

Procedure for consumer complaint at a Glance

- 1.0 One may send a notice to the opposite party mentioning a time limit to settle the grievance though it is not compulsory.
- 2.0 Prepare a complaint with the required details (as given below).
- 3.0 Get the complaint affidavit notarized through a notary.
- 4.0 Make required number of photocopies after notarizing
- 5.0 Prepare a bank draft from a nationalized Bank to pay court fee.
- 6.0 Submit the complaint and court fee to the receiving clerk in the consumer court who will give you the date for admission hearing and complaint reference number
- 7.0 On admission hearing, you would be informed whether or not your matter is admitted. If admitted you will be given the date for next hearing.
- 8.0 The court will send a notice with your complaint copy to the opposite party seeking reply within 30 days, and asking it to attend the hearing.
- 9.0 The hearings will continue till the matter is decided.
- 10.0 A copy of the court order will be communicated to all the parties by registered post.

It is important that you attend the hearings, else the matter may be decided ex parte on the merits of the case.

The territory where the cause of action has arisen. Based on this the complaint is filed either in the forum or commission concern.

Financial Authority

- In case where the value of goods or service is less than Rs.20 lakh, you will have to file the complaint before the District Forum.
- In cases where the value of goods or service involved is more than Rs.20 Lakh but does not exceed Rs.1 crore, you will have to file the complaint before the State Commission.
- In Cases where the value of goods or service involved is more than Rs.1 Crore, you can file a complaint before the National Commission.

Territorial Authority

The place where the cause of action arises as per the facts of the case, determines the jurisdiction of the complaint. This means you will need to consider the area in which the opposite party is based or carries on its work or business.

If you, for instance, file a complaint against a service provide who is based or functions or has a branch office in Central Mumbai for a sum below Rs.20 Lakhs you would need to approach the Central Mumbai District Forum for redressal.

CHECKLIST Before Making your Complaint

Many consumers find it difficult to decide on the matter to be included in the complaint. Primarily, your complaint should be clear, definite and precise. All facts and documents must be in order. Here is a list of details that are necessary for lodging a complaint at the district, state and national level.

- (a) A cause-title i.e. The Complaint should, if possible, have a heading
- (b) Your name, description and address
- (c.) The name, description and address of the opposite party or parties
- (d) Facts about the complaint and when and where it arose
- (e) How the opposite parties are liable to be proceeded against and why they are answerable or accountable to this petition.
- (f) Copies of documents in support of the allegations contained in the petition.
Complainants are advised to keep copies of the complaint/petition and all furnished documents for their records. A list of documents should be furnished along with the complaint, duly signed by you.
- (g) You would also need to state how the case falls within the jurisdiction of the forum / commission – whether the opposite party resides or carried on business or has a branch office or personally works for gain within the jurisdiction of the forum or whether the cause of action (damaged goods or deficient service) arose within the forum's jurisdiction.
- (h) You are also entitled to claim the cost of your complaint from the opposite party. Hence include that amount in your complaint.

According to the Consumer Protection Act, 1986, you don't need a lawyer to file the petition or argue the case as you can do it yourself.

Filing Your Complaint Before...

1. The District Forum

The procedure for filing a complaint is very simple. It can be made on a plain paper with the necessary particulars. You can file a petition in person or by an authorized agent, after it has

been notarized, through registered post or regular post. It is important that you serve a personal or legal notice to the opposite party before filing the complaint.

Required Copies: 4 Plus additional Copies for each opposite party.

Limitation: Complaint must be filed within two years from the date of cause of action having arisen
Monetary /

Jurisdiction: upto Rs.20 Lakhs

Court Fee:

- ◆ Upto Rs.1 Lakh: NIL for those below the poverty line holding Antyodaya Anna Yojana Cards
- ◆ Upto Rs.1 Lakh ; Rs.100
- ◆ Above Rs.1 lakh upto Rs.5 Lakh: Rs.200
- ◆ Above Rs.5 Lakhs upto Rs. 10 Lakhs : Rs.400
- ◆ Above Rs.10 Lakhs upto Rs.20 Lakhs : Rs.500
- ◆ Demand draft in favour of **President**, Consumer Disputes Redressal forum, (Name of) District

2. State Commission

According to the Consumer Protection Act, 1986, complaints where the value of goods or services exceeds Rs.20 lakh but does not exceed Rs. 1 Crore, can be filed straightaway in the State Commission. It has also been provided that any person aggrieved by an order passed by the District Forum may prefer an appeal against such order to the State Commission within 30 days from the date of the order.

Required Copies: 4 plus additional copies for each opposite party.

