Scope of consumer protection act 1986 pdf

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Updated: Dec 26 2004, 05:30am hrs When the Consumer Protection Act was initially enacted in 1986, goods purchased for commercial purpose (excluding those purchased for commercial purposes were amenable to the jurisdiction of the
consumer courts. To remove this anomaly, the CP Act was amended in the year 2003, so that services for commercial purposes (except those availed of for earning ones livelihood) stood excluded from the purview of the CP Act. This amendment was made with the objective of excluded commercial disputes, as the CP Act was basically for the common
man. Now, the National Consumer Disputes Redressal Commission has interpreted the meaning of commercial purpose in such a manner that business houses can also file complaints under the CP Act. This authoritative judgement was recently passed on December 3, 2004 by a bench of the National Commission comprising of Justice MB Shah and
Rajyalakshmi Rao in a bunch of appeals requiring the interpretation of the term commercial purpose. The issue before the National Commission was whether insurance policies taken by commercial purpose and thereby excluded from the purview of the Consumer Protection Act, 1986 (as
amended in 2003). The issue came up in a bunch of appeals against the orders passed by the Gujarat State Commission which had held that commercial purpose were excluded from the purview of the CP Act. After considering the definitions of the words
consumer, service, and commercial purpose, the National Commission observed that an insurance policy cannot trade or carry on any commercial activity with regard to the insurance policies by persons / parties carrying on commercial
activities cannot be held to be a commercial purpose. This is because the policy is taken for reimbursement or for indemnity for the loss which may be suffered due to various perils. There is no question of trading or carrying on commercial activity carried
out by the insured. While arriving at this conclusion, the National Commission referred to Halsburys Laws of England, Volume 25, 4th Edition, and observed that insurance is a contract of indemnity and, therefore, the insured can recover the actual amount of loss and no more. Hence, an insurance policy is for protection of the interest of the insured
in respect of articles or goods, and not for making any profit or trading for carrying on commercial purpose. The National Commission also referred to various judgements of the Supreme Court and held that services in respect of any connected commercial activity would continue to remain within the purview of the Act. What is excluded would only be
those goods purchases or services availed or hired where profit is the main aim. Thus, the test to determine whether the goods are purchased for resale or for any commercial purpose or the services are availed for any commercial purpose would determine whether the goods are purchased for resale or for any commercial purpose or the services are availed for any commercial purpose, ie, for generating profit. The National Commission gave illustrations to
explain how to interpret its judgement. For example, if a manufacturer cannot file a complaint under the CP Act in respect of any defect in raw material, as this would be for commercial purpose. As against this, if the same manufacturer purchases a refrigerator, a television or an air-conditioner for his use at his residence or even in his office, it
cannot be held to be for commercial purpose, and for this purpose,
commercial purpose would mean goods purchased or services hired in any activity directly intended to generate profit, it would not be commercial purpose. This landmark
judgement will help business houses to avail of the benefits of a welfare legislation like the CP Act, but it might prove to be detrimental to the increase caused in the work load of the consumer fora which will once again have to entertain disputes filed by business houses and
industries. The author is an award-winning consumer activist and will answer readers queries to consumercourt@hotmail.com THE CONSUMER PROTECTION ACT, 1986 INTRODUCTION The industrial revolution and the development in the international trade and commerce has led to the vast expansion of
business and trade, as a result of which a variety of consumer goods have appeared in the market to cater to the needs of the consumers and a host of services have been made available to the consumers and traders with better and banking. A well organised sector of manufacturers and traders with better to the needs of the consumers and a host of services have been made available to the consumers and traders with better to the needs of the consumers and traders with better to the needs of the consumers and traders with better to the needs of the consumers and traders with better to the needs of the consumers and traders with better to the needs of the consumers and traders with better to the needs of the consumers and traders with better to the needs of the consumers and traders with better to the needs of the consumers and traders with better to the needs of the consumers and traders with better to the needs of the consumers and traders with better to the needs of th
knowledge of markets has come into existence, thereby affecting the relationship between the traders and the consumers making the principle of consumers making the principle of consumers though there may be
manufacturing defects or imperfections or short comings in the quality, quantity and the purity of the goods or there may be deficiency in the services rendered. In addition, the production of the same item by many firms has led the consumers, who have little time to make a selection, to think before they can purchase the best. For the welfare of the
public, the glut of adulterated and sub-standard articles in the market have to be checked. In spite of various provisions providing protection to the consumer and providing for stringent action against adulterated and sub-standard articles in the different enactments like Code of Civil Procedure, 1908, the Indian Contract Act, 1872, the Sale of Goods
Act, 1930, the Indian Penal Code, 1860, the Standards of Weights and Measures Act, 1976 and the Motor Vehicles Act, 1988, very little could be achieved in the field of Consumer Protection. Though the Monopolies and Restrictive Trade Practices Act, 1969 arid the Prevention of Food Adulteration Act, 1954 have provided relief to the consumers yet it
became necessary to protect the consumers from the exploitation and to save them from adulterated and sub-standard goods and services and to safe guard the interests of the consumer Protection Bill, 1986 was introduced in the Lok Sabha on 5th December,
1986. STATEMENT OF OBJECTS AND REASONS The Consumer Protection Bill, 1986 seeks to provide for the establishment of Consumer councils and other authorities for the settlement of consumer disputes and for matter connected therewith. 2. It seeks,
inter alia, to promote and protect the rights of consumers such as- (a) the right to be informed about the quality, quantity, potency, purity, standard and price of goods to protect the consumer against unfair trade practices; (c) the right to be
assured, wherever possible, access to an authority of goods at competitive prices; (d) the right to be heard and to be assured that consumers interests will receive due consideration at appropriate forums; (e) the right to seek redressal against unfair trade practices or unscrupulous exploitation of consumers; and (f) right to consumer
education. 3. These objects are sought to be promoted and protected by the Consumer Protection Council to be established at the Central and State level. 4. To provide speedy and simple redressal to consumer disputes, a quasi-judicial machinery is sought to be setup at the district, State and Central levels. These quasi-judicial bodies will observe them.
