रोहित कुमार सिंह भा प्र से Rohit Kumar Singh IAS





सचिव भारत सरकार उपभोक्ता मामले विभाग Secretary

Government of India
Department of Consumer Affairs

D.O. J-24/32/2022-CPU-Part(1)

01st August, 2022

Honible President

This is in reference to the National Workshop on 'Effective and Speedy Consumer Disputes Redressal' held on June 20th, 2022 at New Delhi.

- 2. Through the deliberations at the workshop, it was brought out that the President of Mainpuri District Consumer Redressal Commission, Hon'ble Shri Subhash Chandra Kulshrestha has been doing commendable work by incorporating e-Daakhil, encouraging parties towards online redressal of grievance and speedy disposal of cases through which they are able to bring drastic changes in the working of their District Commission.
- 3. In this regard, a manual on e-filing was prepared by the Mainpuri District Commission which is now being circulated amongst all the District Commissions in India.
- 4. Therefore, you are requested to make use of the attached manual along with the Power point Presentation attached herewith for your reference and ensure that the same is used to increase the use of e-filing in your Commission.

with regards,

Yours sincerely,

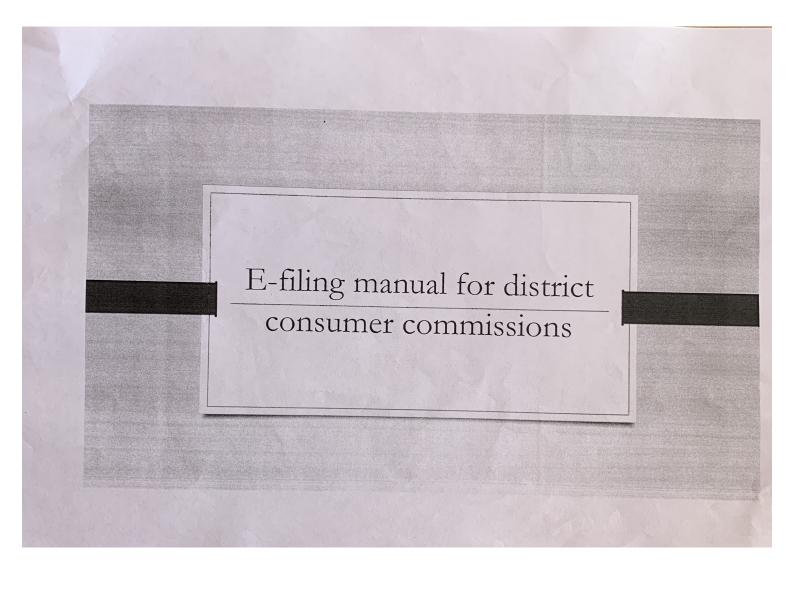
(Rohit Kumar Singh)

Hon'ble Presidents,
All District Consumer Disputes Redressal Commission.

Copy for information to:

- Mr. Justice R.K. Agrawal, Hon'ble President, National Consumer Disputes Redressal Commission, NCDRC, Ubhokta Nyay Bhawan. INA Colony, New Delhi.
- 2. Hon'ble Presidents of all State Consumer Disputes Redressal Commission.

JAGO GRAHAK JAGO



Steps to encourage e-filing through E-daakhil Portal

- Wide circulation of the Government notification regarding E-daakhil to be made. Advocates, litigants and their agents to be informed about it through Notice Boards placed at the District Commissions and District Bar Associations.
- Information to be disseminated to the press and media regarding e-filing facilities available at the District Commissions.
- Extensive information pertaining to the benefits of e-filing through the E-daakhil portal to be given to the above mentioned persons.

Steps to encourage e-filing through E-daakhil Portal

- Complaints to be entertained only through E-daakhil. The staff of the District Commission shall provide assistance in case any party faces any problem.
- Notices regarding reply of complaints through the E-daakhil portal shall be displayed on the Notice Boards of the District Consumer Commission and issued to the opposite party with a request to avail the services of the E-daakhil portal while submitting evidence, written statement, and written arguments. Video conferencing facility shall also be optimally utilized.

Procedure of E-daakhil

- Step-1 Registration Visit have equal blanched and register as a user by providing your mobile number and e-mail ID. The login ID and Password will be sent on your registered e-mail.
- Step-2 Filing Complaint Scan all the relevant documents into a PDF file. The affidavit and the written complaint along with the relevant documents shall be numbered and indexed properly. A copy of the government ID such as Voter Card/Passport/Ration Card/ Aadhar Card shall also be uploaded as a PDF.

Procedure of E-daakhil

Step-3 Payment – Payment can be made through online or offline mode.

Offline payment may be made through a Demand Draft or a Pay Order. The receipt of the payment is to be uploaded as a PDF file.

Online payment may be made through Debit or credit card, Internet Banking, IMPS, UPI etc.

The opposite party can also file their reply after getting themselves registered as a user and following the procedure mentioned above.

Practice being followed for the Registration of the Complaints through, Edaakhil and their final Disposal through Video Conferencing in the District Consumer Commission Mainpuri –

Purpose: — To provide the Virtual hearing platform to the Consumers, litigants, their agents and Counsels to present their Cases, through e-daakhil and put arguments through the Video Conferencing mode, in the Commission so as to save their time and money and also to save them from the physical hazards of traveling to and fro and also to save the National resources, like Diesel, Petrol, CNG etc. which are consumed when people come to the Courts and go back, this practice is being followed.

