

# THE CENTRAL CONSUMER PROTECTION AUTHORITY

## NOTIFICATION

New Delhi, the 9th December, 2021

**F. No. J-25/14/2020-CPU (CCPA).**—In exercise of the powers conferred by sub-section (5) of section 15 and read with clause (c) of sub-section (2) of section 104 of the Consumer Protection Act, 2019 (35 of 2019), the Central Government hereby makes the following regulations, namely:---

**1. Short title and commencement.** - (1) These regulations shall be called the Central Consumer Protection Authority (Submission of Inquiry or Investigation by the Investigation Wing) Regulations, 2021.

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

**2. Definitions.**- (1) In these regulations, unless the context otherwise requires.-

(a) 'Act' means the Consumer Protection Act, 2019 (35 of 2019);

(b) 'Central Authority' means the Central Consumer Protection Authority established under section 10 of the Act;

(c) 'Investigation Wing' means the Investigation Wing of the Central Authority as referred to in sub-section(1) of section15 of the Act; and

(d) 'Secretary' means the senior officer of the Central Authority nominated as such by the Chief Commissioner.

(2) Words and expressions used and not defined in these regulations and defined in the Act shall have the meanings assigned respectively to them under that Act.

**3. Opinion on existence of prima facie case.**- (1) The Secretary, after receiving any information, complaint, or direction from the Central Government, as referred to under sub-section (1) of section 19 of the Act, may place or

cause to be placed the same before the Central Authority to form its opinion on the existence of a *prima facie* case.

(2) For the purpose of sub-regulation (1), the Central Authority shall, as far as possible, record its opinion on the existence of a *prima facie* case within fifteen days.

**4. Preliminary inquiry.** - (1) The Central Authority may, if it deems necessary, conduct or cause to be conducted a preliminary inquiry as to whether there exists a *prima facie* case as under sub-section (1) of section 19.

(2) The Central Authority may call for any information or invite any person as may be necessary for the preliminary inquiry.

(3) A preliminary inquiry need not follow formal rules of procedure.

**5. Issue of direction to cause investigation on *prima facie* case.** - (1) Where the Central Authority is of the opinion that a *prima facie* case exists, the Secretary shall convey the directions of the Central Authority within seven days of the receipt of the order of the Central Authority to the Director General to investigate the matter.

(2) Where the Central Authority is of the opinion that such matter is to be dealt with by a Regulator established under any other law for the time being in force, the Secretary shall refer such matter to the concerned Regulator along with the report of the preliminary inquiry and the reasons for such referral are to be recorded in writing and the matter shall be considered to be closed for the purposes of the Central Authority.

(3) A direction of investigation to the Director General under sub-regulation (1) shall be deemed to be the commencement of an investigation under sub-section (1) of section 19 of the Act.

**6. Communication of order when no *prima facie* case found.** - If the Central Authority is of the opinion that there is no *prima facie* case, the Secretary shall send a copy of the order of the Central Authority regarding closure of the matter forthwith to the Central Government or the person who provided information or filed a complaint in the matter, as the case may be.

**7. Investigation by the Director General.** - (1) The Secretary while conveying the directions of the Central Authority under regulation 5, shall send to the Director General:-

- (a) a copy of the information, complaint, or direction, as the case may be;
- (b) all other documents or materials or affidavits or statements which have been filed either along with the said information, complaint, or direction or at the time of the preliminary inquiry; and
- (c) a copy of the report of the preliminary inquiry.

(2) The Central Authority shall direct the Director General to submit a report on the basis of the investigation conducted by him within such time as may be specified by the Central Authority which ordinarily shall not exceed thirty days from the date of receipt of the directions of the Central Authority.

(3) The Central Authority may, on an application by the Director General giving sufficient reasons, extend the time for submission of the report within such period as it may consider reasonable.

(4) The report of the Director General shall contain his findings on each of the allegations made in the information, complaint or direction, as the case may be, together with all evidence or documents or statement or analyse collected during the investigation:

Provided that when necessary, the Director General may, for maintaining confidentiality, submit his report in two parts, one of which shall contain the documents to which access may be accorded to the Central Government or the person who provided information or filed a complaint in the matter, and the other part, which shall contain confidential and commercially sensitive information and documents to which access may be partially or totally restricted.

(5) Two copies of the report of the Director General, along with a soft copy in document format, shall be forwarded to the Secretary within the time specified by the Central Authority:

Provided that the Secretary may ask for more copies of the report as and when required.

(6) If the Central Authority, upon consideration of the report, is of the opinion that further investigation is called for, it may direct the Director General to make further investigation and submit a supplementary report on specific issues within such time as may be specified by the Central Authority, but not later than forty-five days.

ANUPAM MISHRA, Commissioner

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