

**PROCEDURE TO FILE A CASE BEFORE THE STATE
COMMISSION & DISTRICT COMMISSON**



PROCEDURE TO FILE A CASE BEFORE THE STATE COMMISSION

Consumer Complaint (C.C.): [Under section 47(1)(a)(i) & (ii) and 49 of CPA 2019, Rule 4 of the Consumer Protection (Jurisdiction of the District Commission, the State Commission and the National Commission) Rules, 2021, subregulation 7(2) of the Consumer Protection (Consumer Commission Procedure) Regulations, 2020 and Rule 7 of the Consumer Protection (Consumer Disputes Redressal Commissions) Rules, 2020]

Where the value of the goods or services paid as consideration **exceeds fifty lakh but does not exceed two crore rupees**, a complaint can be filed in a State Commission accompanied by the necessary documents and affidavit of the complainant:

1. **Required copies:** 5 sets + sufficient additional sets equal to the number of opposite parties or respondents
2. **Limitation:** Complaint is to be filed within 2 years (section 69 of CPA 2019) from the date on which cause of action has arisen
3. **Court fee:**
 - a) above Rs. 50 lakh and upto Rs. 1 crore – Rs. 2000
 - b) above Rs. 1 crore and upto Rs. 2 crore – Rs. 2500

First Appeal (F.A.): [Under section 41 of CPA 2019 and Rule 8 of the Consumer Protection (Consumer Commission Procedure) Regulations, 2020]

An appeal shall be referred to a First Appeal (F.A.) and it can be filed against the order of any District Commission within the State by submitting the following documents:

1. Memorandum of grounds of appeal
2. Certified copy of the District Commission order
3. No of copies required for filing the appeal: 5 sets + sufficient additional copies for each respondent
4. Appeal to be filed within 45 days from the date of the order
5. **Statutory deposit:** 50% of any amount in terms of order of the District Commission
6. Court fee is not required to file an appeal

Review Application (R.A.): [Under section 50 of CPA 2019]

R.A. can be made any parties within 30 days after passing of the order to the State Commission.

Revision Petition (R.P.): [Under 47(1)(b) of CPA 2019 and subregulation 14(1)(i) of the Consumer Protection (Consumer Commission Procedure) Regulations, 2020]

The above stated section conferred revision powers to call for records and pass order in respect of consumer **disputes pending before or decided** by District Commissions within the State.

Revision Petition can be filed by challenging the order or Interim Application* (I.A.) Order of the District Consumer Commission while complaint is decided or pending at District Commissions.

Document required are as follows:

1. Memorandum of grounds of R.P.
2. Certified copy of the order or I.A. order along with petition
3. **No of copies required for filing the R.P.:** 5 sets + sufficient additional sets for respondents
4. Revision petition to be filed within 90 days from the date of receipt of certified copy of the order
5. Court fee is not required to file R.P.

**Interim Application (I.A.) is a request made by one party asking the relevant Consumer Commission to make orders to help with their cases preparation or procedure. I.A. stop parties from acting in an unfair or unethical way (section 38(8) of CPA 2019)*

Execution Application (E.A.): [Under section 71 & 72 of CPA 2019]

E.A. can be filed when final order is not complied with in time. According to the above mentioned sections, Order 21 of Civil Procedure Code (CPC) will apply for execution of the order of the State Commission as it applies to the execution of the orders and judgements of the courts under CPC.

Necessary documents are as follows:

1. Execution Application
2. Certified copy of the Consumer Complaint Order (C.C. Order) alongwith vakalatnama (Power of Attorney).
3. No. of copies required for filing the E.A.: 5 sets + sufficient additional sets for respondents.

PROCEDURE TO FILE A CONSUMER CASE BEFORE THE DISTRICT COMMISSION

Consumer Complaint (C.C.): [Under section 34, 35 & 38(6) of Consumer Protection Act, 2019 (CPA 2019), Rule 3 of the Consumer Protection (Jurisdiction of the District Commission, the State Commission and the National Commission) Rules, 2021, subregulation of 7(i) of the Consumer Protection (Consumer Commission Procedure) Regulations, 2020 and Rule 7 of the Consumer Protection (Consumer Disputes Redressal Commissions) Rules, 2020]

Where the value of the goods or services paid as consideration **does not exceed fifty lakh** rupees, a complaint can be filed in a District Commission accompanied by the necessary documents and affidavit of the complainant:

1. **Required copies:** 3 sets + additional sets equal to the number of opposite parties.
2. **Limitation:** Complaint is to be filed within 2 years (section 69 of CPA 2019) from the date on which cause of action has arisen*.
3. **Court Fee:**
 - a) upto Rs. 5 lakh – Nil
 - b) above Rs. 5 lakh and upto Rs. 10 lakh – Rs. 200
 - c) above Rs. 10 lakh and upto Rs. 20 lakh – Rs. 400
 - d) above Rs. 20 lakh and upto Rs. 50 lakh – Rs. 1000

**Cause of action in general means the bundle of facts which gives rise to a right or liability in a given case. [M/s Sonic Surgical v. National Insurance Company Ltd. (2009) (SC)].*

Review Application (R.A.): [Under section 40 of CPA 2019]

R.A. can be made by any parties within 30 days after passing of the order to the concerned District Commission.

Execution Application (E.A.): [Under section 71 & 72 of CPA 2019]

E.A. can be filed when final order is not complied with in time. According to the above mentioned sections, Order 21 of Code of Civil Procedure (CPC) will apply for execution of the order of the District Commissions as it applies to the execution of the orders and judgements of the courts under CPC.

Necessary documents are as follows:

1. Execution Application
2. Certified copy of the Consumer Complaint Order (C.C. Order) alongwith vakalatnama (Power of Attorney).
3. No. of copies required for filing the E.A.: 3 sets + sufficient additional sets for respondents.