RESEARCH QUESTION

"How does one file a consumer complaint in India under the Consumer Protection Act, 2019, including pecuniary jurisdiction of district, state, and national commissions, the e-Daakhil portal, fees, limitation period, and typical reliefs granted?"

Filing a Consumer Complaint Under the Consumer Protection Act, 2019: Pecuniary Jurisdiction, e-Daakhil Portal, Limitation, and Reliefs

TL;DR

Under the Consumer Protection Act, 2019, consumer complaints must be filed within a strict two-year limitation period, with electronic filing now facilitated nationwide via the e-Daakhil portal. Pecuniary jurisdictions are tiered—the District Commission's threshold is ₹50 Lakhs following a December 2021 notification, while State and National Commissions handle higher-value claims and possess new powers to declare unfair contract terms null and void. In *New India Assurance Co. Ltd. v. Hilli Multipurpose Cold Storage Pvt. Ltd.* (2020), the Supreme Court established that the statutory 45-day limit for the opposite party to file a response is mandatory and cannot be extended.

VERIFIED CASES	STATUTES	LATEST RULING
15	2	2025
12 *High Courts* · 3 *SC*		*Madras High Court*

CONTENTS

I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 Tiered Pecuniary Jurisdiction and Non-Retroactivity

Under the 2019 Act, pecuniary jurisdiction is computed based on the "value of goods or services paid as consideration," but this restructuring operates prospectively and pending matters filed under the 1986 Act cannot be transferred to the new forums (*Neena Aneja v. Jai Prakash Associates Ltd.* (2021)).

02 Subsequent Reduction of District Commission's Jurisdiction

While the 2019 Act initially set the District Commission's pecuniary limit at ₹1 Crore, a subsequent notification dated December 30, 2021, revised and lowered this limit to ₹50 Lakhs to balance the caseload (*Gorantla Geosynthetics Private Limited v. Akshaya Signature Homes Private Limited* (2025)).

03 Mandatory Electronic Filing via e-Daakhil

The 2019 Act introduced online case filing, leading to the administrative rollout of the e-Daakhil portal across consumer commissions to modernize dispute resolution (*Pawan Tiwari v. State of U.P.* (2021)).

04 Inflexible Deadlines for Opposite Party's Response

The 45-day statutory timeline (30 days plus a discretionary 15-day extension) for the opposite party to file a written statement is absolute and cannot be extended under any circumstances (*United India Insurance Co Ltd v. Sterlite Power Transmission Ltd* (2024)).

05 Limits on Ex-Parte Orders and Right to Participate

Although a party forfeits its right to file a written response after 45 days, it cannot be barred entirely from participating in the trial, cross-examining witnesses, or presenting oral arguments on merits if it continues to represent itself (*Saint-Gobain India Pvt. Ltd. v. Deepak Achuthan* (2024)).

06 Power to Set Aside Unfair Contract Terms

Consumer commissions possess distinct powers under the 2019 Act to scrutinize and declare unfair terms in consumer contracts as null and void (*M/S Texco Marketing Pvt. Ltd. v. Tata AIG General Insurance Company Ltd. & Ors.* (2022)).

07 Expeditious Disposal Mandate

The commissions are legally bound under Section 38(7) to dispose of complaints within three months (or five months if laboratory testing is required), with adjournments permitted only for recorded, sufficient cause (*Mohammad Matloob v. District Consumer Dispute Redressal Commission* (2023)).

HOW THE COURTS HAVE APPLIED THIS

SUPREME COURT POSITION	High Courts have strictly implemented the Supreme Court's mandate that the statutory time limit of 45 days for filing responses is inflexible and cannot be bypassed, as seen in *Anupama Dwivedi v. Bharti Axa Life Insurance Co. Ltd.* (2024).
HIGH COURT VARIATIONS	High Courts have consistently dismissed writ petitions and civil revision petitions where alternative statutory remedies are available under the CPA, such as appealing a final order or seeking restoration of a dismissed appeal (*B.K. Selvarani v. The Manager, A.R. Hospital Private Limited* (2023)). They emphasize that supervisory jurisdiction under Article 227 cannot be invoked to avoid mandatory statutory requirements like pre-deposits (*Harish s/o Ramesh Gawai v. The Registrar (Legal)* (2024)).
RECENT EVOLUTION	Recent rulings emphasize that the definition of "consumer" must be construed broadly to include beneficiaries of services (such as insurance policies), ensuring they are not excluded on technical grounds (*ICICI Lombard General Insurance Company Ltd v. Noorunissa* (2024)). Additionally, High Courts have stepped in to direct commissions to dispose of long-pending complaints within the statutory three-month window (*Harish Deo Shukla v. State of U.P.* (2023)).