principles of natural justice and have been empowered to give relief of a specific nature and to award, wherever appropriate, compensation to consumers. Penalties for noncompliance of the orders given by the quasi-judicial bodies have also been provided. 5. The Bill seeks to achieve the above objects. ACT 68 OF 1986 The Consumer Protection Bill,
1986 was passed by both the Houses of Parliament and it received the assent of the President on 24th December, 1986. It came on the Statutes Book as THE CONSUMER PROTECTION ACT, 1986 (68 of 1981) (w.r.e.f. 15-6-1991). 2. The Consumer
Protection (Amendment) Act, 1993 (50 of 1993) (w.r.e.f. 18-6-1993). 3. The Consumer Protection (Amendment) Act, 2002 [62 of 2002] which was passed by Rajya Sabha on 11.4.2002, Lok Sabha on 30.7.2002 {with some
amendments} and again by Rajya Sabha on 22.11.2002 and the President of India gave assent on 17.12.2002 and the notification was issue on 18.12.2002. The provisions of the Act are being brought into force w.e.f. 15.3.2003.) Amendments are shown in bold & italic form The Consumer Protection Act, 1986 (68 of 1986) 24th December; 1986 An Act
to provide for better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumers and for matters connected therewith. BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—
PRELIMINARY CONSUMER PROTECTION COUNCILS CONSUMER DISPUTES REDRESSAL AGENCIES MISCELLANEOUS PRELIMINARY 1. Short title, extent, commencement and application.—(1) This Act may be called the Consumer Protection Act, 1986. (2) It extends to the whole of India except the State of Jammu and Kashmir. (3) It
shall come into force on such date as the Central Government may, by notification, appoint and different provisions of this Act. (4) Save as otherwise expressly provided by the Central Government by notification, this Act shall apply to all goods and services. 2. Definitions. - (1) In this
Act, unless the context otherwise requires,—(a) "appropriate laboratory" means a laboratory or organisation—(i) recognised by the Central Government; (ii) any such laboratory or organisation
established by or under any law for the time being in force, which is maintained, financed or aided by the Central Government for carrying out analysis or test of any goods with a view to determining whether such goods suffer from any defect; (aa) "branch office" means—(i) any establishment described as a branch by
                                    any establishment carrying on either the same or substantially the same activity as that carried on by the head office of the establishment; (b) "complainant" means—(i) a consumer; or (ii) any voluntary consumer association registered under the Companies Act, 1956 (1of 1956) or under any other law for
the time being in force; or (iii) the Central Government or any State Government, (iv) one or more consumers, where there are numerous consumer, his legal heir or representative; who or which makes a complaint; (c) "complaint" means any allegation in writing made by
a complainant that— (i) an unfair trade practice or a restrictive trade practice has been adopted by any trader or service provider; (ii) the services hired or availed of or agreed to be hired or availed of by him suffer from deficiency in any
respect; (iv) a trader or service provider, as the case may be, has charged for the goods or for the service mentioned in the complaint a price in excess of the price – (a) fixed by or under any law for the time being in force (b) displayed on the price in excess of the pric
under any law for the time being in force; (d) agreed between the parties; (v) goods which will be hazardous to life and safety when used or being offered for sale to the public,-- (A) in contravention of any standards relating to safety of such goods as required to be complied with, by or under any law for the time being in force; (B) if the trader
could have known with due diligence that the goods so offered are unsafe to the public; (vi) services which are hazardous or likely to be hazardous 
means any person who— (i) buys any goods for a consideration which has been paid or promised, or under any system of deferred payment and includes any user of such goods for consideration which has been paid or promised, or under any system of
deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any services for a consideration which has been paid or promised, or under any system of deferred payment and
includes any beneficiary of such services other than the person who 'hires or avails of the services for consideration paid or promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person but does not include a person who avails of such services
for any commercial purposes; Explanation.—For the purposes of this clause, "commercial purposes of this clause, "commercial purposes of earning his livelihood by means of self-employment; (e) "consumer dispute" means a dispute where the person against
whom a complaint has been made, denies or disputes the allegations contained in the complaint. (f) "defect" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force under any contract, express or implied or as is claimed by
the trader in any manner whatsoever in relation to any goods; (g) "deficiency" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performed by a person in pursuance of a
contract or otherwise in relation to any service; (h) "District Forum" means a Consumer Disputes Redressal Forum established under clause (a) of section 9; (i) "goods" means goods as defined in the Sale of Goods Act, 1930 (3 of 1930); (g) "manufacturer" means a person who— (i) makes or manufactures any goods or part thereof;
or (ii) does not make or manufacture any goods but assembles parts thereof made or manufactured by others; or (iii) puts or causes to be put his own mark on any goods or part thereof to any branch office maintained by him, such branch
office shall not be deemed to be the manufacturer even though the parts so dispatched to it are assembled at such branch office; (jj) "member" includes the President and a member of the National Commission or a State Commission or a District Forum, as the case may be; (k) "National
