand Draft drawn on a nationalised bank or through a crossed Indian Postal Order in favour of the President of the District Commission or the Registrar of the State Commission or the Registrar of

the National Commission, as the case may be, and payable at the respective place where the District Commission, State Commission or the National Commission is situated, or through electronic mode as per arrangement made by the Commission concerned.

(2) The District Commission or the State Commission, as the case may be, shall credit the amount of fee received by it under sub-rule (1) to the Consumer Welfare Fund of the State and where such Consumer Welfare Fund is not established, into the appropriate account of the State Government, and the National Commission shall credit such amount of fee received by it to the Consumer Welfare Fund of the Central Government.

²[TABLE

| Sl. No. | Value of goods or services paid as consideration | Amount of fee payable |
|---------|--|-----------------------|
| (1) | (2) | (3) |
| (1) | Upto rupees five lakh | Nil |
| (2) | Above rupees five lakh and upto rupees ten lakhs | Rs 200 |
| (3) | Above rupees ten lakh and upto rupees twenty lakhs | Rs 400 |
| (4) | Above rupees twenty lakh and upto rupees fifty lakh rupees | Rs 1000 |

2. Subs. by G.S.R. 606(E), dt. 17-8-2023 (w.e.f. 17-8-2023). Prior to substitution it read as:

| Sl. No. | Value of goods or services paid as consideration | Amount of fee payable |
|---------|--|-----------------------|
| (1) | (2) | (3) |
| | <u>District Commission</u> | |
| (1) | Upto rupees five lakh | Nil |
| (2) | Above rupees five lakh and upto rupees ten lakhs | Rs 200 |
| (3) | Above rupees ten lakh and upto rupees twenty lakhs | Rs 400 |
| (4) | Above rupees twenty lakh and upto rupees fifty lakh rupees | Rs 1000 |
| (5) | Above rupees fifty lakh and upto rupees one crore | Rs 2000 |
| | <u>State Commission</u> | |
| (6) | Above rupees one crore and upto rupees two crore | Rs 2500 |
| (7) | Above rupees two crore and upto rupees four crore | Rs 3000 |
| (8) | Above rupees four crore and upto rupees six crore | Rs 4000 |
| (9) | Above rupees six crore and upto rupees eight crore | Rs 5000 |
| (10) | Above rupees eight crore and upto rupees ten crore | Rs 6000 |
| | <u>National Commission</u> | |
| (11) | Above rupees ten crore | Rs 7500" |

| | | |
|------|--|----------|
| (5) | Above rupees fifty lakh and upto rupees one crore | Rs 2000 |
| (6) | Above rupees one crore and upto rupees two crore | Rs 2500 |
| (7) | Above rupees two crore and upto rupees four crore | Rs 3000 |
| (8) | Above rupees four crore and upto rupees six crore | Rs 4000 |
| (9) | Above rupees six crore and upto rupees eight crore | Rs 5000 |
| (10) | Above rupees eight crore and upto rupees ten crore | Rs 6000 |
| (11) | Above rupees ten crore | Rs 7500] |

8. Manner of filing complaints electronically.—The electronic filing of complaints in National Commission, State Commission and District Commission shall be effective from such date and for such category of cases as may be notified by the President of the National Commission from time to time.

9. Additional powers of National Commission, State Commission and District Commission.—(1) The National Commission, the State Commission or the District Commission, as the case may be, shall have power to require any person,—

- (a) to produce before it such book, account, document or commodity which is in the custody or under the control of such person, if it is required for the purposes of any proceedings before it, and allow the same to be examined and kept by such officer of the Commission as it may specify in this behalf;
- (b) to furnish to the officer specified in clause (a), such information as may be required for the purposes of any proceedings before it.

(2) Where during any proceedings under this Act, the National Commission, the State Commission or the District Commission, as the case may be, has any ground to believe that any book, paper, commodity or document which may be required to be produced in such proceedings, are being or may be, destroyed, mutilated, altered, falsified or secreted, it may, by written order, authorise any officer to exercise the power of entry and search of any premises, and seizure of any book, paper, document or commodity as may be required for the purposes of such proceeding.

