**THE CONSUMER PROTECTION (CONSUMER DISPUTES REDRESSAL COMMISSIONS) RULES, 2019.**

In exercise  of the powers conferred by sub-section (1) of section 101 of the Consumer Protection Act , 2019 ( 35 of 2019), Central Government hereby makes the following rules, namely:

**1. Short title, extent and commencement.-----** (1) These rules may be called the Consumer Protection ( Consumer Disputes Redressal Commissions) Rules,2019.

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

2. **Definitions**.-ln these rules, 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 or reply on its behalf before the National Commission;

(c) 'appellant' means a party which makes an appeal against the order of the State Commission;

(d) 'memorandum' means any memorandum of appeal filed by the appellant;

(e) 'opposite party' means a person who answers complaint or claim;

(f) 'president' means the President of the National Commission;

(g) 'respondent' means the person who answers any memorandum of appeal;

(h) 'Section' means Section of the Act;

(i)  'State' includes Union territories also;

(j)  Words and expressions used in the rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3**. State Governments to recognise a laboratory as an appropriate Iaboratory.-**

(1) For the purpose of obtaining recognition as an appropriate laboratory, the applicant shall send application, in triplicate, in the proforma prescribed by the Bureau of Indian Standards with the relevant details to the Department concerned with the consumer protection work in the State Government.

(2) The State Government on receiving the application from the applicant, shall forward its two copies to the Bureau of Indian Standards to assess the suitability of the laboratory from the standards prescribed by them (Bureau of Indian Standards). The fee charged by the Bureau of Indian Standards, for this purpose, shall be paid by the applicant.

(3) The State Government on receiving the recommendations and approval of the Bureau of Indian Standards, shall notify that laboratory as an 'appropriate laboratory' for the purpose of Consumer Protection Act, 2018 for a period of three years.

4. **Contest, lottery, game of chance or skill exempted.--** Lotteries such as those allowed under the Lotteries (regulation) Act, 1998 and game of chance or skill not prohibited under Public Gambling Act, 1867, wherein success depends on substantial degree of skill and not chance and will not fall under ‘gambling’ and are not promoting, directly or indirectly, the sale, use or supply of any product or any business interest, are exempted from the purview of unfair trade practices.

5. **Manner of** I**ssuing bill or cash memo or receipt for goods sold or services rendered.-**

(1)Every seller shall, while issuing an invoice, or bill, or cash memorandum show in such invoice, or bill, or cash memorandum, *inter alia,*the following minimum particulars :-

1. Invoice number and date
2. Customer name
3. Shipping and billing address
4. Customer and taxpayer’s GSTIN (if registered)\*\*
5. Place of supply
6. [HSN code](https://cleartax.in/s/gst-hsn-lookup)/ SAC code
7. Item details i.e. description, quantity (number), unit (meter, kg etc.), total value
8. Taxable value and discounts
9. [Rate](https://cleartax.in/s/gst-rates/)and amount of taxes i.e. CGST/ SGST/ IGST
10. Signature of the supplier

Provided that the total amount shown in such invoice, or bill, or cash memorandum, may be inclusive of sale-price and tax, in respect of sales of taxable goods, and in such case, the selling dealer should mention and inscribe the words, "INCLUSIVE OF GST" in bold script on such invoice, or bill, or cash memorandum:

Provided further that where the invoice, bill or cash memorandum is issued by a seller in electronic form, the signature of the seller or his regular employee may not be given in such invoice, bill or cash memorandum.

(2) The invoice, cash memo or bill, to be issued by a seller for a particular accounting year, shall be serially numbered which shall not be altered, or removed or replaced, or erased under any circumstances.

**6. Place of the National Commission.—**The office of the National Commission shall be located in the Union territory of Delhi.

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

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

**9. Sitting of the National Commission.—**The sitting of the National Commission as and when necessary, shall be convened by the President as notified by the Commission.

**10. Manner of authentication of goods by the 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/analysis.

(2) On receiving the samples of such goods, the National Commission shall seal it and fix labels on the containers carrying following information:(i) name and address of the appropriate laboratory to whom sample will be sent, for analysis and test;(ii) name and address of the National Commission ;(iii) case number; (iv) seal of the National Commission

(3) The sample will be sent to the appropriate laboratory by the National Commission for sending report within 45 days or within such extended time as may be granted by the National Commission after specifying the nature of the defect alleged and date of submission of the report.\

**11. Fee for making complaints –**

**(1)** Every complaint filed under sub-clause (2) of clause (a) of section 35, sub-clause (1) of section 49, sub-section (1) of section 58, sub-clause (1) of section 59 and section 60 of the Act 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, 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 Consumer Commission concerned.