Commission" means the National Consumer Disputes Redressal Commission established under clause (c) of section 9; (l) "notification means a notification means a notification published in the Official Gazette; (m) "person" includes,— (i) a firm whether registered or not; (ii) a Hindu undivided family; (iii) a co-operative society; (iv) every other association of persons
whether registered under the Societies Registration Act, 1860 (21 of 1860) or not; (n) "prescribed" means prescribed by rules made by the State Government, or as the case may be, by the Central Government under this Act; (nn) "restrictive trade practice"
means a trade practice which tends to bring about manipulation of price or conditions of delivery or to affect flow of supplies in the market relating to goods or services in such a manner as to impose on the consumers unjustified costs or restrictions and shall include—(a) delay beyond the period agreed to by a trader in supply of such goods or in
providing the services which has led or is likely to lead to rise in the price; (b) any trade practice which requires a consumer to buy, hire or availing of other goods or services; (o) "service" means service of any description which is made available to
potential users and includes, but not limited to, the provision of facilities in connection with banking, financing insurance, transport, processing, supply of electrical or other energy, board or lodging or both, housing construction, entertainment, amusement or the purveying of news or other information, but does not include the rendering of any
service free of charge or under a contract of personal services; (00) "spurious goods and services which are claimed to be genuine but they are actually not so; (p) "State Commission" means a Consumer Disputes Redressal Commission established in a State under clause (b) of section 9; (q) "trader" in relation to any
goods means a person who sells or distributes any goods for sale and includes the manufacturer thereof, and where such goods are sold or distributed in package form, includes the packer thereof; (r) "unfair trade practice" means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any
service, adopts any unfair method or unfair or deceptive practice including any of the following practices, namely;—(1) the practice of making any statement, whether orally or in writing or by visible representation which,—(i) falsely represents that the goods are of a particular standard, quality, quantity, grade, composition, style or model; (ii)
falsely represents that the services are of a particular standard, quality or grade; (iii) falsely represents any re-built, second-hand, renovated, reconditioned or old goods or services have sponsorship, approval, performance, characteristics, accessories, uses or benefits which such goods or services do not
have; (v) represents that the seller or the supplier has a sponsorship or approval or affiliation which such seller or supplier does not have; (vi) makes a false or misleading representation concerning the need for, or the usefulness of, any goods or services; (vii) gives to the public any warranty or guarantee of the performance, efficacy or length of life
of a product or of any goods that is not based on an adequate or proper test, the burden of proof of such defence shall lie on the person raising such defence; (viii)makes to the public a representation in a form that
purports to be— (i) a warranty or guarantee of a product or of any goods or services; or (ii) a promise to replace, maintain or repair an article or any part thereof or to repeat or continue a service until it has achieved a specified result, if such purported warranty or guarantee or promise is materially misleading or if there is no reasonable prospect
that such warranty, guarantee or promise will be carried out; (ix) materially misleads the public concerning the price at which a product or goods or services, have been or are, ordinarily sold or provided, and, for this purpose, a representation as to price shall be deemed to refer to the price at which the product or goods or services
has or have been sold by sellers or provided by sellers or provided by sellers or misleading facts disparaging the goods, services or trade of
another person. Explanation. - For the purposes of clause (1), a statement that is— (a) expressed on an article offered or displayed for sale, or on its wrapper or container; or (b) expressed on anything attached to, inserted in, or accompanying, an article offered or displayed for sale, or on anything on which the article is mounted for display or sale;
or (c) contained in or on anything that is sold, sent, delivered, transmitted or in any other manner whatsoever made available to a member of the public, shall be deemed to be a statement made or contained; (2) permits the publication of any
advertisement whether in any newspaper or otherwise, for the sale or supply at a bargain price, of goods or services that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at a bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at a bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at a bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at a bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at a bargain price, or for a period that is, and in quantities that are not intended to be offered for sale or supply at a bargain price, or for a period that is, and it is a bargain price or sale or supply at a bargain price or sale 
of business, and the nature of the advertisement. Explanation .—For the purpose of clause (2), "bargaining price means— (a) a price that is stated in any advertisement to be a bargain price, by reference to an ordinary price or otherwise, or (b) a price that is stated in any advertisement. Explanation .—For the purpose of clause (2), "bargaining price or otherwise, or (b) a price that is stated in any advertisement to be a bargain price, by reference to an ordinary price or otherwise, or (b) a price that is stated in any advertisement.