Provided that such seizure shall be communicated to the National Commission, the State Commission or the District Commission, as the case may be, as soon as it is made or within a period not exceeding seventy-two hours of making such seizure after specifying the reasons in writing for making such seizure.

(3) The National Commission, the State Commission or the District Commission, as the case may be, on examination of such seized documents or commodities may order the retention thereof or may return it to the party concerned.

10. Credit of amount payable for loss or injury suffered by consumers who are not identifiable conveniently.—(1) Where an order is passed under clause (k) of sub-section (1) of Section 39 by the District Commission, or the State Commission, or the National Commission, in the exercise of its powers vested under sub-section (1) of Section 49 respectively or sub-section (1) of Section 59, directing the opposite party to pay such amount as may be determined by it on account of loss or injury suffered by a large number of consumers, who are not identifiable conveniently, such sum shall be credited by the District Commission and the State Commission in the Consumer Welfare Fund established by the State Government, and by the National Commission in the Consumer Welfare Fund established by the Central Government.

(2) The amount credited to the Consumer Welfare Fund of the Central Government under sub-rule (1) shall be utilised in accordance with rule 97 of the Central Goods and Services Tax Rules, 2017 and the amount credited to the Consumer Welfare Fund of the State Government under sub-rule (1) shall be utilised in accordance with the rules framed under the State Goods and Service Tax Act, 2017.

11. Procedure for filing and hearing of appeal before State Commission.—(1) A Memorandum shall be presented by the appellant or his authorized agent to the State Commission in person or sent by a registered post with acknowledgment due addressed to the State Commission.

(2) Every memorandum filed under sub-rule (1) shall preferably be typed, or be in legible handwriting, and shall set forth concisely under distinct heads, the grounds of appeal without any argument or narrative and such grounds shall be numbered consecutively.

(3) Each memorandum shall be accompanied by the certified copy of the order of the District Commission appealed against and such of the documents, as may be required to support grounds of appeal mentioned in the memorandum.

(4) When the appeal is presented after the expiry of the period of limitation as specified in Section 41, the memorandum shall be accompanied by an application supported by an affidavit setting forth the facts on which appellant relies upon to satisfy the State Commission that he has sufficient cause for not preferring the appeal within the period of limitation.

(5) The appellant shall submit four copies of the memorandum to the State Commission for official purposes.

(6) On the date of hearing or any other day to which hearing may be adjourned, the parties or their authorised agents shall appear before the State Commission, and where

(a) the appellant or his authorised agent fails to appear, State Commission may, in its discretion, either dismiss the appeal or decide it ex-parte on the merits of the case;

- (b) the respondent or his authorised agent fails to appear, the State Commission shall proceed ex-parte and decide the appeal on the merits of the case.

(7) The appellant shall not, except by the leave of the State Commission, urge or be heard in support of any ground of appeal not set forth in the memorandum, but the State Commission in deciding the appeal, need not confine itself to the grounds of appeal set forth in the memorandum or taken by leave of the State Commission under this rule:

Provided that the State Commission shall not rest its decision on any other grounds unless the party who may be affected thereby, has been given, at least the opportunity of being heard by the State Commission.

(8) No adjournment shall ordinarily be granted at any stage by the State Commission, unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the State Commission:

Provided that the State Commission shall not ordinarily grant more than one adjournment and shall ensure, as far as possible, that the appeal is decided within ninety days from the date of admission:

Provided further that in the event of an appeal being disposed of after the period specified in the first proviso, the State Commission shall record in writing the reasons for the same at the time of disposal of the said appeal.

(9) The order of the State Commission on appeal shall be signed and dated by the members of the State Commission constituting the Bench and shall be communicated to the parties concerned free of cost.

12. Procedure in respect of complaints before National Commission.—(1) A complaint shall be presented to the National Commission by the complainant in person or by his agent, or be sent by a registered post, addressed to that Commission, containing the following particulars, namely:—

- (a) the name, description and the address of the complainant;
- (b) the name, description and address of the opposite party or parties, as the case may be, so far as they can be ascertained;
- (c) the facts relating to the complaint and when and where it arose;
- (d) the documents in support of the allegations contained in the complaint;
- (e) the relief which the complainant claims.