UNSETTLED AREAS OR CAVEATS

No Extra-Statutory Burdens on Complainants

While commissions can regulate their internal mechanism administratively, they cannot issue circulars that impose additional procedural burdens (such as requiring details of partners or directors of a respondent firm) not contemplated under the Act (*P. Saraswathi Devi v. Andhra Pradesh State Consumer Redressal Commission* (2014)).

Exhaustion of Alternative Remedies

High Courts generally decline extraordinary writ jurisdiction under Article 226 when an effective, alternative statutory remedy like an appeal to the National Commission is available (*Mani Tirumala Projects Pvt. Ltd. v. Mrutunjay Pattanayak* (2018)).

II. Statutory Provisions

2 PROVISIONS

SECTION 35, CONSUMER PROTECTION ACT, 2019 — MANNER IN WHICH COMPLAINT SHALL BE MADE

Prescribes the manner in which a consumer complaint regarding goods or services may be filed with a District Commission, including provisions for electronic filing and the requirement of prescribed fees.

> "Section 35. Manner in which complaint shall be made
>
> (1) A complaint, in relation to any goods sold or delivered or agreed to be sold or delivered or any service provided or agreed to be provided, may be filed with a District Commission by--
>
> (a) the consumer,--
>
> (i) to whom such goods are sold or delivered or agreed to be sold or delivered or such service is provided or agreed to be provided; or
>
> (ii) who alleges unfair trade practice in respect of such goods or service;
>
> (b) any recognised consumer association, whether the consumer to whom such goods are sold or delivered or agreed to be sold or delivered or such service is provided or agreed to be provided, or who alleges unfair trade practice in respect of such goods or service, is a member of such association or not;
>
> (c) one or more consumers, where there are numerous consumers having the same interest, with the permission of the District Commission, on behalf of, or for the benefit of, all consumers so interested; or
>
> (d) the Central Government, the Central Authority or the State Government, as the case may be:
>
> Provided that the complaint under this sub-section may be filed electronically in such manner as may be prescribed.
>
> (2) Every complaint filed under sub-section (1) shall be accompanied with such fee and payable in such manner, including electronic form, as may be prescribed." *Cited in*: raised in the research question

SECTION 34, CONSUMER PROTECTION ACT, 2019 — JURISDICTION OF DISTRICT COMMISSION

Establishes the pecuniary and territorial jurisdiction of the District Commission for entertaining consumer complaints.

> "Section 34. Jurisdiction of District Commission
>
> (1) Subject to the other provisions of this Act, the District Commission shall have jurisdiction to entertain complaints where the value of the goods or services paid as consideration does not exceed one crore rupees:
>
> Provided that where the Central Government deems it necessary so to do, it may prescribe such other value, as it deems fit.
>
> (2) A complaint shall be instituted in a District Commission 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, ordinarily 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 works for gain, provided that in such case the permission of the District Commission is given; or
>
> (c) the cause of action, wholly or in part, arises; or
>
> (d) the complainant resides or personally works for gain." *Cited in*: raised in the research question