bargain price having regard to the prices at which the products are ordinarily sold; (3) permits— (a) the offering of gifts, prizes or other items with the intention of not providing them as offered or creating impression that something is being given or offered free of charge when it is fully or partly covered by the amount
charged in the transaction as a whole; (b) the conduct of any contest, lottery, game of charge or skill, for the purpose of promoting, directly or indirectly, the sale, use or supply of any product or any business interest; (3A) withholding from the participants of any scheme offering gifts, prizes or other items free of charge, on its closure the
information about final results of the scheme. Explanation. — For the purposes of this sub-clause, the participants of a scheme where such results are within a reasonable time, published, prominently in the same newspapers in which the scheme was originally advertised; (4)
permits the sale or supply of goods intended to be used, or are of a kind likely to be used, by competent authority relating to performance, composition, contents, design, constructions, finishing or packaging as are necessary to prevent or
reduce the risk of injury to the person using the goods; (5) permits the hoarding or destruction of goods or to make them available for sale or to provide any service, if such hoarding or destruction of goods or to make them available for sale or to provide any services. (6) manufacture
of spurious goods or offering such goods for sale or adopts deceptive practices in the provision of services in the provision thereof in force in such area. 3.
Act not in derogation of any other law.—The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force. CHAPTER II CONSUMER PROTECTION COUNCILS 4.
                                                                                                                                                                                                                                                                                                             The Central Consumer Protection Council.—(1) The Central Government shall, by notification, establish with effect
from such date as it may specify in such notification, a Council to be known as the Central Council (hereinafter referred to a
and (b) such number of other official or non-official members representing such interests as may be prescribed. 5. Procedure for meetings of the Council shall be held every year. (2) The Central Council shall meet at such time and
place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed. 6. Objects of the Central Council shall be to promote and protect the rights of the consumers such as,— (a) the right to be protected against the marketing of goods and
services which are hazardous to life and property; (b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be so as to protect the consumer against unfair trade practices; (c) the right to be assured, wherever possible, access to a variety of goods and services at competitive
                                                                                                                                                                                                                                                                            ... (hereinafter referred to as the State Council). (2) The State Council shall consist of the following members, namely:— (a) the Minister
The State Council shall meet as and when necessary but not less than two meetings shall be held every year. (4) The State Council shall meet at such time and place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed by the State Government. 8.
Council. — The objects of every State Council shall be to promote and protect within the State the rights of the consumers laid down in clauses (a) to (f) of section 6. 8A. (1) The State Government shall establish for every district, by notification, a council to be known as the District Consumer Protection Council with effect from such date as it may
as may be prescribed by the State Government. (3) The District Council shall meet at such time and place within the district as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as
may be prescribed by the State Government. 8B. The objects of every District Council shall be to promote and protect within the district the rights of the consumers laid down in clauses (a) to (f) of section 6. CHAPTER III CONSUMER DISPUTES REDRESSAL AGENCIES 9.
district. (b) a Consumer Disputes Redressal Commission to be known as the "State Commission" established by the Central Government in the State by notification. 10. Composition of the District Forum. — (1) Each District Forum.
shall consist of,— (a) a person who is, or has been, or is qualified to be a District Judge, who shall be its President; (b) two other members, one of whom shall be a woman, who shall be a woman, who shall be its President; (b) two other members, one of whom shall be a woman, who shall be its President; (b) two other members, one of whom shall be its President; (c) be not less than thirty-five years of age, (ii) possess a bachelor's degree from a recognised university, (iii) be persons
of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration: Provided that a person shall be disqualified for appointment as a member if he— (a) has been convicted and sentenced to
imprisonment for an offence which, in the opinion of the state Government involves moral turpitude; or (b) is an undischarged insolvent; or (c) is of unsound mind and stands so declared by a competent court; or (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or (e)
has, in the opinion of the state Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or (f) has such other disqualifications as may be prescribed by the State Government on the
                                             — Member. Provided that where the President of the State Commission is, by reason of absence or otherwise, unable to act as Chairman of the Selection Committee, the State Government may refer the matter to the Chief Justice of the High Court for nominating a sitting Judge of that High Court to act as
Chairman. (2) Every member of the District Forum shall hold office for a term of five years or up to the age of sixty-five years, whichever is earlier; Provided that a member shall be eligible for re-appointment for another term of five years, whichever is earlier.
shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who is required to be appointed as the President or as a
member, before the commencement of the Consumer Protection (Amendment) Act, 2002, shall continue to hold such office as President or member, as the case may be, till the completion of his term. (3) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members of the District Forum shall
be such as may be prescribed by the State Government. Provided that the appointment of a member on whole-time basis shall be made by the State Government on the recommendation of the District Forum. 11.
