

PROCEDURE FOR FILING CASES

- **Consumer Complaint (CC)** – Sec. 17(1)(a)(i) read with sec. 18 & Sec. 12 of C.P.A. Consumer Complaint, where the value of goods or service and compensation claimed exceeds Rs. 20 Lac and upto Rs. 1 Crore, can be filed with a registry of this Commission within a period of 2 years from the date on which the cause of action has arisen. Consumer complaint should be signed by the complainant and be submitted in 3 + no. of opposite parties – sets. The consumer complaint should, inter alia, contain cause title (name, description and full address of complainant and opposite parties), cause of action, pecuniary jurisdiction, details of defects of goods / deficiency in service, relief claimed. The Consumer complaint along with all documents should be paginated and duly indexed in the following seriatim.

- (i) Index;
- (ii) List of dates;
- (iii) Complaint;
- (iv) Delay condonation petition, if any;
- (v) Supporting documents in favour of the complaint;
- (vi) Demand Draft drawn on a nationalized bank in favour of "The Registrar, State Commission, West Bengal" of required amount payable in Kolkata;

Value of dispute above Rs. 20 Lakh and upto Rs. 50 Lakh —————→ Rs. 2,000/-

Value of dispute above Rs. 50 Lakh and upto Rs. 1 Crore —————→ Rs. 4,000/-

N.B. : (i) After the opposite party or respondent has put in appearance, no application or documents shall be received by the Registrar unless it bears an endorsement that a copy thereof has been served upon the other side.

(ii) Where a party represented by a counsel, it shall be mandatory to file a brief of written argument two days before the matter is fixed for argument.

(iii) It is preferable that the **complaint** as well as **defence version** in a case should be accompanied by all documents and affidavits upon which parties intend to rely, to facilitate having **expeditious disposal** of the case.

- **First Appeal (FA)** – Sec. 15 read with Sec. 17(1)(a)(ii) of C.P.A. & rule 8 of WBCP Rules, 1987. Any person aggrieved by an order of District Forum may prefer an appeal against such order to the State Commission within a period of 30 days from the date of the order. In case of delay beyond 30 days, the Appellant is to annex a delay condonation petition along with the memorandum of appeal. Preferring an appeal by a person, who is required to

pay any amount in terms of an order of the District Forum shall have to deposit 50% of the said amount or Rs. 25,000/-, whichever is less. Such deposit should be made through Demand Draft drawn on any nationalized bank in favour of "Registrar, State Commission, West Bengal". Every appeal shall be filed in the form of a memorandum setting forth concisely under distinct heads, the grounds of appeal without any argument or narrative and such grounds shall be numbered consecutively. It shall be accompanied by the certified copy of the order of the District Forum appealed against and such other documents as may be required to support grounds of objection mentioned in the memorandum. The memorandum of appeal along with all documents should be paginated and duly indexed in the following seriatim :

- (i) Index;
- (ii) List of dates;
- (iii) Memorandum of appeal;
- (iv) Stay Application, if required;
- (v) Delay condonation petition, if any;
- (vi) Demand Draft, if required;

N.B. : (i) After the opposite party or respondent has put in appearance, no application or documents shall be received by the Registrar unless it bears an endorsement that a copy thereof has been served upon the other side.

(ii) Where a party represented by a counsel, it shall be mandatory to file a brief of written argument two days before the matter is fixed for argument.

(iii) Memorandum of appeal shall be filed in 3 + no. of respondents – sets.

(iv) It is preferable that the **memorandum of appeal** as well as **defence version** in a case should be accompanied by all documents and affidavits upon which parties intend to rely, to facilitate having **expeditious disposal** of the case.

- **Revision Petition (RP)** – Sec. 17(1)(b) of C.P.A. Revision Petition can be filed against any order of District Forum in a case pending before it, if such District Forum passes any order in exercise of a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity. Limitation for Revision Petition stands at 90 days from the date of order. It should be filed, as far as practicable, in the form of a memorandum accompanied by certified copy of the order impugned. It should be filed in 3 + no. of respondents – sets. The Revision Petition and all the documents should be paginated and duly indexed in the following seriatim :

- (i) Index;
- (ii) List of dates;
- (iii) Revision Petition;

- (iv) Stay Application, if required;
- (v) Delay condonation petition, if required;
- (vi) Certified copy of the order of District Forum;
- (vii) Supporting documents in favour of Revision Petition;

N.B. :(i) After the opposite party or respondent has put in appearance, **no** application or documents shall be received by the Registrar unless it bears an endorsement that a copy thereof has been served upon the other side.

(ii) Where a party represented by a counsel, it shall be mandatory to file a brief of written argument two days before the matter is fixed for argument.

(iii) Revision Petition shall be filed in 3 + no. of Respondents – sets.

(iv) It is preferable that the **revision petition** as well as **defence version** in a case should be accompanied by all documents and affidavits upon which parties intend to rely, to facilitate having **expeditious disposal** of the case.

- **Transfer Application (TA)** – Sec. 17(a) of C.P.A.

Any of the parties desiring transfer of any ongoing case from one District Forum to another District Forum in the state in the interest of justice may file Transfer Application before this Commission. The Transfer Application with affidavit should be paginated. It should be filed in 3 + no. of respondents – sets.

It is preferable that the **transfer application** as well as **defence version** in a case should be accompanied by all documents and affidavits upon which parties intend to rely, to facilitate having **expeditious disposal** of the case.

- **Misc. Application (MA)** – Reg. no. 14(1)(iv) and Reg. no. 14(2) of C.P.R. Misc. Application are filed before this Commission mainly on the following grounds:

- (i) For clarification of order;
- (ii) For early hearing;
- (iii) For grant of stay;
- (iv) For impleadment of co-respondent;
- (v) For impleadment of co-petitioner;
- (vi) For impleadment of legal heirs;
- (vii) For impleadment of Complainant / Appellant / Petitioner;
- (viii) For impleadment of legal heirs of opposite parties / respondents;
- (ix) For vacating stay;

- (x) For adjournment of date;
- (xi) For amendment of complaint / appeal / revision etc.;
- (xii) For refund / repayment of appeal / special deposits ;
- (xiii) For substitution of parties ;
- (xiv) For preponement of dates ;
- (xv) For attaching priority for listing and disposal of ongoing cases by **senior citizen, physically challenged, widows and persons suffering from serious ailments;**

Misc. Application should be filed in 3 + no. of respondents – sets. It must mention the case no. out of which it has arisen. The cause title of the M.A. should reflect all the parties involved in the main case. After the opposite party or the respondent in the main case has put in appearance, no Misc. Application shall be received by the Registrar unless it bears an endorsement that a copy thereof has been served upon the other side.

It is preferable that the **transfer application** as well as **defence version** in a case should be accompanied by all documents and affidavits upon which parties intend to rely, to facilitate having **expeditious disposal** of the case.

N.B. : This Commission ensures communicating plain copies of final orders / judgments in CC, FA & RC cases to all the parties **free of cost**. In case of certified copy, the parties are to pay Rs. 20/- per final order & Rs. 5/- per daily order. The certified copy of documents (upto 5 pages) are supplied to the parties on payment of Rs. 20/-. Provided that if any of such documents of which certified copy is sought, is over and above 5 pages, an extra amount of Re. 1/- per page shall be charged over and above the fee of Rs. 20/-. The members of the public may also log on to <http://www.confonet.nic.in> to access judgments, cause list and case status of this Commission.