III. Cases Discussed

15 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	*Harish s/o Ramesh Gawai v. The Registrar (Legal), State Consumer Dispute Redressal Commission* HCBM040352042023	BOMBAY HIGH COURT	2024	Revisional jurisdiction cannot be used to bypass mandatory pre-deposits required for appeals.
02	*New India Assurance Co. Ltd. v. Hilli Multipurpose Cold Storage Pvt. Ltd.* ESCR010003472020	SUPREME COURT OF INDIA	2020	Statutory 45-day limit for opposite party's written response is mandatory and inflexible.
03	*M/S Texco Marketing Pvt. Ltd. v. Tata AIG General Insurance Company Ltd. & Ors.* ESCR010005612022	SUPREME COURT OF INDIA	2022	Consumer commissions are empowered to declare unfair terms of a contract null and void.
04	*Neena Aneja v. Jai Prakash Associates Ltd.* ESCR010007062021	SUPREME COURT OF INDIA	2021	Pecuniary jurisdiction changes operate prospectively and pending consumer cases cannot be transferred.
05	*Gorantla Geosynthetics Private Limited v. Akshaya Signature Homes Private Limited* HCMA011991092024	MADRAS HIGH COURT	2025	Confirms December 2021 notification reducing District Commission's pecuniary threshold to ₹50 Lakhs.
06	*Pawan Tiwari v. State of U.P.* UPHC011392602020	ALLAHABAD HIGH COURT	2021	Directs full implementation of electronic filing via e-Daakhil across consumer commissions.
07	*Mani Tirumala Projects Pvt. Ltd. v. Mrutunjay Pattanayak* ODHC010357622018	ORISSA HIGH COURT	2018	Writ petitions are not maintainable when alternative statutory remedies under CPA exist.
08	*ICICI Lombard General Insurance Company Ltd v. Noorunissa* HCMA011754312024	MADRAS HIGH COURT	2024	Broader consumer definition includes beneficiaries who can claim relief for deficiency in service.
09	*Anupama Dwivedi v. Bharti Axa Life Insurance Co. Ltd.* UPHC020681102022	ALLAHABAD HIGH COURT	2024	Reaffirms that consumer commissions cannot accept written statements beyond the 45-day limit.
10	*Harish Deo Shukla v. State of U.P.* UPHC010412612020	ALLAHABAD HIGH COURT	2023	Mandates District Commission to decide complaints within statutory three-to-five-month period.
11	*United India Insurance Co Ltd v. Sterlite Power Transmission Ltd* DLHC010693692024	HIGH COURT OF DELHI	2024	Confirms the inflexible nature of the 45-day written statement filing timeline.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
12	*Saint-Gobain India Pvt. Ltd. v. Deepak Achuthan and Tata Motors Passenger Vehicles Ltd. v. Sujith D.* KLHC010644472023	HIGH COURT OF KERALA	2024	Unrepresented parties can't be set completely ex-parte if they participate in other ways.
13	*B.K. Selvarani v. The Manager, A.R. Hospital Private Limited* HCMD010530712023	MADRAS HIGH COURT	2023	Confirms statutory restoration remedy is available before the State Commission for dismissed appeals.
14	*Mohammad Matloob v. District Consumer Dispute Redressal Commission* UPHC011914882023	ALLAHABAD HIGH COURT	2023	Mandates expeditious trial and disposal under Section 38(7) within statutory limits.
15	*P. Saraswathi Devi v. Andhra Pradesh State Consumer Redressal Commission* HBHC010329112010	HIGH COURT FOR STATE OF TELANGANA	2014	Commissions cannot administratively impose additional procedural burdens not authorized by statute.

IV. Case Details

15 CASE FILES

01 Harish s/o Ramesh Gawai v. The Registrar (Legal), State Consumer Dispute Redressal Commission

BOMBAY HIGH COURT · 2024-03-13 · WP/289/2024

The petitioner challenged an order of the State Consumer Disputes Redressal Commission which directed that his filing be registered as an appeal rather than a revision petition. The petitioner sought to file a revision against a final order of the District Commission to avoid the mandatory 50% deposit requirement imposed on appeals under Section 41 of the Consumer Protection Act, 2019.

HELD The Bombay High Court dismissed the petition, ruling that the revisional power under Section 47 of the Act is limited to specific procedural irregularities and jurisdictional issues. It cannot be used to bypass the statutory remedy of an appeal against a final order, meaning the petitioner must comply with the 50% deposit requirement.

