

The Consumer Protection (Consumer Commission Procedure) Regulations, 2020

CONTENTS

<i>Regulations</i>	<i>Pages</i>
1. Short title and commencement	91
2. Definitions	91
3. Arrangements in Consumer Commission	91
4. Dress code	92
5. Hearing hours	92
6. Cause List	92
7. Institution of complaints, appeals and revision petitions	93
8. Nomenclature to be given to the complaints, appeals etc.	93
9. Scrutiny of complaint, appeal, petition and revision petition	93
10. Issue of notice	94
11. Adjournment	94
12. Hearing by Benches	94
13. Arguments	95
14. Limitation	95
15. Review	95
16. Appearance of Voluntary Consumer Organisations	95
17. Ex-parte interim order	96
18. Final order	96
19. Return on institution and disposal of cases	97
20. Preservation of records	97
21. Certified copy	97
22. Inspection of records	97
23. Filing of criminal complaint	98
24. Practice Directions	98
25. Parcscha Yad-dast	98
26. Miscellaneous	98

The Consumer Protection (Consumer Commission Procedure) Regulations, 2020¹

In exercise of the powers conferred by sub-section (1) of Section 103 of the Consumer Protection Act, 2019 (35 of 2019) and in supersession of the Consumer Protection Regulations, 2005, except as respects things done or omitted to be done before such supersession, the National Consumer Disputes Redressal Commission, with the previous approval of the Central Government, hereby makes the following regulations, namely—

1. Short title and commencement.—(1) These regulations may be called the Consumer Protection (Consumer Commission Procedure) Regulations, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these regulations, unless the context otherwise requires,—

- (a) “Act” means the Consumer Protection Act, 2019 (35 of 2019);
- (b) “agent” means a person duly authorised by a party to present any complaint, appeal, revision or to file written version or to file any written submissions and address or plead, as the case may be, for and on behalf of such a party before the Consumer Commission;
- (c) “Consumer Commission” means a District Consumer Disputes Redressal Commission, a State Consumer Disputes Redressal Commission or the National Consumer Disputes Redressal Commission;
- (d) “Registrar” means the head of the ministerial establishment of the Consumer Commission and exercising such powers and functions as are conferred upon him by the President of the Consumer Commission;
- (e) “rules” means the rules made under the Act;
- (f) “section” means a section of the Act;
- (g) words and expressions used in these regulations and not defined herein, but defined either in the Act or in the rules shall have the same meaning respectively assigned to them either in the Act or in the rules, as the case may be.

3. Arrangements in Consumer Commission.—(1) A Consumer Commission, being not a regular court, shall have the arrangements as to depict it distinct from a court.

(2) In the hall in which the Consumer Commission shall hear the parties, the dais may not be kept more than 30 centimetre in height than the place earmarked for the parties to occupy.

1. National Consumer Disputes Redressal Commission, Noti. No. F. No. A-105/CCPR/NCDRC/2020, dated July 24, 2020 and published in the Gazette of India, Extra., Part III, Section 4, dated 24th July, 2020, pp. 9-14, No. 280

(3) At the dais of the hall, the President and the members of the Consumer Commission shall use the same type of chairs at the same level and these chairs need not have high backs.

(4) The complainant and the opposite party can appear in person or through agent or through counsel.

4. Dress code.—(1) The President and members of every Consumer Commission while presiding over the Benches,—

(a) shall wear simple and sober dress;

(b) shall not wear—

(i) flashy dress or dress displaying any affluence;

(ii) Jeans or T-shirts;

(iii) such dress, as may be prescribed for judges of the High Court or the District Court.

(2) The complainant, opposite party, counsel or agent shall also follow the dress code as per clause (a) and sub-clauses (i) and (ii) of clause (b) of sub-regulation (1).

5. Hearing hours.—Subject to the provisions of any rules made in this behalf, the normal working hours of the Consumer Commission for hearing matters shall be from 10.30 a.m. to 1.00 p.m. and 2.00 p.m. to 4.30 p.m. on all working days of the Central Government in the case of the National Commission and on all working days of the State Government in the case of the State Commission and the District Commission.

6. Cause List.—(1) Tentative Cause List of cases to be heard by the Consumer Commission in the following entire week shall be made ready before the close of the working hours of the preceding week and displayed on the notice board and shall also be hosted on the website of the Consumer Commission.

