

Consumer Protection (Amendment) Act, 2002

Section 9 - Amendment of Section 13.

In section 13 of the principal Act,-

(a) in the marginal heading, for the words "Procedure on receipt of complaint." the words "Procedure on admission of complaint." shall be substituted;

(b) in sub-section (1),-

(i) in the opening portion, for the words "on receipt of a complaint", the words "on admission of a complaint" shall be substituted;

(ii) for clause (a), the following clause shall be substituted, namely :-

"(a) refer a copy of the admitted 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;"

(c) in sub-section (2),-

(i) in the opening portion, for the words "complaint received", the words "complaints admitted" shall be substituted;

(ii) in clause (b), in sub-clause (ii), for the words "on the basis of evidence", the words "ex parte on the basis of evidence" shall be substituted;

(iii) after clause (b), the following clause shall be inserted, namely :-

"(c) where the complainant fails to appear on the date of hearing before the District Forum, the District Forum may either dismiss the complaint for default or decide it on merits.";

(d) after sub-section (3), the following sub-sections shall be inserted, namely :-

"(3A) Every complaint shall be heard 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 :

Provided that no adjournment shall be ordinarily granted by the District Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum:

Provided further that the District Forum 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 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.

(3B) Where 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.";

(e) after sub-section (6), the following sub-section shall be inserted, namely :-

"(7) In the event of death of a complainant who is a consumer or of the opposite party against whom the complaint has been filed, the provisions of Order XXII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall apply subject to the modification that every reference therein to the plaintiff and the defendant shall be construed as reference to a complainant or the opposite party, as the case may be.".