> “Section 47 of the Consumer Protection Act, 2019 read thus: 47. Jurisdiction of State Commission.—(1) Subject to the other provisions of this Act, the State Commission shall have jurisdiction— (a) to entertain — (i) complaints where the value of the goods or services paid as consideration, exceeds rupees one crore, but does not exceed rupees ten crore: Provided that where the Central Government deems it necessary so to do, it may prescribe such other value, as it deems fit; (ii) complaints against unfair contracts, where the value of goods or services paid as consideration does not exceed ten crore rupees; (iii) appeals against the orders of any District Commission within the State;”

BOMBAY HIGH COURT · 2024 | SOURCE HCBM040352042023

02 New India Assurance Co. Ltd. v. Hilli Multipurpose Cold Storage Pvt. Ltd.

SUPREME COURT OF INDIA · 2020-03-04 · 2020 INSC 274

This case addressed whether District Forums under the Consumer Protection Act, 1986, possess the discretion to extend the time for filing a response to a complaint beyond the statutory limit of 45 days (30 days plus a 15-day extension). The Supreme Court held that the provision is mandatory rather than directory. It reasoned that the legislature intentionally omitted provisions for further extensions for responses, unlike other areas of the Act, to ensure speedy dispute resolution. The Court also clarified that the limitation period for filing such a response commences only upon the actual service of the complaint to the opposite party, not merely upon receipt of a general notice.

HELD The Supreme Court held that the District Forum has no power to extend the time for filing a response to a complaint beyond the 15-day extension period in addition to the initial 30 days. It also ruled that the starting point of limitation of 30 days begins from the date of receipt of notice accompanied by a copy of the complaint.

> "To conclude, we hold that our answer to the first question is that the District Forum has no power to extend the time for filing the response to the complaint beyond the period of 15 days in addition to 30 days as is envisaged under Section 13 of the Consumer Protection Act; and the answer to the second question is that the commencing point of limitation of 30 days under Section 13 of the Consumer Protection Act would be from the date of receipt of the notice accompanied with the complaint by the opposite party, and not mere receipt of the notice of the complaint."

SUPREME COURT OF INDIA · 2020 | SOURCE ESCR010003472020

03 M/S Texco Marketing Pvt. Ltd. v. Tata AIG General Insurance Company Ltd. & Ors.

SUPREME COURT OF INDIA · 2022-11-09 · 2022 INSC 1186

This case concerns an insurance company that repudiated a fire insurance claim for a shop located in a basement by relying on a specific exclusion clause in the policy. The appellant argued that the insurer knowingly entered into the contract to cover the shop despite the exclusion clause. The Supreme Court held that insurers, as the dominant party in adhesion contracts, have a high duty of disclosure and good faith. The court ruled that an exclusion clause cannot be used to destroy the main purpose of a contract. Applying the doctrine of reading down and the 'blue pencil' rule, the court determined the insurer could not rely on an unfair clause to deny liability after knowingly accepting the risk.

HELD The Supreme Court held that the CPA 2019 provides a very broad meaning of unfair contracts under Section 2(46), empowering State and National Commissions to go into the unfair nature of contract terms. Under Sections 49(2) and 59(2), the Commissions may declare any terms of a contract that are unfair to any consumer to be null and void.

> "Section 47 and 58 of the 2019 Act have been introduced to facilitate the State Commission and the National Commission to exercise jurisdiction over a contract which is unfair . As stated, the power is not only with respect to identifying a contract as unfair or not, but also to grant the consequential relief. Under sub-section (2) of Section 49 and 59 of the 2019 Act, the State Commission and the National Commission, respectively, may declare any terms of the contract being unfair to any consumer to be null and void."

SUPREME COURT OF INDIA · 2022 | SOURCE ESCR010005612022

04 Neena Aneja v. Jai Prakash Associates Ltd.

SUPREME COURT OF INDIA · 2021-03-16 · 2021 INSC 189

This case addressed whether consumer complaints filed under the Consumer Protection Act, 1986, which were pending when the Consumer Protection Act, 2019 came into force, should be transferred to different forums based on the new pecuniary jurisdiction limits introduced by the 2019 Act. The National Commission had dismissed a complaint for lack of jurisdiction because the claim amount fell below the new threshold. The Supreme Court held that proceedings validly instituted under the 1986 Act must continue before the forums where they were initiated. It ruled that the 2019 Act contains no express language or necessary implication requiring the transfer of pending cases, and doing so would cause significant hardship to consumers, defeating the law's welfare-oriented objective.