(2) The Final Cause List of cases to be heard on the following day shall be made ready before the close of the working hours of the preceding day and displayed on the notice board and also hosted on the website.

(3) The Cause List shall be split into such different parts as may be decided by the Hon'ble President of the National Commission from time to time.

(4) Every cause list shall contain the following particulars, namely—

(i) Serial Number;

(ii) Number of the matter;

(iii) Names of the parties;

(iv) Name of the party or Counsel or agent appearing.

(5) If a date of hearing is given in the presence of parties or their agents, it shall not be a ground for non-appearance for the reason that the cause list for the concerned date does not show the matter or contains incorrect entry or there is omission of the particulars of the matter.

7. Institution of complaints, appeals and revision petitions.—(1) Where a Complaint is filed in the District Commission, it shall be filed in three sets with additional sets equal to the number of opposite parties.

(2) Where the Complaint or Appeal or Revision petition is filed before the State Commission, it shall be filed in three sets or such number of sets as may be decided by the President of the State Commission from time to time, with approval of the President of the National Commission, with additional sets equal to the number of opposite parties or respondents.

(3) Where a Complaint or Appeal or Revision Petition is filed in the National Commission, it shall be filed in two sets and the sets for the Opposite parties or respondents shall be filed within a week of admission of such case or issuance of notice to the opposite parties.

(4) Every complaint shall clearly contain particulars of dispute and the relief claimed and shall also be accompanied by copies of such documents as are necessary to prove the claim made in the complaint.

8. Nomenclature to be given to the complaints, appeals etc.—A complaint shall be referred to as Consumer Complaint or C.C., an appeal shall be referred to as First Appeal or F.A., Revision Petition as R.P., Execution Application as E.A., Appeal in Execution matters as A.E., Transfer Application as T.A., Review Application as R.A., Interim Application as I.A. and Miscellaneous Application as M.A., followed by the number and the year of filing.

9. Scrutiny of complaint, appeal, petition and revision petition.—(1) Every complaint, appeal, or revision petition shall after it is filed be numbered by the Registrar.

(2) If there is any defect in the filing of the complaint, appeal or revision petition, the particulars of such defects shall be recorded and the party or his agents shall be informed of the defects asking them for removing the defects within fifteen days.

(3) In case the party disputes the correctness of the defects pointed out, the matter shall be placed before the Consumer Commission for appropriate orders.

(4) After the expiry of the time given, the matter shall, irrespective of the fact as to whether the defects have been removed or not, be placed before the Consumer Commission for appropriate orders.

(5) If the objections raised by the Registrar are substantial and are not removed within the time allowed for the purpose, those days shall not be excluded for counting the period of limitation.

(6) The admissibility of the complaint shall ordinarily be decided within twenty-one days from the date on which the complaint is received as provided in the second proviso to sub-section (2) of Section 36.

(7) In case any defect is pointed out by the Registrar, twenty-one days referred to in sub-regulation (6) shall commence from the date on which such defect was removed.

(8) All pending complaints, appeals and revision petitions which have not come up for admission till the date of commencement of these regulations and are pending for admission for more than twenty-one days shall be listed immediately by the Consumer Commission for admission and not later than twenty-one days from the date of commencement of these regulations.

10. Issue of notice.—(1) Whenever the Consumer Commission directs the issuance of a notice in respect of a complaint, appeal or revision petition, as the case may be, to the opposite parties or respondents, ordinarily such notice shall be issued for a period of thirty days and depending upon the circumstances of each case, even for less than thirty days.

(2) When there is a question of raising presumption of service, thirty days' notice shall be required.

(3) Whenever notices are sought to be effected by a courier service, it shall be ascertained that the courier is of repute.

(4) While appointing the courier for the purpose of effecting service, security deposit may also be taken.

(5) Along with the notice, copies of the complaint, memorandum of grounds of appeal or petition, as the case may be, and other documents filed shall be served upon the opposite party or respondent.

(6) After the opposite party or respondent has put in appearance, no application or document shall be received by the Registrar unless it bears an endorsement that a copy thereof has been served upon the other side.

11. Adjournment.—(1) Every proceeding before a Consumer Commission shall be conducted as expeditiously as possible and as per the requirements of the Act.

(2) The Consumer Commission shall record the reasons for any adjournment made by it.