(2) Every complaint under sub-rule (1) shall be accompanied by a fee as specified in rule 7.

(3) The National Commission shall, while disposing of any complaint before it, follow the procedure and conditions provided under Sections 37 and 38, with such modifications as may be considered necessary by it.

(4) On the date of hearing or any other date to which hearing may be adjourned, the parties or their authorised agents shall appear before the National Commission, and where—

- (a) the appellant or his authorised agent fails to appear, the National Commission may, in its discretion, either dismiss the complaint for default or decide it on merits;
 - (b) the respondent or his authorised agent fails to appear, the National Commission may decide the complaint *ex-parte* on the merits of the case.
- (5) The National Commission may, on such terms as it deems fit and at any stage of the proceedings, adjourn the hearing of the complaint, but the complaint shall be decided as far as possible within a period of—
- (a) three months from the date of notice received by the opposite party where such complaint does not require any analysis or testing of commodities; and
 - (b) five months if such complaint requires analysis or testing.
- (6) In the event of a complaint being disposed of after the period specified in sub-rule (5), the National Commission shall record in writing, the reasons for such delay.
- (7) If after conducting the proceedings, the National Commission is satisfied with the allegations contained in the complaint, it shall issue order to the opposite party or parties, as the case may be, directing him or them to take one or more of the actions mentioned in sub-section (1) of Section 39.
- (8) The National Commission shall also have the power to direct that any order passed by it, where no appeal has been preferred under Section 67 or where the order of the National Commission has been affirmed by the Supreme Court under that section, be published on its website or through any other media and no legal proceedings shall lie against the National Commission or any media for such publication.
- (9) The State Commission and the District Commission shall follow the procedure specified in this rule, with such modifications as may be necessary, in respect of the complaint before them.

13. Appeals before National Commission.—Where an appeal is filed under Section 51, the amount to be deposited by the appellant as provided in the second proviso to the said section shall be remitted in the form of a crossed Demand Draft drawn on a nationalised bank in favour of the Registrar, National Commission, payable at New Delhi.

14. Procedure for filing and hearing of appeal before National Commission.—(1) A Memorandum shall be presented by the appellant or his authorised agent to the National Commission in person or sent by registered post addressed to the National Commission.

(2) Every memorandum filed under sub-rule (1) shall preferably be typed, or be in legible handwriting, and shall set forth concisely under distinct heads, the grounds of appeal without any argument or narrative and such grounds shall be numbered consecutively.

(3) The memorandum shall be accompanied by a crossed Demand Draft as specified in rule 16, a certified copy of the order of the State Commission appealed against and such of the documents as may be required to support grounds of appeal mentioned in the memorandum.

(4) When the appeal is presented after the expiry of the period of limitation as specified in Section 51, the memorandum shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant relies upon to satisfy the National Commission that he has sufficient cause for not preferring the appeal within the period of limitation.

(5) The appellant shall submit four copies of the memorandum to the National Commission for official purposes.

(6) On the date of hearing or on any other day to which hearing may be adjourned, the parties or their authorised agents shall appear before the National Commission, and where—

(a) the appellant or his authorised agent fails to appear, the National Commission may, in its discretion, either dismiss the appeal or decide it *ex-parte* on the merits of the case;

(b) the respondent or his authorised agent fails to appear, the National Commission shall proceed *ex-parte* and shall decide the appeal on the merits of the case.

(7) The appellant shall not, except by the leave of the National Commission, urge or be heard in support of any ground of appeal not set forth in the memorandum but the National Commission, in deciding the appeal, may not be confined to the grounds of appeal set forth in the memorandum or taken by leave of the National Commission under this rule:

Provided that the National Commission shall not rest its decision on any other grounds unless the party who may be affected thereby, has been given, at least the opportunity of being heard by the National Commission.

(8) No adjournment shall ordinarily be granted at any stage by the National Commission, unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the National Commission:

Provided that the National Commission may also adjourn the hearing of the appeal *suo motu*, on such terms as it may think fit and at any stage of the proceedings for reasons to be recorded in writing, but shall ensure, as far as possible, that the appeal is decided within ninety days from the date of its admission:

Provided further that in the event of an appeal being disposed of after the period specified in the first proviso, the National Commission shall record in writing the reasons of the same at the time of disposal of the said appeal.