HELD The Supreme Court held that the 2019 Act operates prospectively in the absence of an express provision to the contrary, meaning pending complaints validly instituted before the 2019 Act's enforcement should not be transferred. It recognized that while the 2019 Act enhanced the pecuniary limits of the commissions to resolve disputes closer to complainants, a mere change in forum must not disturb already instituted proceedings.

> "In the absence of an express provision, the new legislation must operate prospectively; and (v) In the absence of a provision for transfer of pending cases, complaints which were instituted prior to the enforcement of the Act of 2019 should not be disturbed."

SUPREME COURT OF INDIA · 2021 | SOURCE ESCR010007062021

05 Gorantla Geosynthetics Private Limited v. Akshaya Signature Homes Private Limited

MADRAS HIGH COURT · 2025-04-16 · CRP/4848/2024

The petitioners challenged an order from the District Consumer Disputes Redressal Commission, which had returned their consumer complaint on the grounds that the pecuniary value of the claim exceeded the Commission's jurisdiction of Rs. 50 lakhs. The dispute concerned deficiencies in services regarding car parking and a lumber room in a luxury apartment project. The High Court considered whether a revision petition under Article 227 of the Constitution is maintainable against such orders given the statutory appellate remedies provided under the Consumer Protection Act, 2019. The court examined the limitations of its supervisory jurisdiction when alternative, specific statutory forums exist, weighing judicial discipline against the petitioners' need for redress.

HELD The Madras High Court observed that while the CPA 2019 originally set the District Commission's pecuniary limit at ₹1 Crore under Section 34, this limit was subsequently reduced to ₹50 Lakhs (Rs. 50,00,000/-) via Notification dated 30.12.2021. It ruled that the statutory definitions must be construed with some imagination of their purpose rather than strictly like theorems of Euclid.

> "However, under Section 34 of the 2019 Act, the language employed in the erstwhile Act was modified and the DCDRC is conferred with the jurisdiction to entertain complaints where the "value of the goods or services paid as consideration does not exceed one crore rupees". This pecuniary limit was subsequently brought down to fifty lakh rupees (Rs. 50,00,000/-) vide the Notification dated 30.12.2021 issued by the Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution."

MADRAS HIGH COURT · 2025 | SOURCE HCMA011991092024

06 Pawan Tiwari v. State of U.P.

ALLAHABAD HIGH COURT · 2021-02-03 · WPIL/1303/2020

This public interest litigation sought a mandate directing the State of Uttar Pradesh to fully implement the provisions of the Consumer Protection Act, 2019. The petitioner requested the establishment of various councils, mediation cells, and the implementation of electronic filing and case management procedures as required by the new legislation. The State Government, in its response, highlighted ongoing efforts to fill vacancies, formulate rules for service conditions, and modernize consumer commission procedures. Noting that the Central Government had already established the necessary regulatory framework, the court disposed of the petition while expressing an expectation that the State Government would prioritize the constitution of all required authorities and commissions, ideally within six months.

HELD The High Court noted the administrative directions of the State Commission requiring all District Commissions to initiate e-filing of cases w.e.f. 24.12.2020 on the eve of National Consumer Day under Rule 8 of the 2020 Regulations. It directed the State Government to frame and enforce rules to execute the 2019 Act within six months.

> "That the Registrar of the State Consumer Dispute Redressal Commission, by vide letter/order dated 22.12.2020 also directed to the all District Consumer Dispute Redressal Commission in view of the provision of Rule 8 of the Consumer Protection (Administrative Control over the State Commission and the District Commission) Regulations, 2020 to initiate/state E-filing of the case w.e.f. 24.12.2020 on the eve of National Consumer Day."

