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NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

New Delhi, the ……………..

**NOTIFICATION**

G.S.R. ... - In exercise of the powers conferred by section 103 of the Consumer Protection Act, 2019 (35 of 2019), 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) "Consumer Commission" means a District Consumer Disputes Redressal Commission, a State Consumer Disputes Redressal Commission or the National Consumer Disputes Redressal Commission;

 (c)  "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;

(d) "rules" means the rules made under the Act;

(e) "section" means a section of the Act:

(f)  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 cm. in height than the place earmarked for the parties to occupy.

(3) At the daisof 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. 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 display any affluence;

(ii) Jeans or T-shirts.

(iii) as if they are holding Courts as Judges of a High Court or a District Court.

(2) The advocates shall be allowed to appear in the usual dress as prescribed by the High Court but without the gown.

**5. Hearing hours**.-Subject to the provisions of the rules, the normal working hours of the Consumer Commission for hearing matters shall be from 10.30 am 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) Cause list of the Consumer Commission for 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. The cause list shall also be hosted on the website of the Consumer Commission.

(2) Cause list shall be split into three different parts, namely:-

(i) Admission and after notice matters;

(ii) Matters where evidence is to be recorded;

(iii) Final disposal matters.

(3) Every cause list shall contain the following particulars, namely:-

(1) Sl. No.    (2) No. of the matter   (3) Names of the parties       (4) Name of the party or

                                                                                                 Counsel or agent

                                                                                                        appearing

**7. Nomenclature to be given to the complaints, appeals etc.**-( 1 ) A complaint shall hereinafter be referred to as Consumer Complaint (C.C.).

(2) An appeal shall be referred to as F.A., Revision Petition as R.P., Execution .Application as E.A, Transfer Application T.A. and Review as RA containing the number and the year of filing.

**8. Scrutiny of complaint, appeal, petition and revision petition.**- (1) As required by the second proviso to sub-section (2) of Section 36, the admissibility of the complaint shall be decided within twenty-one days from the date on which the complaint was received.

(2) In case any defect is pointed out by the Consumer Commission, twenty-one days from the date on which such defect was removed shall be reckoned for the purpose of sub-regulation (1).

**9. Adjournment.**-(1)  The cost of adjournment, if asked by the opposite party or parties, shall not be less than ten thousand rupees per adjournment and could be more depending upon the value and nature of the complaint as may be decided by the Consumer Commission.

 (2) The complainant, appellant or petitioner, as the case may be, may also be burdened with cost unless sufficient cause is shown for seeking adjournment:

    Provided that in the circumstances of a particular case, the amount of cost imposed may be less than ten thousand rupees but in no case less than one thousand rupees.

    (3) 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.

    (4) If any adjournment is granted without awarding cost, the order sheet shall mention the reasons thereof.

    (5) All orders adjourning the matter shall be signed by the President and members, or members, constituting the Bench and not by the Court Master or Bench Clerk.

**10. Limitation.**-(1 ) Subject to the provisions of sections 40, 41, 50, 51, 60, 67 the period of limitation in the following matters shall be as follows:-

(i) Revision Petition shall be filed within 30 days from the date of the order or the date of receipt of the order as the case may be;

(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 30 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 Section 40, 50 and 60 shall be filed to the District Commission, the State Commission and the National Commission respectively within 30 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, the rules and these regulations shall be 30 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.

**11. 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) 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.

**12. 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 fifteen days of the conclusion of the arguments.

**13. Return on institution and disposal of cases.**-(1) A Consumer Commission is expected to dispose of the maximum number of cases every month so as to keep the pendency to a bare minimum. Ideally, the pendency should be zero over a 12 month period.

(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.

**14. 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 review and revision petitions, it shall be preserved for three years from the date of disposal of the appeal or review or revision as the case may be.

(3) Immediately after the consumer complaint, appeal or review 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 or review 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 ex1ra sets shall be weeded out.

**15. Certified copy.-**(1) A copy of the 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 Rs.20/- 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) A fee of Rs.20/- shall be paid for obtaining another certified copy.

(5) 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 5 pages, an extra amount of one rupee per page shall be charged over and above the fee of twenty rupees.

(6) Certified copy of any miscellaneous order passed by the Consumer Commission shall be supplied on payment of Rs. 5 per copy.

**16. Inspection of records.**-Parties or their agents can inspect the records of any matter by filing an application on payment of ten rupees as fee.

**17. 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.

**18. 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.

**19.  Parcsha 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.

**20. Miscellaneous.**-(1) In all proceedings before the Consumer Commission, endeavour shall be made by the parties and their counsel 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.

[   F.No…………….  ]

     (   )

Registrar