Limitation: complaint must be filed within two years from the date of cause of action having arisen. Monetary Jurisdiction : Rs.20 Lakhs to Rs.1 Crore.

Court Fee:

- Above Rs.20 Lakhs up to Rs. 50 Lakhs : Rs.2000
- Above Rs. 50 Lakhs up to Rs. 1 Crore : Rs. 4000
- Demand Draft in favour of **The Registrar**, (Name of) State commission, payable at that state only.

3. First Appeal against District Forum

First Appeal can be filed against the order of any District Forum within the state with the following requisites –

1. Documents of record with correct name of all parties and their address.
2. Certified copy of the District Forum Order.
3. Four plus additional copies for each respondent for filing an appeal.
4. Appeal to be filed within 30 days from the date of receipt of District Forum order.
5. Any conditional delay, interim orders and other petitions are to be submitted along with an affidavit.
6. Statutory Deposit: Rs. 25,000 or 50 per cent of award / compensation amount whichever ever is less to be deposited by appellant/opposite parties.

4. National Commission

The procedure to file a complaint at the National Commission is the same as for State Commission. A dissatisfied consumer may file a complaint directly in the National Commission or appeal against the decisions made by State commission within 30 days from the date of the order.

Required Copies: 4 plus additional copies for each opposite party.

Limitation: Complaint must be filed within two years from the date of cause of action having arisen.

Monetary Jurisdiction: above Rs. 1 crore

Court Fee:

- ◆ Above Rs.1 Crore: Rs.5,000
- ◆ Demand draft in favour of **The Registrar**, National Consumer Disputes Redressal Commission.

Appeal against the orders of the National Commission can be filed before the Supreme Court within a period of thirty days. You may note that there is no fee for filing appeal before the State Commission or the National Commission.

Joint Complaint

Consumers having the same problem can join together and file a single complaint. This can be done by enclosing a petition with the complaint. This petition should just state that since the facts and circumstances relating to the complaint are the same and since the same relief is to be claimed for all the petitioners, they may be allowed to join and file a single complaint.

Possible Redressal

Depending on the nature of relief sought by the consumer and facts, the redressal forums may give orders for one or more of the following relief:

- (a) removal of defects from the goods
- (b) replacement of the goods
- (c.) refund of the price paid
- (d) award of compensation for the loss or injury suffered
- (e) removal of defects or deficiencies in the services
- (f) discontinuance of unfair trade practices or restrictive trade practices or direction not to repeat them.
- (g) withdrawal of the hazardous goods from being offered for sale or
- (h) award for adequate costs to parties.

Wronged As Consumer? Whom to Approach?

If you are aggrieved and want to complain about some incident, Product, service or person but did not know where to go, whom to meet, etc., read on. We provide a list of authorities which are there to help you get justice. The first person of a two-part series:

Nature of Grievance

Whom to Approach

Banking

For Complaints of various types involving Accounts or their servicing, non-receipt of Interest, non-refund of deposits, wrongly Charged interest or charges, wrongly dishonored cheques, unreasonable delay in clearing cheques, non-receipt of or wrongfully blocked ATM Card, non-receipt of ATM PIN, overcharging for facilities, etc.

Branch Manager of the Bank
(The address of the branch office is printed on each leaf of the Cheque book and the statement of your account.) The clearing branch manager is supposed to meet consumers on the 15th of every month (in case 15th is a holiday, the next working day.)

If the Complaint is not redressed by the branch Manager within 3 weeks

Regional Manager of the Bank.

If the Complaint is not redressed within next 3 Weeks or the complainant is not satisfied with the redressal.

Secretary
Department of Banking
Ministry of Finance, New Delhi.

If the complaint is not redressed within 2 months the complainant is not satisfied with the redressal
and;
Complaints about the operation of deposit account, Interest rates, loans, non-honouring of bank Guarantee, remittances, including those From abroad etc.

The Banking Ombudsman
(The offices of the Banking Ombudsmen are listed on www.rbi.org.in)

An appeal against the award given by the Banking Ombudsman

Deputy Governor,
Reserve Bank of India,
Central Office Building, Shahid Bhagat Singh
Road, Mumbai – 400 001 Fax: 022 –
22661784

To make a representation on policy decisions

Ministry of Finance,
Dept. of Economic Affairs, D-II/125, Kaka
Nagar, New Delhi (with a copy to)
Governor,
Reserve Bank of India Central Office Building,
Shahid Bhagat Singh Road, Mumbai – 400 001

FINANCE

For grievances about credit cards, including
Wrong billing, overbilling, overcharging
interest
Wrong or undue penalty, inconsistent billing
Cycle, non-credit of payment made, debits of
Expenses not made, (within 60 days from the
Date of the bill)

Officer
designated by the bank or the non
banking finance company (NBFC)
(mentioned on the credit card bill)

If the grievance is not redressed within 30
days

Banking Ombudsman
(The RBI website lists the NBFCs registered
with the RBI.)