Jurisdiction of the District Forum.—(1) Subject to the other provisions of this Act, the District Forum within the local limits of
whose jurisdiction,— (a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain, or (b) any of the opposite parties, where there are more than one, at the time of the
institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office, or personally work for gain, as the case may be,
acquiesce in such institution; or (c) the cause of action, wholly or in part, arises. 12. Manner in which complaint shall be made.—(1) A complaint in relation to any goods sold or delivered or agreed to be provided may be filed with a District Forum by – (a) the consumer to whom such
goods are sold or delivered or agreed to be provided or agreed to be pr
consumers, where there are numerous consumers having the same interest, with the permission of the District Forum, on behalf of, or for the benefit of, all consumers so interested; or (d) the Central Government or the State Government, as the case may be, either in its individual capacity or as a representative of interests of the consumers in
general. (2) Every complaint filed under sub-section (1) shall be accompanied with such amount of fee and payable in such manner as may be prescribed. (3) On receipt of a complaint made under sub-section (1), the District Forum may, by order, allow the complaint to be proceeded with or rejected: Provided that a complaint shall not be rejected
may proceed with the complaint in the manner provided under this Act: Provided that where a complaint has been admitted by the District Forum, it shall not be transferred to any other court or tribunal or any authority set up by or under any other law for the time being in force. Explanation. - For the purpose of this section "recognised consumer
association" means any voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force". 13. Procedure on admission of complaint, within twenty-one days from
the date of its admission to the opposite party mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum; (b) where the opposite party on receipt of a complaint referred to him under clause (a) denies or disputes
the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum, the District Forum, the District Forum shall proceed to settle the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the complaint alleges a defect in the goods which cannot be determined without proper to the District Forum shall proceed to settle the complaint alleges and the District Forum shall proceed to settle the complaint alleges and the District Forum shall proceed to settle the complaint alleges and the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed the District Forum shall proceed to settle the Complaint alleges and the District Forum shall proceed the District Forum shall proceed the District Forum shall p
analysis or test of the goods, the District Forum shall obtain a sample of the appropriate laboratory along with a direction that such laboratory make an analysis or test, whichever may be necessary, with a view to finding out whether
such goods suffer from any defect alleged in the complaint or from any other defect and to report its findings thereon to the District Forum; (d) before any sample of the goods is referred to any appropriate
laboratory under clause (c), the District Forum may require the complainant to deposit to the appropriate laboratory for carrying out the necessary analysis or test in relation to the appropriate laboratory for carrying out the necessary analysis or test in relation to the goods in question; (e) the District Forum shall remit the amount deposited to its credit under clauses
(d) to the appropriate laboratory to enable it to carry out the analysis or test mentioned in clause (c) and on receipt of the report from the appropriate laboratory, the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the report along with such remarks as the District Forum shall forward a copy of the remarks as the District Forum shall forward a copy of the remarks as the District Forum shall forward a copy of the remarks as the District Forum shall forward a copy of the remarks as the District Forum shall forward a copy of the remarks as the District Forum shall forward a copy of the remarks as the District Forum shall forward a copy of the remarks as the District Forum shall forward a copy of the remarks as the District Forum shall forward a cop
correctness of the findings of the appropriate laboratory, or disputes the correctness of the methods of analysis or test adopted by the appropriate laboratory; (g) the District Forum
shall thereafter give a reasonable opportunity to the complainant as well as the opposite party of being heard as to the objection made in relation thereto under section 14. (2) the District Forum shall, if thereafter give a reasonable opportunity to the complainant as well as the opposite party of being heard as to the objection made in relation thereto under section 14.
complaint admitted by it under section 12 relates to goods in respect of which the procedure specified in sub-section (1) cannot be followed, or if the complaint relates to any services,— (a) refer a copy of such complaint to the opposite party directing him to give his version of the case within a period of thirty days or such extended period not
exceeding fifteen days as may be granted by the District Forum; (b) where the opposite party, on receipt of a copy of the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum
shall proceed to settle the consumer dispute,— (i) on the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to
take any action to represent his case within the time given by the Forum. (c) where the complainant fails to appear on the date of hearing before the District Forum may either dismiss the complainant fails to appear on the date of hearing before the District Forum.
called in question in any court on the ground that the principles of natural justice have not been complaint within a period of three months from the date of receipt of notice by opposite party where the complaint does not require
analysis or testing of commodities and within five months if it requires analysis or testing of commodities: Provided further that the District Forum shall be ordinarily granted by the Forum: Provided further that the District Forum shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily granted by the Forum of adjournment shall be ordinarily g
make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act. Provided also that in the event of a complaint being disposed of after the period so specified, the District Forum shall record in writing, the reasons for the same at the time of disposing of the said complaint.
during the pendency of any proceeding before the District Forum, it appears to it necessary, it may pass such interim order as is just and proper in the facts and circumstances of the case. (4) For the purposes of this section, the District Forum shall have the same powers as are vested in a civil court under Code of Civil Procedure, 1908 while trying
suit in respect of the following matters, namely:— (i) the summoning and enforcing the attendance of any defendant or witness and examining the witness on oath; (ii) the reception of evidence on affidavits; (iv) the requisitioning of the report of the
concerned analysis or test from the appropriate laboratory or from any other matter which may be prescribed. (5) Every proceeding before the District Forum shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228
of the Indian Code (45 of 1860), and the District Forum shall be deemed to be a civil court for the purposes of section 195, and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974). (6) Where the complainant is a consumer referred to in sub-clause (iv) of clause (b) of sub-section (1) of section 2, the provisions of rule 8 of Order I of the
First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall apply subject to the modification that every reference to a complaint or the order of the District Forum thereon. (7) In the event of death of a complainant who is a consumer or of the opposite party against whom the
of the following things, namely:— (a) to remove the defect pointed out by the appropriate laboratory from the goods in question; (b) to return to the complainant the price, or, as the case may be, the charges paid by the complainant; (d) to pay such
amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party. Provided that the District Forum shall have the power to grant punitive damages in such circumstances as it deems fit; (e) to remove the defects in goods or deficiencies in the services in
question; (f) to discontinue the unfair trade practice or the restrictive trade practice or not to repeat it; (g) not to offer the hazardous goods for sale; (ha) to desist from offering services which are hazardous in nature; (hb) to pay such sum
as may be determined by it if it is of the opinion that loss or injury has been suffered by a large number of consumers who are not identifiable conveniently: Provided that the minimum amount of sum so payable shall not be less than five per cent. of the value of such defective goods sold or service provided, as the case may be, to such consumers:
to parties. (2) Every proceeding referred to in sub-section (1) shall be conducted by the President of the District Forum and at least one member thereof sitting together: Provided that where a member shall continue the proceeding from the
stage at which it was last heard by the President and one member and they differ on any point or points, they shall be signed by its President and one member and they differ on any point or points, they shall
state the point or points on which they differ and refer the same to the District Forum. (3) Subject to the majority shall be the order of the District Forum, its sittings and other matters shall be the order of the majority shall be the order of the District Forum.
