

Section 39 in Consumer Protection Act, 2019

39. Findings of District Commission.

(1)Where the District Commission is satisfied that the goods complained against suffer from any of the defects specified in the complaint or that any of the allegations contained in the complaint about the services or any unfair trade practices, or claims for compensation under product liability are proved, it shall issue an order to the opposite party directing him to do one or more of the following, namely:-(a)to remove the defect pointed out by the appropriate laboratory from the goods in question;(b)to replace the goods with new goods of similar description which shall be free from any defect;(c)to return to the complainant the price, or, as the case may be, the charges paid by the complainant along with such interest on such price or charges as may be decided;(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 Commission shall have the power to grant punitive damages in such circumstances as it deems fit;(e)to pay such amount as may be awarded by it as compensation in a product liability action under Chapter VI;(f)to remove the defects in goods or deficiencies in the services in question;(g)to discontinue the unfair trade practice or restrictive trade practice and not to repeat them;(h)not to offer the hazardous or unsafe goods for sale;(i)to withdraw the hazardous goods from being offered for sale;(j)to cease manufacture of hazardous goods and to desist from offering services which are hazardous in nature;(k)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 twenty-five per cent. of the value of such defective goods sold or service provided, as the case may be, to such consumers;(l)to issue corrective advertisement to neutralise the effect of misleading advertisement at the cost of the opposite party responsible for issuing such misleading advertisement;(m)to provide for adequate costs to parties; and(n)to cease and desist from issuing any misleading advertisement.(2)Any amount obtained under sub-section (1) shall be credited to such fund and utilised in such manner as may be prescribed.(3)In any proceeding conducted by the President and a member and if they differ on any point or points, they shall state the point or points on which they differ and refer the same to another member for hearing on such point or points and the opinion of the majority shall be the order of the District Commission:Provided that the other member shall give his opinion on such point or points referred to him within a period of one month from the date of such reference.(4)Every order made by the District Commission under sub-section (1) shall be signed by the President and the member who conducted the proceeding:Provided that where the order is made as per majority opinion under sub-section (3), such order shall also be signed by the other member.