(3) Request for adjournment shall be entertained only in exceptional circumstances and for reasons to be recorded in writing:

Provided that in case of a prayer for adjournment under any other circumstances, the Consumer Commission may, unless sufficient cause is shown, impose such cost, as it deems necessary, for granting such adjournment.

(4) The cost imposed may be given to the other party or parties to defray his or their expenses or be deposited in the Consumer Legal Aid Account to be maintained by the respective Consumer Commission, as the Consumer Commission may order.

(5) All orders adjourning the matter shall be signed by the concerned President and members of the Consumer Commission and not by the Court Master or Bench Clerk.

12. Hearing by Benches.—Where a Bench, constituted by the President of the State Commission or the National Commission as provided under sub-section (2) of Section 47 or sub-section (2) of Section 58, as the case may be, does not have a member with judicial background and any complex question of law arises and

there is no precedent to decide the law point, the Bench so constituted may refer the matter to the President of the State Commission or the National Commission, as the case may be, to constitute another Bench of which the President shall be a member.

13. Arguments.—(1) Arguments should be as brief as possible and to the point at issue.

(2) Where a party is represented by a counsel, it shall be mandatory to file a brief of written arguments two days before the matter is fixed for arguments.

(3) In case of default to file briefs, the Consumer Commission shall impose such cost as it deems necessary.

14. Limitation.—(1) Subject to the provisions of Sections 40, 41, 50, 51, 60, 67 and 69, the period of limitation in the following matters shall be as follows—

(i) Revision Petition shall be filed within ninety days from the date of receipt of certified copy of the order;

(ii) application for setting aside the ex-parte order under Section 61 or dismissal of the complaint in default shall be maintainable if filed within thirty days from the date of the order or date of receipt of the order, as the case may be;

(iii) an application for review under Sections 40, 50 and 60 shall be filed to the District Commission, the State Commission and the National Commission, respectively, within thirty days from the date of the order;

(iv) the period of limitation for filing any application for which no period of limitation has been specified in the Act or the rules or in these regulations shall be thirty days from the date of the cause of action or the date of knowledge.

(2) Subject to the provisions of the Act, the Consumer Commission may condone the delay in filing an application or a petition referred to in sub-regulation (1) if valid and sufficient reasons to its satisfaction are given.

15. Review.—(1) It shall set out clearly the grounds for review.

(2) Unless otherwise ordered by the Consumer Commission, an application for review shall be disposed of by circulation without oral arguments, as far as practicable between the same members who had delivered the order sought to be reviewed.

16. Appearance of Voluntary Consumer Organisations.—(1) Recognised Consumer Organisations have a right of audience before the Consumer Commission.

(2) An authorisation of a Voluntary Consumer Organisation may be by way of special power of attorney executed on a non-judicial paper or even on plain paper duly attested by a Gazetted Officer or a Notary Public.

(3) The Power of Attorney holder shall be entitled to engage a counsel, if authorised to do so.

(4) A Voluntary Consumer Organisation can engage a counsel or an advocate of its choice or it can itself represent through one of its office bearers as per the rules governing it.

(5) In case of a complaint where the Voluntary Consumer Organisation is a complainant along with the consumer himself and the dispute affects the complainant individually, he can withdraw the complaint:

Provided that if the issue involves unfair trade practice or restrictive trade practice a Voluntary Consumer Organisation may continue to proceed with the complaint even if the complainant wishes to withdraw the same.

(6) A Consumer Commission has to guard itself from touts and busybodies in the garb of power of attorney holders or unauthorized agents in the proceedings before it.

(7) While a Consumer Commission may permit an authorised agent to appear before it, but authorised agent shall not be one who has used this as a profession:

Provided that this sub-regulation shall not apply in case of advocates.

(8) An authorised agent may be debarred from appearing before a Consumer Commission if he is found guilty of misconduct or any other malpractice at any time.

17. Ex-parte interim order.—If an application for vacating or modifying or discharging the ex parte interim order is filed by any of the parties, it shall be decided within forty-five days and the Commission shall have the discretion to extend the ex parte interim order if such application is not decided within forty-five days.

18. Final order.—(1) An order on the top right hand corner shall show as to when the complaint was filed and the date of the order.

(2) The cause title of the order shall contain the names of all the parties with their addresses.