such as may be prescribed by the State Government. 15. Appeal. — Any person aggrieved by an order made by the District Forum may prefer an appeal against such order, in such form and manner as may be prescribed: Provided that the State Commission may
entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not finding it within that period. Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the District Forum, shall be entertained by the State Commission unless the appellant has
deposited in the prescribed manner fifty per cent. of that amount or twenty-five thousand rupees, whichever is less: 16. Composition of the State Commission. — (1) Each State Commission shall be its President: Provided that no
appointment under this clause shall be made except after consultation with the Chief Justice of the High Court; (b) not less than two, and not more than such number of members, as may be prescribed, and one of whom shall be a woman, who shall have the following qualifications, namely:— (i) be not less than thirty-five years of age; (ii) possess a
bachelor's degree from a recognised university; and (iii) be persons of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration: Provided that not more than fifty per cent. of the members experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration: Provided that not more than fifty per cent.
shall be from amongst persons having a judicial background. Explanation. — For the purposes of this clause, the expression "persons having judicial background" shall mean persons having a judicial background. Explanation. — For the purposes of this clause, the expression "persons having officer at the district level court or any tribunal at equivalent level: Provided further
that a person shall be disqualified for appointment as a member if he— (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or (b) is an undischarged insolvent; or (c) is of unsound mind and stands so declared by a competent court; or (d) has been removed or
dismissed from the service of the Government, or (e) has, in the opinion of the State Government, such financial or other disqualifications as a member; or (f) has such other disqualifications as may be prescribed by the State Government, such financial or other disqualifications as may be prescribed by the State Government, such financial or other disqualifications as may be prescribed by the State Government, such financial or other disqualifications as may be prescribed by the State Government, such financial or other disqualifications as may be prescribed by the State Government, such financial or other disqualifications as may be prescribed by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the State Government or a body corporate owned or controlled by the Government of the State Government or a body corporate owned or controlled by the Government of the State Government of t
Government. (1A)Every appointment under sub-section (1) shall be made by the State Government on the recommendation of a Selection Committee consisting of the following members, namely:— (i) President of the State Commission
                                                                                                                                                                                                                                                                                                                                              Chairman; (ii) Secretary of the Law Department of the State --
                                                                  with Consumer Affairs in the State
                                                                                                                        -- Member: Provided that where the President of the State Commission is, by reason of absence or otherwise, unable to act as Chairman of the Selection Committee, the State Government may refer the matter to the Chief Justice of the High
point, the points shall be decided according to the opinion of the majority, but if the Members are equally divided, they shall either hear the point or points on which they differ, and make a reference to the President who shall either hear the point or points on which they differ, and make a reference to the President who shall either hear the point or points on which they differ, and make a reference to the President who shall either hear the point or points on which they differ, and make a reference to the President who shall either hear the point or points himself or refer the case for hearing on such points or points on which they differ, and make a reference to the President who shall either hear the point or points on which they differ, and make a reference to the President who shall either hear the point or points of the point of the point or points of the point of the poi
the other members and such point or points shall be decided according to the majority of the members who have heard the case, including those who first heard it. (2) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of, the members of the State Commission shall be such as may
State Commission shall hold office for a term of five years or up to the age of sixty-seven years, whichever is earlier: Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of sixty-seven years, whichever is earlier.
appointment mentioned in clause (b) of sub-section (1) and such re-appointment is made on the basis of the recommendation of the Selection Committee: Provided further that a person appointment in the manner provided in clause (a) of sub-section (1) of this section:
Provided also that a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office in writing under his hand addressed to the state Government and on such resignation being accepted, his office in writing under his hand addressed to the state Government and on such resignation being accepted, his office in writing under his hand addressed to the state Government and on such resignation being accepted, his office in writing under his hand addressed to the state Government and on such resignation being accepted, his office in writing under his hand addressed to the state Government and on such resignation being accepted, his office in writing under his hand addressed to the state Government and on such resignation being accepted, his office in writing under his hand addressed to the state Government and on such resignation being accepted, his office in writing under his hand addressed to the state Government and on such resignation being accepted, his office in writing under his hand addressed to the state Government and on such resignation being accepted, his office in writing under his hand addressed to the state Government and on such resignation being accepted.
