People in India like to avoid law enforcement agencies (courts or police) for the amount of time it takes and costs involved in seeing a case achieve the desired results. In setting up consumer courts at the district, state and national levels, cases are dealt with pretty rapidly.

The process of filing a case in the consumer court is simple enough and does not require a lawyer. This has been done with the express purpose of getting more people to come forward with their complaints and ensure that only the most honest service providers remain. The Act has also been set up to ensure speedy trials and swift results.

**Q. Do I need a lawyer to fight a consumer court case?**

No. A lawyer is not necessary to fight a case in the consumer court.

A number of people fight their own case in the court. You can, however, engage a lawyer to represent you if the monetary value of the loss caused due to deficient or defective goods and services is large or the case is complex.

**Q. Is there a time limit before a complaint can be filed?**

Yes. There is a limitation period of 2 years. That is, the complaint must be filed within two years of the cause of action having arisen. The courts may be willing to relax this requirement if the complainant can show sufficient cause for delay.

**Q. How much time will it take for a verdict to be delivered?**

The consumer courts have been set up to deliver speedy justice. Complaints are disposed off as quickly as possible and the Consumer Protection Act maintains that every endeavour shall be made to resolve disputes within 3 months if no testing or analysis of commodities is required and 5 months if it is.

**Q. How much does it cost to file a complaint?**

The complainant is required to deposit a nominal fee that varies depending upon the value of goods and services. For instance, the details of the court fee as prescribed by the Delhi State Commission are as under:

|  |  |  |
| --- | --- | --- |
| **Where?** | **Total value of goods and services and compensation claimed** | **Amount payable as fees** |
| District Forum | Upto Rs 1 lakh for complainants who are below the poverty line and hold Antyodaya Anna Yojana Cards | Nil |
|  | Upto Rs 1 lakh for complainants other than Antyodaya Anna Yojana Card holders | Rs 100 |
|  | Above Rs 1 lakh and below Rs 5 lakh | Rs 200 |
|  | Above Rs 5 lakh and below Rs 10 lakh | Rs 400 |
|  | Above Rs 10 lakh and below Rs 20 lakh | Rs 500 |
| State Commission | Above Rs 20 lakh and below Rs 50 lakh | Rs 2000 |
|  | Above Rs 50 lakh and below Rs 1 crore | Rs 4000 |
| National Commission | Above Rs 1 crore | Rs 5000 |

Source: <http://www.delhistatecommission.nic.in/court_fee.htm>

The payment for a complaint has to be made via demand draft that must be made out to:

“President, Consumer Disputes Redressal Forum, (Name of district)” - for district forum

“Registrar, State Consumer Disputes Redressal Commission, (Name of state)” - for state commission

“Registrar, National Consumer Disputes Redressal Commission” - for National Commission

**Q. How do I file a complaint?**

Before filing a complaint, the consumer must take all necessary steps to resolve the issue at a personal level before approaching the court. The complainant is also required to establish in the complaint before the consumer court that all possible steps to resolve the issue were taken and that the courts are being resorted to as a last option.

A legal or personal notice sent by post (with proof of delivery) to the opposite party is considered proof of having tried your best. You can also indicate or include the reply of the opposite party or whether they chose to reply to the notice or not. To the court, even if the opposite party does not reply to the notice or refuses to accept delivery, the court will still consider the notice to have been delivered.

**Q. I have sent a notice. What should a complaint contain?**

Once the notice has been sent and the matter remains unresolved, an application can be made out to the appropriate consumer court. The application should contain the following:

1. A clear, concise and accurate account of the complaint such as when and where it arose and the exact sequence of steps (including efforts at resolving) that have led to you approaching the consumer courts.

2. How the parties that have been named the opposite parties are liable in the case.

3. Copies of documents in support of the allegations contained in the petition. You should keep copies of all documents that have been submitted.

4. You would also need to show why the case falls in the jurisdiction of consumer court.

5. The amount you intend to claim as compensation from the opposite party. A calculation of how the amount was arrived at can also be included.

The complaint can be made on plain paper.

There are numerous websites that have the form. [Please click here for a page that contains a sample form.](http://info.akosha.com/consumer-complaints/consumer-protection/format-for-filing-a-consumer-court-complaint/)

**Q. I have written out the complaint. Where do I file it?**

There are three levels of consumer courts in India - district, state and national levels that have jurisdiction over a particular case depending upon the value of goods and services sold and the place where the opposite party conducts business or is based.

Based on value of goods and services:

- If less than Rs 20 lakh, then a district forum has jurisdiction over the case.

- If more than Rs 20 lakh and less than Rs 1 crore, a state forum has jurisdiction over the case.

- If more than Rs 1 crore, a national forum has jurisdiction over the case.

The complaint can also be filed in a forum where the opposite party:

- Carries out business or has a branch office

- Gives cause for complaint to arise

- Resides

- Works for gain

That said, the laws concerning jurisdiction of consumer courts is complex and the consumer would be well advised to consult a lawyer on the issue.

**Q. I know the level of the consumer court to approach. Where do I file a complaint?**

The [National Consumer Disputes Redressal Commission](http://ncdrc.nic.in/) provides a wealth of information about location of various district and consumer level forums.

To find out the particular district that your complaint falls under, please refer to the websites of the state level consumer forum. The [Delhi state commission](http://delhistatecommission.nic.in/) website can be found here.

The complaint can be filed in person or sent by post to the appropriate forum/commission alongwith the required fees.

**Q. I have filed the complaint. Now what?**

Once a complaint has been made, the court will decide on the admissibility of the complaint within 21 days. If the complaint is deemed admissible, it will make available a copy of the complaint to the opposite party within 21 days asking them to give his version of the case within a period of 30 days or an extended period of 15 days. If the opposite party fails to present their side of the case within the stipulated time, the district forum will proceed to settle the case.

**Q. What if I do not appear before the court on the appointed date my case comes up for hearing?**

Try to be at the courts at the appointed time and date of hearing. Failure to appear before the courts at the appointed date and time may lead to dismissal of the complaint or a decision by the courts on its merits alone.

For more details on what happens after the complaint has been filed, please refer to our section on What happens after a complaint is filed.

--Ends