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B.Com Honours

Semester I

Calicut University

Consumer Awareness and Protection

Course Code: COM1FM105 (3) • Module 4 Notes

1. Grievance Redressal: Filing Complaints and Hearings

Having statutory rights and consumer courts is meaningless unless consumers know how to access the legal machinery to seek redressal. The Indian consumer law provides a relatively simple, low-cost procedure for filing and hearing complaints compared to standard civil courts, ensuring speedy justice. This final module covers who can file complaints, grounds for filing, the statute of limitations, hearing procedures, reliefs/remedies available, appeals, and penalties for frivolous complaints.

Filing a Complaint: Who, Why, and When

- **Who Can File a Complaint?**
 - A consumer who bought the goods or hired the services.
 - Any registered voluntary consumer association.
 - The Central Government or any State Government.
 - One or more consumers sharing a common interest (class action).
 - The legal heir or representative of a deceased consumer.
- **Grounds for Filing:** Adulteration or defect in goods, deficiency in service, unfair trade practices, charging price above MRP, or selling hazardous products without safety warnings.
- **Limitation Period:** A complaint must be filed within **2 years** from the date on which the cause of action arose (e.g., 2 years from when the product failed or deficiency was discovered). Late filings are rejected unless sufficient cause is shown.

Procedure for Filing and Hearings

A consumer complaint can be drafted simply without requiring a lawyer. Under CPA 2019, complaints can be filed electronically via the **e-Daakhil** portal. The hearing process follows a structured sequence:

1. **Admissibility:** The commission decides if the complaint is admissible within 21 days of receipt.
2. **Notice:** A copy of the complaint is sent to the opposite party, directing them to submit their response within 30 days.

3. **Product Testing:** If the defect is physical and cannot be determined visually, the commission refers a sample to an approved laboratory for testing.
4. **Final Hearing & Order:** Based on evidence, laboratory reports, and arguments, the commission issues a final written order. The law mandates deciding cases within 3 to 5 months.

Reliefs and Remedies Available to Consumers

If the complaint is decided in favor of the consumer, the commission can order one or more of the following remedies:

Product & Financial Remedies

- **Remove Defect:** Directing the seller to repair the product defect free of charge.
- **Replace Product:** Directing the replacement of the item with a new, defect-free model.
- **Refund Price:** Returning the full purchase price paid by the consumer.

Compensatory & Punitive Remedies

- **Pay Compensation:** Compensating the consumer for any loss, injury, or mental harassment suffered due to negligence.
- **Punitive Damages:** Imposing penalties on manufacturers for selling hazardous or spurious goods.
- **Cease & Desist:** Directing the business to stop unfair trade practices immediately.

Appeals, Vexatious Complaints, and Penalties

To prevent misuse of the legal system and enforce compliance, the law includes strict penal provisions:

- **Appeals:** Appeals against District Commission orders go to the State Commission. Appeals against State Commission orders go to the National Commission. The appeal must be filed within **45 days**, and the appellant must deposit **50% of the ordered amount** to prevent delayed appeals.
- **Frivolous or Vexatious Complaints:** If a consumer files a false, malicious, or vexatious complaint to harass a business, the commission can dismiss it and fine the complainant up to **₹10,000**.
- **Offences & Penalties:** Non-compliance with a commission's final order is a criminal offense, punishable with imprisonment for a term between **one month and three years**, or a fine

between **₹25,000 and ₹1 Lakh**, or both.

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