to be appointed under the provisions of sub-section (1A) in place of the person who has resigned. (4) Notwithstanding anything contained in sub-section (Amendment) Act, 2002, shall continue to hold such office as President or member, before the commencement of the Consumer Protection (Amendment) Act, 2002, shall continue to hold such office as President or member,
as the case may be, till the completion of his term. 17. Jurisdiction—(a) to entertain—(i) complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees twenty lakhs but does not exceed
rupees one crore; and (ii) appeals against the orders of any District Forum within the State, where it appears to the State Commission that such District Forum has exercised a
jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity. (2) A complaint shall be instituted in a State Commission within the limits of whose jurisdiction,— (a) the opposite parties, where there are more than one, at
        me of the institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office or personally works for gain; or (b) any of the complaint, actually and voluntarily resides, or carries on business or has a branch office or
personally works for gain, provided that in such case either the permission of the State Commission is given or the opposite parties who do not reside or carry on business or have a branch office or personally work for gain, as the case may be, acquiesce in such institution; or (c) the cause of action, wholly or in part, arises. 17A. Transfer of cases.
On the application of the complainant or of its own motion, the State Commission may, at any stage of the proceeding, transfer any complaint pending before the District Forum to another District Forum within the State Commission shall ordinarily function in the State Capital
but may perform its functions at such other place as the State Commission, notify in the Official Gazette, from time to time. 18. Procedure applicable to State Commissions.—The provisions of Sections 12, 13 and 14 and the rules made thereunder for the disposal of complaints by the District Forum
shall, with such modifications as may be necessary, be applicable to the disposal of disputes by the State Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 17 may prefer an appeal against such order to the
National Commission within a period of thirty days from the date of the order in such form and manner as may be prescribed: Provided that there was sufficient cause for not filing it within that period. Provided further that no appeal
by a person, who is required to pay any amount in terms of an order of the State Commission, shall be entertained by the National Commission unless the appeal filed before the State
Commission or the National Commission shall be heard as expeditiously as possible and an endeavour shall be made to finally dispose of the appeal within a period of ninety days from the National Commission, as the case may be, unless
sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by such Commission; Provided further that the State Commission or the National Commission, as the case may be, shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act. Provided
also that in the event of an appeal being disposed of after the period so specified, the State Commission or, the National Commission of the said appeal. 20. Composition of the National Commission shall consist of— (a) a
person who is or has been a Judge of the Supreme Court, to be appointed by the Central Government, who shall be its President; Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of India; (b) not less than four, and not more than such number of members, as may be prescribed, and one of
whom shall be a woman, who shall have the following qualifications, namely:— (i) be not less than thirty-five years of age; (ii) possess a bachelor's degree from a recognised university; and (iii) be persons of ability, integrity and standing and have adequate knowledge and experience of at least ten years in dealing with problems relating to
economics, law, commerce, accountancy, industry, public affairs or administration: Provided that not more than fifty per cent. of the members shall be from amongst the persons having judicial background. Explanation. — For the purposes of this clause, the expression "persons having judicial background" shall mean persons having knowledge
and experience for at least a period of ten years as a presiding officer at the district level court or any tribunal at equivalent level: Provided further that a person shall be disqualified for appointment if he— (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;
or (b) is an undischarged insolvent; or (c) is of unsound mind and stands so declared by a competent court; or (d) has been removed or dismissed from the Service of the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government or a body corporate owned or controlled by the Government of the G
prejudicially the discharge by him of his functions as a member; or (f) has such other disqualifications as may be prescribed by the Central Government on the recommendation of a selection committee consisting of the following, namely:—(a) a
                                                                                                                                                                                                                                           — Member; in the Government of India (c) Secretary of the Department dealing with consumer — Member.; affairs in the Government of India (1A)(i) The
                                                                      — Chairman; to be nominated by the Chief Justice of India (b) the Secretary in the Department of Legal Affairs
person who is a Judge of the Supreme Court.
jurisdiction, powers and authority of the National Commission may be exercised by Benches thereof. (ii) A Bench may be constituted by the President with one or more members as the President may deem fit. (iii) if the Members of a Bench differ in opinion on any point, the points shall be decided according to the opinion of the majority, if there is a
majority, but if the members are equally divided, they shall state the point or points on which they differ, and make a reference to the President who shall either hear the point or points shall be decided according to the opinion
of the majority of the Members who have heard the case, including those who first heard it. (2) The salary or honorarium and other allowances payable to and the other terms and conditions of service of the Mational Commission shall be such as may be prescribed by the Central Government. (3) Every member of the National
Commission shall hold office for a term of five years or up to the age of seventy years, whichever is earlier: Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of seventy years, whichever is earlier.
mentioned in clause (b) of sub-section (1) and such re-appointment is made on the basis of the recommendation of the Selection Committee: Provided further that a person appointment in the manner provided in clause (a) of sub-section (1): Provided also that a member
may resign his office in writing under his hand addressed to the Central Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the member who is required to be appointed under the
provisions of sub-section (1A) in place of the person who has resigned. (4) Notwithstanding anything contained in sub-section (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (4).