ALLAHABAD HIGH COURT · 2021 | SOURCE UPHC011392602020

07 Mani Tirumala Projects Pvt. Ltd. v. Mrutunjay Pattanayak

ORISSA HIGH COURT · 2018-07-11 · WP(C)/11330/2018

The petitioner challenged an ex-parte order passed by the State Consumer Disputes Redressal Commission, alleging a lack of proper notice and a consequent violation of natural justice. The petitioner argued that because they were not served notice, the commission erred in proceeding ex-parte and issuing a significant financial order against them. The High Court examined the maintainability of the writ petition under Article 226, noting that the Consumer Protection Act provides a specific statutory appellate remedy under Section 19. The court concluded that since the commission acted within its jurisdiction and the petitioner had an effective alternative remedy through an appeal to the National Commission, it would not interfere under its extraordinary writ jurisdiction.

HELD The High Court held that the CPA is a benevolent piece of legislation intended to protect a large body of consumers from exploitation by providing an alternative system of consumer justice through summary trials. It ruled that where a statutory appellate remedy is available under Section 19, extraordinary writ jurisdiction under Article 226 cannot be invoked.

> “The main purpose to promulgate the Consumer Protection Act is to provide better protection of the interest of the consumers for speedy disposal of the grievance related to the consumers which is a benevolent piece of legislation, intended to protect a large body of consumers from exploitation. The act provides 4 for an alternative system of consumer justice by summery trial.”

ORISSA HIGH COURT · 2018 | SOURCE ODHC010357622018

08 ICICI Lombard General Insurance Company Ltd v. Noorunissa

MADRAS HIGH COURT · 2024-12-02 · CRP/4445/2024

The petitioner, an insurance company, challenged an order from the District Consumer Disputes Redressal Commission regarding a complaint about delayed tax deduction at source (TDS) remittance. The petitioner argued that the complainant did not qualify as a consumer under the Consumer Protection Act, 2019, and therefore the Commission lacked jurisdiction. Relying on Supreme Court precedent, the High Court held that the definition of a consumer is wide and includes beneficiaries of insurance services, thereby confirming the Commission's jurisdiction. The Court dismissed the revision petition, directing the petitioner to pursue the appellate remedy provided under the Act, while granting them liberty to file an appeal before the State Commission.

HELD The Madras High Court held that the definition of "consumer" under Section 2(7) of the 2019 Act is very wide and includes any beneficiary who can take benefit of the service (such as insurance) availed by the insured. It dismissed the revision, directing the petitioner to approach the State Commission under the statutory appeal remedy in Section 41.

> “Further, as per the dictum of the Hon'ble Supreme Court, the word definition of "consumer" under the Act is very wide and it includes the beneficiaries who can take benefit of the insurance availed by the insured.”

MADRAS HIGH COURT · 2024 | SOURCE HCMA011754312024

09 Anupama Dwivedi v. Bharti Axa Life Insurance Co. Ltd.

ALLAHABAD HIGH COURT · 2024-07-19 · /4420/2022

This case concerns the procedural limit for filing a written statement in a consumer complaint. The petitioners challenged an order of the State Consumer Disputes Redressal Commission which allowed the respondent insurance company to file a written statement well beyond the 45-day statutory limit prescribed under the Consumer Protection Act. The petitioners argued that, per Supreme Court precedent, consumer commissions lack the jurisdiction to accept responses beyond this period. The court examined whether the lower commission's decision to accept a late filing constituted an abuse of jurisdiction and addressed the availability of alternative legal remedies versus a writ petition under Article 227 of the Constitution.

HELD The High Court held that accepting a written statement after the expiry of the maximum 45-day period under Section 38(2)(a) of the CPA 2019 would amount to an unwarranted assumption of jurisdiction not possessed by the commissions. It reaffirmed that the prescribed period for filing the written statement (30 days plus an extension not exceeding 15 days) is mandatory and cannot be relaxed.

> “The language of both the provisions are in verbatim the same and prescribed period for filing the written statement i.e. initially 30 days, which is extendable to 15 more days i.e. total 45 days. The said provision 13 (1) (a) of the Act, 1986 was considered by the Hon'ble Supreme Court in the case of New India Insurance Company Limited Vs. Hill Multi Purpose Cold Storage Pvt Ltd.”

