**NOTICE BEFORE FILLING THE COMPLAINT**

To: (Name and complete address of the trader, dealer, firm, company, etc)

**IN REF:** (Mention the goods/ services complained of giving details)

Dear Sir/ Madam,

This is to bring to your kind notice that I had purchased (following goods or service) from your firm for a consideration of Rs…………………………….. paid in cash vide your cash memo/ Receipt/ Invoice No…………………………….… (or through cheque No……………….……..) dated………………drawn on ……………….………….bank for a sum of Rs………………..

The said goods (services) are suffering form the following defects: (**elaborate**).

I have reported the above matter to you several times (give reference of earlier letters, if any) but despite all my pleadings you have not made good the defect in the goods (or deficiency in services) which is indeed regrettable and highly unprofessional. On account of your aforesaid dereliction of duty and failure and neglect to rectify the same I have suffered losses/ incurred expenses \_\_\_\_\_\_\_ (give details), which you are liable to compensate to me.

You are hereby finally called upon to

* Remove the said defects in the goods (and/ or)
* Replace the goods with new goods (and/ or)
* Return the price / charges paid, and

Pay compensation for financial loss/ injury/interest suffered due to your negligence………………….. (give details), in the sum of Rs…………………..with interest @……….% per annum within ……… days of the receipt of this notice failing which I shall be constrained to initiate against you for redressal of my aforesaid grievances and recovery of the aforesaid amount such proceedings, both civil and criminal as are warranted by law, besides filing a complaint under the statutory provisions of The Consumer Protection Act, 1986 exclusively at your own risk, cost, responsibility and consequences which please note.

Place ………………….

Dated…………………. (Signature)

**COMPLAINT PETITION**

BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM, <Name of District> OR

BEFORE THE HON'BLE STATE CONSUMER DISPUTES REDRESSAL COMMISSION AT <state> OR

BEFORE THE HON'BLE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION AT NEW DELHI

Consumer Dispute Case No. ........./2012

A petition under Section 11 (12 or 17 or 21) of Consumer Protection Act and in the mater of:

Mr. X

<Address of Mr. X> ...... Complainant

Versus

Chairman & Managing Director

M/s Y & Co.

<Address of Y & Co.> ..... Opposite Party or Respondent

To:

Hon'ble President and Members of District Forum <Name of District>

May it please your honour’s:

This complaint petition is being filed on behalf of Mr. X, <Address of X>, referred hereafter as Complainant, and is as follows:

1. That this complaint Petition is being filed under Sec. 2 (1)(b)(i) of the Consumer Protection Act.

2. That the opposite party is a NBFC (Non Banking Finance Company), engaged in the business of accepting deposits from the public, apart from other activities. (Description about the O.P.)

3. (Narration of the incident in brief i.e., particulars and details of goods/services availed: items of goods/kind and nature of service: date of purchased of goods/availing of service: amount paid as price/ consideration, full or in part towards the goods/service; Photocopies of the bill/ cash memo/ voucher or receipt should be attached and properly marked as Annexure – A, B, C and so forth or 1, 2, 3, etc. and a list of witnesses (if any) may be filed similarly. The annexures should be attested as “True Copy”.)

**Example** - That on 26th January 2010 <date of deposit>, the complainant deposited a sum of Rs............. (amount deposited) with the O.P., for a period of 1 year, vide Deposit receipt No........, a photocopy of the said document is furnished at Annexure - I. That the F.D. matured on 25th January 2011 and the Complainant approached the office of the O.P., on the date of maturity, for encashing the FD. But the staff of the Company, on some some pretext or the other delayed making the payment (Nature of problem encountered). Hence the Complainant wrote to the O.P., requesting his immediate intervention. A photocopy of the said letter is furnished at Annexure - II. But the Complainant has not been paid his dues till date.

4. (In this paragraph complainant should explain the grievance, i.e.,whether the loss or damage has been caused by some unfair trade practice or restrictive trade practice adopted by any trader or there is some defect in the goods or service or the trader has charged excessive price for the goods. In case of excessive price one should specify the details of actual price fixed by or under any law for the time being in force or as set out on goods and their packing vis-a-vis the price charged by the trader. Complaint can also be filed against offer for sale of goods hazardous to life and safety when used. Photocopies of relevant documents must be attached.)

**Example -** That the non-payment of the maturity value of FD, by the O.P., on the scheduled date, amounts to deficiency in service as defined under sec. 2(1)(g) of the Consumer Protection Act.