INVESTMENT

If an NBFC defaults in the repayment of
deposits

Bench Officer
Company Law Board
http://www.rbi.org.in/commonman/upload/English/Content/Docs/Regional_Offices_of_Company_Law_Board_and_Complaint_form_to_CLB.doc

If you have invested in shares and have a
Grievance against the company in which
You have invested

The Chairman
Securities and Exchange Board of
India (SEBI) with copy to National Stock
Exchange and the stock exchange(s) where
the company is listed (www.sebi.gov.in gives
the address of the Regional stock exchanges)

If the grievance relates to the DEMAT of shares, Stocks and securities

The Managing Director
National Securities Depository Limited
(nsdl.co.in) or
The Managing Director
Central Depository Services (India) Ltd.,
(cdslindia.com)
(depending on where the company is registered)

Grievances on mutual funds

The President
Association of Mutual Funds of India
706-408, Balarama, Bandra-Kurla Complex,
Bandra (East), Mumbai-400051, Fax:
26590209/35

For the settlement of disputes, especially if one is not satisfied with the redressal mechanism or
The award by the primary authority

The Chairman
Securities Appellate Tribunal
Ministry of Finance, New Delhi
<http://finmin.nic.in/contact/officerslist.pdf>
lists the officers in the Department of
Economic Affairs for public grievance)

ELECTRICITY

Any Grievances, including those regarding
Wrong billing, overbilling, faulty meter
reading, wrong charging of fine or penalty, Not
giving credit to excess payments made,
Rebilling, etc.

Executive Engineer
Consumer Complaints Cell
Divisional Office of Electricity Company

If the Executive Engineer does not resolve the
Grievance within 60 days or if the consumer
is Not satisfied with the redressal

Consumer Grievance Redressal Forum CGRF
(Constituted by the electricity distribution
Company as required under the Electricity Act)

In case the consumer is not satisfied with the Redressal provided by the CGRF, the Consumer may approach

Electricity Ombudsman
(address of ombudsman with the relevant jurisdiction can be had from the website of Of the SERC)

If one wants to appeal against the award of the Ombudsman

State Electricity Regulatory Commission
[the address can be had from the respective websites. It would be easier to locate if you type the 'serc' preceded with the first letter of the state like JKERC (Jammu) or GERC for Gujarat]

TELECOM

For any complaint about the non-performance of the Telephone landlines, mobiles, or broadband services,
Overcharging for any of these services, levy of wrong
Or unreasonably high penalty and any financial Issues.

Accounts Officer
(of the service providers like BSNL and MTNL) or;
Commercial Area Manager
(for all private companies)

For delay in redressal, deficiency in service, non- Redressal of grievance within reasonable time

Chief Commercial Manager
Or General Manager (of the service Provider)

If the Problem is not solved within reasonable period
You are not satisfied with the redressal; For any appeal
On penalty or fine imposed, wrong charges being levied
Delay in services like shifting of phone lines, non-initialisation of broad band after many days of application, etc.

Mr. Justice (Retd) D P Wadhawa
Telecom Ombudsman, Telecom sector
Ombudsman C/o. TRAI Office
Mahanagar Doorsanchar Bhavan
Jawaharlal Nehru Marg, Old Minto Road
New Delhi – 110 002,
Fax: 011-23213294,
Email: ap@tra.gov.in

For an appeal on the ombudsman's order or; grievance
That does not come under the purview of the Ombudsman

Chairman
Telecom Regulatory Authority of India
(TRAI) Mahanagar Doorsanchar Bhavan
Jawaharlal Nehru Marg, Old Minto Road
New Delhi – 110 002,
Email: ap@tra.gov.in

For appeal against the order of TRAI or any complaint
Against TRAI on issues of license, renewal of license, License fee, extension in time limit for application or
Validity, etc.

Telecom Disputes Settlement and
Appellate Tribunal, Room No.282 & 478
Hotel Samrat, Chanakyapuri, Kautilya
Marg, New Delhi – 110 021
Fax:011-26876882/24105171
Email: tdsat1@yahoo.co.in

For Policy Decisions

Department of Telecommunication
Ministry of Communication & IT
Sanchar Bhavan, 20, Ashoka Road,
New Delhi – 110 001
Email:MOCIT@nic.in