completion of his term. 21. Jurisdiction of the National Commission. — Subject to the other provisions of this Act, the National Commission shall have jurisdiction— (a) to entertain— (i) appeals against the orders of any State
Commission; and (b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission where the National Commission whe 
acted in the exercise of its jurisdiction illegally or with material irregularity. 22. Power of and procedure applicable to the National Commission. — (1) The provisions of sections 12, 13 and 14 and the rules made there under for the disposal of complaints by the District Forum shall, with such modifications as may be considered necessary by the
Commission, be applicable to the disposal of disputes by the National Commission shall have the provisions contained in sub-section (1), the National Commission shall have the provisions contained in sub-section (2). Without prejudice to the provisions contained in sub-section (1), the National Commission shall have the provisions contained in sub-section (2).
passed by the National Commission ex parte against the opposite party or a complainant, as the case may be, the aggrieved party may apply to the Commission to set aside the said order in the interest of justice. 22B. Transfer of cases - On the application of the complainant or of its own motion, the National Commission may, at any stage of the
proceeding, in the interest of justice, transfer any complaint pending before the District Forum of another State commission to another State commission to another State commission to another State commission to another State or before one State commission to another State commission to another State or before any complaint pending before the District Forum of another State commission to ano
Central Government may, in consultation with the National Commission, notify in the Office of President of a District Forum, State Commission, or of the National Commission, as the case may be, is vacant or a person occupying such office is, by reason of
absence or otherwise, unable to perform the duties of his office, these shall be performed by the senior-most member of the National Commission, such member or where the number of such
members is more than one, the senior-most person among such members, shall preside over the National Commission in the absence of President and Member - Notwithstanding anything contained in this Act, the qualifications, appointment, term of office,
salaries and allowances, resignation, removal and the other terms and conditions of service of the President and other members of the President and other members of the President and the other terms and conditions of service of the President and the other terms and conditions of service of the President and other members of the President and other members of the President and other terms and conditions of service of the President and other members of the President an
member appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of this Act, and the rules made thereunder as if the provisions of this Act, and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017 had not come into force.] 23.
Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 21, may prefer an appeal against such order: Provided that the Supreme Court within a period of thirty days from the date of the order: Provided that the reward that the supreme Court within a period of thirty days if it is satisfied that there was
sufficient cause for not filing it within that period. Provided further that no appeal by a person who is required to pay any amount in terms of an order of the National Commission shall be entertained by the Supreme Court unless that person has deposited in the prescribed manner fifty per cent. of that amount or rupees fifty thousand, whichever is
less. 24. Finality of orders. — Every order of a District Forum, the State Commission or the National Commission shall, if no appeal has been preferred against such order under the provisions of this Act, be final. 24A. Limitation period. - (1) The District Forum, the State Commission or the National Commission shall not admit a complaint
unless it is filed within two years from the date on which the cause of action has arisen. (2) Notwithstanding anything contained in sub-section (1), a complaint may be entertained after the period specified in sub-section (2).
had sufficient cause for not filing the complaint within such period: Provided that no such commission or the District Forum, as the case may be, records its reasons for condoning such delay. 24B. Administrative Control.—(1) The National Commission shall have
administrative control over all the State Commissions in the following matters, namely:— (i) calling for periodical return regarding adoption of uniform procedure in the hearing of matters, prior service of copies of documents produced by one party to the opposite
parties, furnishing of English translation of judgments written in any language, speedy grant of copies of documents; (iii) generally overseeing the functioning of the State Commissions or the District Fora to ensure that the objects and purposes of the Act are best served without in any way interfering with their quasi-judicial freedom. (2) The State
Commission shall have administrative control over all the District Forum, the State Commission or the National Commission or the National Commission. — (1) Where an interim order made under this Act, is not complied with the District Forum or the State
Commission or the National Commission, as the case may be, may order the property of the person, not complying with such order to be attached. (2) No attachment made under sub-section (1) shall remain in force for more than three months at the end of which, if the non-compliance continues, the property attached may be sold and out of the
proceeds thereof, the District Forum or the State Commission or the National Commission may award such damages as it thinks fit to the complainant and shall pay the balance, if any, to the party entitled thereto. (3) Where any amount is due from any person under an order made by a District Forum, State Commission or the National Commission
as the case may be, the person entitled to the amount may make an application to the District Forum, the State Commission or the National Commission or the 
and the Collector shall proceed to recover the amount in the same manner as arrears of land revenue. 26. Dismissal of frivolous or vexatious, it shall, for reasons to be
recorded in writing, dismiss the complaint and make an order that the complainant shall pay to the opposite party such cost, not exceeding ten thousand rupees, as may be specified in the order 27. Penalties. — (1) Where a trader or a person against whom a complaint is made or the complainant fails or omits to comply with any order made by
the District Forum, the State Commission or the National Commission, as the case may be, such trader or person or complainant shall be punishable with imprisonment for a term which shall not be less than two thousands rupees but which may extend to ten
thousand rupees, or with both: (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974), the District Forum or the State Commission or the National Commission, as the case may be, shall have the power of a Judicial Magistrate of the first class for the trial of offences under this Act, and on such conferment of
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powers, the District Forum or the State Commission or the National Commission, as the case may be, on whom the powers are so conferred, shall be deemed to be a Judicial Magistrate of the first class for the purpose of the Code of Criminal Procedure, 1973 (2 of 1974). (3) All offences under this Act may be tried summarily by the District Forum or the State Commission or the National Commission, as the case may be. 27A. Appeal against order passed under section 27, both on facts and on law, shall lie from - (a) the order made by the District Forum to the State