(3) In the body of the order it is desirable that after mentioning the complainant or the opposite party, their names as shown in the title be mentioned and parties thereafter may not be mentioned as complainant or opposite party No.1 or opposite party No.2, etc.

(4) The cause title shall also clearly show if the appellant or respondent was the complainant or opposite party.

(5) The order of a Consumer Commission disposing of a matter shall be as short and precise as practicable and unnecessary long quotations from the judgments of the higher courts or otherwise shall be avoided.

(6) When a copy of the order is sent to a party, the mode by which it is sent and the date on which it is sent shall be stamped on the last page of the order.

(7) The Consumer Commission shall pass final order invariably within thirty days.

19. Return on institution and disposal of cases.—(1) A Consumer Commission is expected to dispose of maximum number of cases every month so as to keep the pendency to a bare minimum.

(2) A periodic monthly return of institution and disposal of cases shall be sent by the District Commissions to the State Commission.

(3) The State Commission shall submit a periodic monthly return of institution and disposal of cases to the National Commission.

(4) Notwithstanding anything contained in this regulation, the President of the National Commission may, at any time, call for any return or information relating to its functioning from a State Commission or District Commissions.

20. Preservation of records.—(1) In the case of complaint, the record containing main files with original order sheet shall be preserved for a period five years.

(2) In the case of records of appeal and revision petitions, it shall be preserved for three years from the date of disposal of the appeal or revision as the case may be.

(3) Immediately after the consumer complaint, appeal or revision petition, as the case may be, is disposed of, extra sets shall be given to the parties who may use the same for filing of appeal or revision petition and in that case the necessity to summon the record from the Commissions below can be dispensed with.

(4) The Registrar shall inform the parties while forwarding the certified copy of the final order, where they do not appear in person at the time of finally disposing of the matter to arrange to collect the extra sets.

(5) A period of at least one month shall be given for the purpose of collection of records by the party and in case of default the extra sets shall be weeded out.

21. Certified copy.—(1) A copy of the final order is to be given to the parties free of cost as required under the Act and the rules made thereunder.

(2) In case a party requires an extra copy, it shall be issued to him duly certified by the Registry on a payment of rupees twenty irrespective of number of pages.

(3) A certified copy of an order shall clearly specify the date when free copy was issued, date of application, date when the copy was made ready and the date when it was so delivered to him.

(4) Any party desiring to get a certified copy of any document on the file of the Consumer Commission, may get the same on payment of certification fee of twenty rupees per copy:

Provided that if any such document of which certified copy is sought, is over and above five pages, an extra amount of one rupee per page shall be charged over and above the fee of rupees twenty.

(6) Certified copy of any miscellaneous order passed by the Consumer Commission shall be supplied on payment of rupees five per copy.

22. Inspection of records.—Parties or their agents can inspect the records of matter filed by them by filing an application on payment of ten rupees as fee.

23. Filing of criminal complaint.—Wherever a complaint is required to be filed by the Consumer Commission under sub-section (10) of Section 38, the Consumer Commission may authorise its Registrar to file the complaint.

24. Practice Directions.—The National Commission shall be entitled to issue practice directions from time to time as may be necessary for the proper conduct of the cases before Consumer Commission including prescribing forms for complaints, notices, returns, certificate to be issued to the collector and the like.

25. Parcscha Yad-dast.—Where a party appears in person and is illiterate, the Court Master or Bench Clerk shall give to that party the next date of hearing in writing.

26. Miscellaneous.—(1) In all proceedings before the Consumer Commission, endeavour shall be made by the parties and their agent to avoid the use of provisions of Code of Civil Procedure, 1908 (5 of 1908):

Provided that the provisions of the Code of Civil Procedure, 1908 may be applied which have been referred to in the Act or in the rules made thereunder.

(2) Every State Commission and every District Commission shall take steps for its computerisation and networking.

(3) The Consumer Commission shall give proper respect and courtesy to the parties who appear in person and shall provide separate accommodation in the Hall for the convenience of the parties.

(4) The Consumer Commission shall not insist upon the parties to engage advocates.

(5) The Fees collected for inspection of the documents and supply of certified copies shall be deposited in the account maintained for the purpose of depositing fee for filing a complaint as prescribed by the Central Government by rules.

(6) The cases filed by or against the senior citizens, physically challenged, widows and persons suffering from serious ailments shall be listed and disposed of on a priority basis.