ALLAHABAD HIGH COURT · 2024 SOURCE UPHC020681102022

10 Harish Deo Shukla v. State of U.P.

ALLAHABAD HIGH COURT · 2023-05-25 · WRIC/7203/2020

The petitioner filed a writ petition seeking a direction for the Consumer Disputes Redressal Commission, Gorakhpur, to expeditiously dispose of a pending consumer complaint. The petitioner contended that there had been no substantial progress in the proceedings since 2019 and cited provisions of the Consumer Protection Act, 2019, regarding timelines for complaint disposal. The High Court noted that the ordersheet did not clearly indicate whether notices had been served to the opposite party. Consequently, the court disposed of the petition by directing the District Commission to finalise the proceedings in accordance with the timelines mandated under the Consumer Protection Act, without expressing any opinion on the merits of the case.

HELD The High Court observed that Section 38(7) mandates the District Commission to dispose of complaints as expeditiously as possible, ideally within three months from the receipt of notice by the opposite party (or five months if analysis/testing of commodities is required). It ordered the District Commission to finalize the proceedings in terms of this statutory mandate.

> “Section 38 (7) of the Act, which provides that every complaint shall be disposed of as expeditiously as possible and endeavour shall be made to decide the 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.”

ALLAHABAD HIGH COURT · 2023 SOURCE UPHC010412612020

11 United India Insurance Co Ltd v. Sterlite Power Transmission Ltd

HIGH COURT OF DELHI · 2024-10-14 · CM(M)/3603/2024

This case concerns the petitioner's failure to file a written statement within the statutory period prescribed under the Consumer Protection Act, 2019. The petitioner argued that delays in obtaining a copy of the complaint from the District Commission caused the lapse. The High Court rejected this contention, noting that the petitioner's counsel had previously appeared and undertaken to collect the complaint, and that the petitioner remained negligent by failing to monitor the proceedings. Citing the Supreme Court's ruling in New India Assurance Co. Ltd. v. Hilli Multipurpose Cold Storage (P) Ltd., the Court affirmed that the statutory time limit for filing a reply is inflexible and cannot be extended, regardless of the hardship caused to the litigant.

HELD The Delhi High Court held that the statutory timeline for filing a response under the CPA 2019 is inflexible and cannot be extended, even where there are alleged delays in obtaining a physical copy of the complaint. It emphasized that litigants must remain vigilant of their rights and judicial proceedings, and cannot blame their advocates for delays.

> “Undeniably, such period, in view of the above judgment of Constitution Bench of Supreme Court is inflexible and cannot be extended.”

HIGH COURT OF DELHI · 2024 | SOURCE DLHC010693692024

12 Saint-Gobain India Pvt. Ltd. v. Deepak Achuthan and Tata Motors Passenger Vehicles Ltd. v. Sujith D.

HIGH COURT OF KERALA · 2024-02-15 · WP(C)/29387/2023

These writ petitions addressed whether District Consumer Disputes Redressal Commissions can set opposite parties 'ex parte' and bar them from participating in proceedings solely because they failed to file a counter version within the statutory time limit. The court, referencing Supreme Court precedent, determined that while a party may forfeit the right to file a written version after the deadline, they cannot be entirely excluded from the proceedings. The court held that such parties retain the right to participate in the trial, cross-examine witnesses, and present arguments on merits. Consequently, the court set aside the impugned orders to the extent that they barred the petitioners from participating in the proceedings.

HELD The Kerala High Court ruled that under Section 38(3)(b)(ii), an opposite party can only be set ex parte if they entirely fail to make any form of representation before the commission. It held that even if a party loses the right to file their written version, they retain the right to participate in the trial, cross-examine witnesses, and present oral arguments on the merits.

> “The term "representation" encompasses various acts, such as submitting version, filing interim applications, physically representing themselves, or through their legal representative in court, or any similar actions. Therefore, a close assessment of the provision would make it irrefutable that a party can only be declared ‘ ex parte ’ if he/she/they entirely fail to make any form of representation before the court.”

