

APPEAL TO NATIONAL COMMISSION UNDER SECTION 19 OF CONSUMER PROTECTION ACT

IN THE STATE CONSUMER DISPUTES REDRESSAL COMMISSION AT.....

Appeal No..... of 19.....

Appeal under Section 19 of the Consumer Protection Act against the order of District Forum..... (mention place)

A. B. (add description and residence)..... Appellant/Appellants

versus

C. D. (add description and residence)..... Respondent/Respondents

To

The Hon'ble President and his companion members of National Commission.

Sir,

The Appellant/Appellants most respectfully showeth:

1. This is in appeal under Section 19 against the Order of the State Commission..... (name of place) dated..... in Appeal No. of 19.....
2. That the appeal is being filed within a period of 30 days from the date of Order as per the provisions of Section 19 of the Consumer Protection Act.

OR

That this appeal is being filed after the expiry of period of 30 days as it could not be filed within the prescribed period for the reasons mentioned in the application filed along with this appeal for condonation of delay. The said application is being disputed by an Affidavit.

3. Grounds of objections to the order appealed against may be set forth concisely and under distinct heads without any argument or narrative; such grounds are to be numbered consecutively.
4. Prayer clause with details of relief/reliefs being claimed are to be stated.

Appellant/Appellants

Date.....

In person or through Counsel

Annexure

1. Certified copy of order appealed against

Section 19

APPEAL.

Any person aggrieved by an order made by the State Commission in exercise of its powers conferred by sub-clause (1) of clause (a) of section 17 may prefer an appeal against such order to the National Commission within a period of thirty days from the date of the order in such form and manner as may be prescribed:

Provided that the National Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there are sufficient cause for not filing it within that period.

COMMENTS,

Procedure for hearing appeal

(Rule 15 of Consumer Protection Rules, 1987)

Rule 15. Procedure for hearing the appeal. — 1. Memorandum shall be presented by the appellant or his agent to the National Commission in person or be sent by registered post addressed to the Commission.

2. Every memorandum filed under sub-rule (1) shall be in legible handwriting preferably typed and shall set forth concisely under distinct heads, the grounds of appeal without any argument or narrative and such ground shall be numbered consecutively.

3. Each memorandum shall be accompanied by a certified copy of the order of the State Commission appealed against and such of the documents, as may be required to support grounds of objection mentioned in the memorandum.

4. When the appeal is presented after the expiry of the period of limitation as specified in the Act, the memorandum shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant relies to satisfy the National Commission that he has sufficient cause for not preferring the appeal within the period of limitation.

5. The appellant shall submit six copies of the memorandum to the Commission for official purpose.

6. On the date of hearing or on any other day to which hearing may be adjourned, it shall be obligatory for the parties or their agents to appear before the National Commission. If appellant or his agent fails to appear on such date, the National Commission may in its discretion either dismiss the appeal or decide *ex parte* on merits. If the respondent or his agent fails to appear on such date, the National Commission shall proceed *ex parte* and shall decide the appeal on merits of the case.

7. The appellant shall not except by leave of the National Commission usage or be heard in support of any ground of objection not set forth in the memorandum but the National Commission in deciding the appeal, may not confine to the grounds of objection set forth in the memorandum:

Provided that the Commission shall not rest its decision on any other ground other than those specified in the memorandum unless the party who may be affected thereby, has been given an opportunity of being heard by the National Commission.

8. The National Commission on such term as it may think fit and at any stage, adjourn the hearing of the appeal, but not more than one adjournment shall ordinarily be given and the appeal should be decided, as far as possible within 90 days from the first date of hearing.

9. The order of the National Commission shall be communicated to the parties concerned free of cost.