15. Number of Members in National Commission.—The National Commission shall consist of a President and not less than four members and not more than eleven members, of whom at least one member shall be a woman.

16. Sitting of National Commission and signing of orders.—(1) Every proceeding of the National Commission shall be conducted by members of a Bench constituted by the President of the National Commission with one or more members as he may deem fit.

(2) Every order made by the National Commission shall be signed by the members who conducted the proceeding and if there is any difference of opinion among the members of the Bench, the opinion of the majority shall be the order of the National Commission.

17. Manner of depositing amount in appeals before Supreme Court.—Where an appeal is filed before the Supreme Court under Section 67, the amount to be deposited by the appellant as provided in the second proviso to that section shall be remitted in the form of a crossed Demand Draft drawn on a nationalised bank in favour of the Registrar, Supreme Court, payable at New Delhi.

18. Furnishing of information by State Commission.—The State Commissions shall furnish information to the Central Government on a quarterly basis in the form as specified in Schedule I to these rules.

SCHEDULE I

[Rule 18]

Present position of Implementation
(Quarterly Performance Report)

Working of Consumer Commissions/Consumer Protection Measures

Name of State:

| 1. Establishment of State Commissions and District Fora: | | | | |
|--|--|------------------|---------------------------|----|
| I | Total number of Districts in State/Union Territory | | | |
| II | Number of District Commissions in the State | | | |
| | (a) Total Setup: | | | |
| | (b) Functional: | | | |
| | (c) Non Functional: | | | |
| | (d) Name of District where District Commission yet to be set up: | | | |
| | (e) Number of District where District Commission yet to be set up | | | |
| | (f) Number of District where more than one District Commission has been set up | District Name | No of District Commission | |
| | | | | |
| III | Whether State Commission functional | | Yes | No |
| IV | Strength and vacancies | State Commission | District Commission | |

| | | Sanctioned Strength | Vacancies | Sanctioned Strength | Vacancies |
|--|---|------------------------|-----------|----------------------------------|-----------|
| | (a) President | | | | |
| | (b) Members | | | | |
| | (c) Reason for Vacancies and Action taken to fill up the same (to be enclosed separately) | | | | |
| 2. | Performance of State Commission and District Commission | | | | |
| I | (a) Total cases filed since inception | State Commission | | District Commission | |
| | (b) Cases disposed of | | | | |
| | (c) Cases disposed of within prescribed time norms | | | | |
| | (d) Number of cases disposed of by Lok Adalat method | | | | |
| | | | | | |
| II | Detailed Break up of cases pending (give number of cases) | State Commission | | District Commission | |
| | (a) Over 3 months up to 1 year | | | | |
| | (b) Over 1 year up to 2 years | | | | |
| | (c) Over 2 years up-to 5 years | | | | |
| | (d) Over 5 years | | | | |
| III | Cases disposed of within time norms (give number) | State Commission | | District Commission | |
| | (a) Cases received after 15 March '02 | | | | |
| | (b) Cases disposed of within time norms out of (a) above (Number and %) | | | | |
| 3. Implementation of Confonet Project | | | | | |
| I | Computer Hardware/Software has | State Commission | | District Commission (Numbers) | |
| | (a) been received | Yes | No | | |
| | (b) been installed | Yes | No | | |
| | (c) been functional | Yes | No | | |
| II | Activities being done through computers | State Commission | | District Commission (Numbers) | |
| | (a) Is Case Monitoring System Installed & Operational; | Yes | No | | |
| | (b) Has the live case data been entered? | Yes | No | | |

| | | | | |
|-----------|--|--|----------------|--------------------|
| | (c) Whether Cause list and judgement being posted on the website | Yes | No | |
| 4. | Training | | | |
| (a) | Training of Members/President in Indian Institute of Public Administration | To be trained in the year as per training plan | Trained so far | During the quarter |
| | | | | |
| (b) | Training of State/District level Officers in BIS Training Institute | | | |
| (c) | Training under Confonet | | | |
| | (a) President and Members | | | |
| | (b) Other Staff | | | |
| (d) | Any other Training | | | |