**(2)** The concerned authority referred to in sub-rule (1) shall credit the amount of fee received by it into the Consumer Welfare Fund of the respective State and where such Fund is not established, into the Receipt Account of the State Government and in the case of the National Commission, to the Consumer Welfare Fund of the Central Government.

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| --- | --- | --- |
|  Sl. No. | Value of goods or services and the compensation claimed | Amount of fee payable |
|  |  |  |
|   | District Commission |   |
| (1) | Upto five lakh Rupees-.  | Nil |
| (2) | Above Five lakh Rupees- upto 10 lakhs.  | Rs.200 |
| (3) | Ten lakh and above not exceeding 20 lakhs | Rs 400  |
| (4) | Above twenty lakh and upto fifty lakh Rupees | Rs.1000 |
| (5) | Above fifty lakh and upto one crore Rupees | Rs.2000 |
|   | **State Commission** |   |
| (6) | Above one crore Rupees upto two crore Rupees | Rs.2500 |
| (7) | Above two crore Rupees upto four crore Rupees | Rs.3000 |
| (8)  | Above four crore Rupees upto six crore Rupees | Rs.4000 |
| (9) | Above six crore Rupees upto eight crore Rupees | Rs.5000 |
| (10) | Above eight crore Rupees upto ten crore Rupees | Rs.6000 |
|  | **National Commission** |  |
| (11) | Above ten crore Rupees | Rs.7500 |

**12.** **Additional powers of the National Commission, State Commission and District Commission:**

(1) The National Commission, the State Commission and the District Commission shall have power to require any person,—

(a)  to produce before, and allow to be examined and kept by an officer of the National Commission, the State Commission or the District Commission, as the case may be, specified in this behalf, such books, accounts, documents or commodities in the custody or under the control of the person so required as may be specified or described in the requisition, if the examination of such books, accounts, documents or commodities are required for the purpose of this Act.

(b) to furnish to an officer so specified, such information as may be required for the purpose of this Act.

(2)(a) 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. Such authorised officer may also seize such books, papers, documents or commodities as are required for the purpose of this Act:

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 72 hours of making such seizure after specifying the reasons in writing for making such seizure

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

**13.** **Credit of the fine into the Consumer Welfare Fund when consumers are not identified conveniently-**

1. Where an order is passed by the National Commission in exercise of the powers vested under sub-section (1) of section 39 directing the opposite party to pay such amount as determined by it on account of loss or injury suffered due to defects in goods complained gains or alleged deficiency of service to a large number of consumers, who are not identifiable conveniently, such sum shall be credited by the National Commission in the Consumer Welfare Fund established by the Central Government.
2. Any amount credited to the said Fund shall be utilized in accordance with the provisions of the Consumer Welfare Fund Rules.

14. **The form and the manner in which appeal may be preferred to the State Commission**

(1) Memorandum shall be presented by the appellant or his authorised agent to the State Commission in person of sent by registered post addressed to the Commission.

(2) Every memorandum filed under sub-rule (1) shall be in legible handwriting preferably typed 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 objection mentioned in the memorandum.

(4) When the appeal is presented after the expiry of period of limitation as specified in the Act, memorandum shall be accompanied by an application supported by an affidavit setting forth the facts on which appellant relies 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, it shall be obligatory for the parties or their authorised agents to appear before the State Commission. If appellant or his authorised agent fails to appear on such date the State Commission may, in its discretion, either dismiss the appeal or decide it on the merit of the case. If respondent or his authorised agent fails to appear on such date, the State Commission shall proceed ex-parte and shall decide the appeal ex-parte on merits of the case.

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

Provided that the 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 by the State Commission Commission, unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Commission. State Commission may on such terms as it may think fit and at any stage, adjourn the hearing of appeal but not more than one adjournment shall ordinarily be given and the appeal shall be decided, as far as possible, within 90 days from the first date of hearing.

(9) 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 free of charge.

15. **Procedure to be followed by the National Commission**.—(1) A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the National Commission or  be sent by registered post, addressed to the National Commission:

(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)   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 the relevant fee as is specified in rule 11.

     (3) The National Commission shall, in disposal of any complaint before it, as far as possible, follow the procedure and conditions including the provisions governing adjournments as laid down in Sections 37 and 38 in relation to the complaints received by the District Commission, with such modification as may be considered necessary by the Commission.