5. (In this paragraph complainant should highlight what attempts were made by him to set things right, i.e., personal visits or negotiations, communication in writing if any: whether any legal notice was got served and/ or whether he has approached any other agency for redressal like M.R.T.P. Commission, Civil or Criminal Court of competent jurisdiction; the stage of its proceedings, its outcome, if any, along with copies (certified preferably) of such proceedings. The nature of response got from the trader when irregularities were brought to his notice, should also be disclosed here).

6. (In this paragraph reference may be made to any other law or rules or regulations of particular procedure which is applicable to the case and/ or which has been violated by the trader and consumer's rights under the same. There are incidental statutory obligations, which traders must fulfill and in case of their failure to do so the case in prima facie made out and Forum would take cognizance).

7. (In this paragraph complainant should liquidate the claim in the complaint i.e., upto 20 lacs; 20 lacs to 1 crore; or above and set out the pecuniary jurisdiction of the Forum/ State Commission/ National Commission, as the case may be. The territorial Jurisdiction should be highlighted to obviate any formal objection).

8. That the present complaint is being filed within the period prescribed under section 24A of the Act.

9. (In this paragraph complainant should describe the nature of relief he wants to claim, i.e, for removal of defects in goods or deficiency in service; replacement with new goods; return of the price or charges, etc., paid and/or compensation on account of financial loss or injury or detriment to his interest occasioned by negligence of the opposite party and elucidate how you have calculated the amount of compensation claimed).

That the O.P. has inflicted enormous amount of mental agony and financial loss on the Complainant and his family.

**10. PRAYER**

In view of the submissions contained in the preceding paragraphs, the complainant most respectfully prays to the Hon'ble Forum/ Commission to direct the Opposite Party to:

(a) Pay the maturity value of the fixed deposit, Rs.........., along with 18 % interest;

(b) Pay a sum of Rs. 10,000/- towards the physical strain and mental agony suffered by the complainant and his family members (compensation); and

(c) Pay a sum of Rs. 1,000/- towards cost of this petition (Cost);

for which act of kindness, the complainant shall, as is duty bound, ever pray.

Place ……………….

Dated………………. Complainant

Through……………… (Advocate or Consumer Association, etc.)

**AFFIDAVIT**

**(In support of the complaint)**

(Affidavit has to be sworn before a Notary, on a Rs. 5/- non-judicial stamp paper)

BEFORE THE HON'BLE ………………..IN RE: COMPLAINT NO…………. OF 20………

IN THE MATTER OF:

………………………………………………………………………..……………..Complainant

Versus

…………………………………………………………………………………….Opposite Party

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Son of, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and residing at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and declare as under:

1. That I am complainant in the above case, thoroughly conversant with the facts and circumstances of the present case and am competent to swear this affidavit.
2. That the facts stated in the complaint petition paragraphs \_\_\_\_\_\_ to \_\_\_\_\_\_, in the above mentioned case, being filed before the Hon'ble (District Consumer Dispute Redressal Forum (Place)/ State Consumer Disputes Redressal Commission (State)/ National Consumer Disputes Redressal Commission, New Delhi are true to the best of my knowledge and based on the records maintained by me, which I believe to be true.

Deponent (Complainant or Appellant)

**Verification**

Verified at <Place>, on this \_\_\_\_\_\_\_\_\_\_\_\_ day of <Month> <Year> that the contents of the above affidavit are true and correct to the best of my knowledge and belief, and no part of it is false and nothing material has been concealed therein.

Deponent (Complainant or Appellant)

**AUTHORISATION**

BEFORE THE NATIONAL COMMISSION, NEW DELHI/

BEFORE THE STATE COMMISSION, <STATE>/

BEFORE THE DISTRICT FORUM, <DISTRICT>.

(Chose as applicable from above)

Consumer Dispute Case/ First Appeal/ Revision Petition No. \_\_\_\_\_\_\_\_ of <Year>

BETWEEN

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_<Complainant>

And

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ <Opposite Party/ Respondent>

**AUTHORISATION**

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of <Address>\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Complainant/Appellant in the above case do hereby appoint and retain \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to appear for me in the above case and to conduct and prosecute the above mentioned Respondent and in all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein. I authorize the aforesaid Representative to admit any compromise lawfully entered in the said case.

Dated the: (Signature of the Complainant)