HIGH COURT OF KERALA · 2024 | SOURCE KLHC010644472023

13 B.K. Selvarani v. The Manager, A.R. Hospital Private Limited

MADRAS HIGH COURT · 2023-06-09 · CRP(MD)/1329/2023

The petitioner challenged an order from the State Consumer Dispute Redressal Forum that dismissed their appeal for non-prosecution. The petitioner sought relief directly from the High Court under Article 227 of the Constitution of India. The Court held that the petition was premature because the petitioner had an available alternative remedy to file an application for restoration of the appeal before the State Commission itself under the Consumer Protection Act, 2019. Consequently, the Court dismissed the civil revision petition but granted the petitioner liberty to approach the State Consumer Forum for restoration of the appeal within 15 days.

HELD The Madras High Court ruled that Section 49 of the CPA 2019 makes the provisions of Sections 35 to 39 applicable to the disposal of complaints by the State Commission. It held that where an appeal is dismissed for non-prosecution, the petitioner has an alternative remedy to apply for restoration of the appeal before the State Commission itself, rendering a direct civil revision petition before the High Court premature.

> “The appeal against the order for the District Commission before the State Commission is covered by Section 19 of the Consumer Protection Act, 2019 as far as the procedure for disposal of the complaints by the State Commission are concerned, it is covered by the Section 49 of the Consumer Protection Act which reads as under: 49. Procedure applicable to State Commission. (1) The provisions relating to complaints under sections 35, 36, 37, 38 and 39 shall, with such modifications as may be necessary, be applicable to the disposal of complaints by the State Commission.”

MADRAS HIGH COURT · 2023 | SOURCE HCMD010530712023

14 Mohammad Matloob v. District Consumer Dispute Redressal Commission

ALLAHABAD HIGH COURT · 2023-09-12 · WRIC/29901/2023

The petitioner sought a court directive to expedite the resolution of a pending consumer complaint before the District Consumer Dispute Redressal Commission. The High Court noted the statutory mandate under Section 38(7) of the Consumer Protection Act, 2019, which requires complaints to be disposed of within specific timeframes. Finding that the complaint had been delayed despite the respondent's appearance, the Court directed the District Commission to decide the matter in accordance with the law, preferably within two months of the order being produced.

HELD The High Court enforced the statutory mandate under Section 38(7) of the CPA 2019, which requires that every complaint be disposed of as expeditiously as possible, ideally within three months from notice receipt. It directed the District Commission to resolve the pending dispute within two months, citing the legislative demand for speedy disposal of consumer disputes.

> “We have occasioned to peruse Section 38 (7) of The Consumer Protection Act, 2019, which reads as under. > \"(7) Every complaint shall be disposed of as expeditiously as possible and endeavour shall be made to decide the 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:”

ALLAHABAD HIGH COURT · 2023 SOURCE UPHC011914882023

15 P. Saraswathi Devi v. Andhra Pradesh State Consumer Redressal Commission

HIGH COURT FOR STATE OF TELANGANA · 2014-07-31 · WP/33214/2010

The petitioner challenged a circular issued by the Andhra Pradesh State Consumer Redressal Commission that mandated complainants to file registration certificates, including details of partners or directors, and copies of incorporation documents when filing consumer complaints against firms or companies. The court examined whether the Commission had the legal authority to impose such procedural requirements, which were not provided for in the Consumer Protection Act, 1986. The court held that the circular was unsustainable, as it imposed additional procedural burdens contrary to the Act's objective of providing simple and speedy redressal. The court concluded that no provision in the Act authorized the Commission to issue such directives, rendering the circular legally invalid.

HELD The High Court held that because the Consumer Protection Act outlines a simple and straightforward procedure under Sections 12 and 13 (now Sections 35 and 38), there is no justification to place additional restrictions and procedural burdens upon complainants through administrative circulars. It declared that requiring certificates showing partners or directors is legally unsustainable.

> “When such is the simplicity of the procedure stipulated under the Act, there cannot be any justification to place restrictions and burden upon the complainants through the circular. When a plaintiff in a suit is not placed under obligation to furnish the details as to the composition or registration of a firm or company that is shown as a defendant, it is just unimaginable as to how a complainant in a proceedings under the Act can be required to furnish such details in respect of a firm or company that is shown as a respondent in the complaint.”

HIGH COURT FOR STATE OF TELANGANA · 2014 SOURCE HBHC010329112010

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