     (4) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties or their agents to appear before the National Commission. Where the complainant or his agent fails to appear before the National Commission on such days, the National Commission may in its discretion either dismiss the complaint for default or decide it on merits. Where the opposite party or its agent fails to appear on the date of hearing the National Commission may decide the complaint ex-parte.

 (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 three months from the date of notice received by opposite party where complaint does not require analysis or testing of commodities and within five months if it requires analysis or testing of commodities.

 (6) In the event of a complaint being disposed of after the period specified in sub-rule (4), the National Commission shall record in writing, the reasons for the delay in such disposal.

 (7) If after the proceedings conducted under sub-rule (3), the National Commission is satisfied with the allegations contained in the complaint, it shall issue orders to the opposite party or parties, as the case may be, directing him or them to take one or more of the things as mentioned in sub-section ( 1 ) of section 39. 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 in the Official Gazette or through any other media and no legal proceedings shall lie against the National Commission or any media for such publication.

**16.**  **Appeals before National Commission**.- Every appeal filed in  terms of section 51 shall be accompanied by such amount as specified in the second proviso to the said section and such amount may be remitted in the form  of a crossed Demand Draft drawn on a nationalized bank in favour of the Registrar, National Commission, payable at Delhi. The National Commission dealing with the appeals filed before them shall follow the provisions of section  51 and 52 as may be required to hear the appeals filed before the Commission.

Explanation.- In this rule, 'nationalized 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).

**17.**  **Procedure for hearing the appeal--** (1) Memorandum shall be presented by the appellant or his agent to the National Commission in person or be sent by registered post addressed to the Commission.

     (2) Every memorandum filed under sub-rule (I) shall be in legible handwriting preferably typed 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 a crossed demand draft as referred to in rule 14A and by 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 objection mentioned in the memorandum.

     (4) When the appeal is presented after the expiry of the period of limitation as specified in the Act, the memorandum shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant relies 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 or such number of copies of the memorandum to the Commission for official purpose.

 (6) On the date of hearing or on any other day to which hearing may be adjourned, it shall be obligatory for the parties or their agents to appear before the National Commission. If appellant or his agent fails to appear on such date, the National Commission may in its discretion either dismiss the appeal or decide ex-parte on merits. If the respondent or his agent fails to appear on such date, the National Commission shall proceed ex-parte and shall decide the appeal on merits of the case.

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

 Provided that the Commission shall not rest its decision on any other ground other than those specified in the memorandum unless the party who may be affected thereby, has been given, an opportunity of being heard by the National Commission.

 (8) No adjournment shall ordinarily be granted by the National Commission, unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Commission. 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. The appeal shall be decided, as far as possible, within ninety days from the date of its admission. In the event of an appeal being disposed of after the period so specified, the National Commission shall record in writing the reasons of the same at the time of disposal of the said appeal.

 (9) The order of the National Commission shall be communicated to the parties concerned free of cost.

**18.**  **Number of Members in the National Commission**: - The National Commission shall consist of not less than four members and not more than eleven members and at least one of them shall be a woman.

**19**. **Sitting of the National Commission and signing of orders.--**  (1) Every proceeding of the National Commission shall be conducted by the President or the senior most member and at least two members thereof sitting together except when a bench is constituted by the President of the National Commission with one or more members as he may deem fit:

 Provided that one member or members for any reason are unable to conduct proceedings till it is completed, the President or the senior most member, as provided in section 63 of the Act, shall conduct such proceedings from the stage at which it was last heard by the previous member.

 (2) Every order made by the National Commission shall be signed by the President or the senior most member as provided under section 63 and at least two members who conducted the proceeding and if there is any difference of opinion among themselves, the opinion of majority shall be the order of the National Commission:

**20. Manner of deposit of amount in appeals before Supreme Court -** Every appeal filed before the Supreme Court in terms of section 67 shall be accompanied by an amount as provided in the second proviso to that section and such amount may be remitted in the form of a crossed Demand Draft drawn on a nationalized bank in favour of Registrar, Supreme Court, payable at Delhi.

  Explanation.- In this rule, 'nationalized 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)

**21. Furnishing information to the Central Government by the National Commission and the State Commission. ---**

The National Commission and the State Commissions shall furnish information on a quarterly basis in the manner as provided in **Schedule 1.**

 **22 .Power to relax.—**Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

**23. Interpretation.—**If any question arises relating to the interpretation of these rules, the decision of the Central Government thereon shall be final.

24**. Saving.—**Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.