Part A-

- This compilation relates to the practice being adopted for the e-daakhil of the Complaints and their expeditious disposal through the Video Conferencing mode, in the District Consumer Commission, Mainpuri PIN 205001 (Uttar Pradesh)
- The Consumer Protection Act 2019 and the Rules and the Regulations made thereunder, make certain provisions of electronic filing of the Complaints in electronic form. The Government of India has further declared in its Circulars and notifications that Complaints can also be filed through e-daakhil portal.
- 3. Section 35 CPA 2019 permits that a complaint may be filed electronically in such manner as may be prescribed.
- 4. Section 65 CPA 2019 prescribes that notice upon opposite party can be served by electronic means.
- 5. Section 101 (2) (p) empowers the Central Government to make rules relating to the filing of Complaints electronically under the proviso to sub-section (1) of section 35;
- 6. Similarly Section 101(2) (q) empowers the Central Government to make rules relating to the fee, electronic form and the manner of payment of fee for filing Complaints under sub-section (2) of section 35.
- 7. Rule 7 of the Consumer Protection Rules 2020 permits payment of fee by electronic mode.
- 8. Rule 8 of CP Rules 2020, permits electronic filing of Complaint as may be notified by the President of the National Commission.

- The Consumer Protection (E-Commerce) Rules, 2020 cover digital marketing, which needs electronic platform for the redressal of the disputes.
- 10. E-daakhil portal has been provided by the Ministry of Consumer Affairs through its Agency namely The N.I.C. This portal facilitates the filing of Complaints and their Replies alongwith evidences, in the electronic form. Video Conferencing facility has also been provided by this portal to facilitate Virtual hearing and presentation of the oral arguments.

Part B -

How the E-filing is being facilitated in the District Consumer Commission Mainpuri –

The District Consumer Commission Mainpuri is doing following things to achieve the hundred percent target of E-filing through the e-daakhil portal -

- (a) Wide circulation of the Government Notification regarding e-daakhil was made and Advocates Litigants and their Agents had been informed through Notices displayed on the Notice Boards of the District Consumer Commission Mainpuri and the Notice Boards of the District Bar Associations Mainpuri.
- (b) The Press and Media were also informed regarding the e-daakhil and E-filing facilities, available in the District Commission, which circulated the news in the News Papers.
- (c) Extensive information pertaining to the benefits of the e-filing through the e-daakhil portal was given to the concerned persons mentioned above by the Staff of this Commission.
- (d) Since 1st January 2021, the Complaints are being entertained through edaakhil only. In case of any problem to any party, the DMA and Staff of the District Consumer Commission Mainpuri, are rendering full assistance to the Complainants and hundred percent E-filing is being ensured.
- (e) Notices regarding reply of the Complaints through the e-daakhil portal are displayed on the Notice Boards of the District Consumer Commission Mainpuri and these notices are also being issued to the Opposite Parties with a request to avail the facility of e-daakhil portal while submitting their Written Statements. Evidences and written arguments and also to avail the Video

Conferencing facility to put their oral arguments before the District Commission.

- (f) Continuous persuasion of using the Virtual hearing facility, available in this Commission, is being done through the notices being issued to the parties, so that more and more litigants, their agents and Counsels do their work on-line and are not made to appear physically in this Commission.
- (g) It is being impressed upon the above mentioned persons that by using the Electronic e-filing and also using the mode of Virtual presentation, they will save their time and money and will not suffer the perils of to and fro journey.
- (h) It is the endeavour of this Commission that 100% hearing of the Cases be made on-line and no person comes to the Commission except when needed.

Appendix

Procedure of e-daakhil

नए उपभोक्ता कानून के तहत उपभोक्ता मंत्रालय ने ई—दाखिल पोर्टल शुरू कर दिया है। इस पोर्टल पर आप (उपभोक्ता) अपनी शिकायत ऑनलाइन दर्ज कर सकते हैं। इस पोर्टल पर शिकायत, अपील, फीस वगैरह की पूरी जानकारी दी गई है। इसमें केस दर्ज करना और उस केस का स्टेटस जानना आसान है। उपभोक्ता शिकायत पोर्टल

उपभोक्ता शिकायत के लिए ऑलाइन पोर्टल https://edaakhil.nic.in/ बनाया गया है। इस पर विडियो और डोक्यूमेंट के माध्यम से फाइलिंग प्रकिया. शिकायत करने और जवाब देने की प्रकिया. अपील करने, फीस और प्रत्युत्तर देने की प्रकिया का पूरा विवरण दिया गया है।

आप मोबाईल फोन से भी शिकायत दर्ज कर सकते है। जैसे, यदि आपने सामान दिल्ली से खरीदा और आप नोएडा में रहते हैं। आप दिल्ली में बैठे बैठे आपने मोबाइल या लैपटॉप या कम्प्यूटर से इस पोर्टल में शिकायत दर्ज कर सकते हैं।

यानी पहले के कानून में जूरिडिक्शन की जो समस्या थी, वह इस कानून में दूर कर दी गयी है। पहले जहां से आप समान या सेवा लेते थे, वहां के ही उपभोक्ता फोरम में शिकायत कर सकते थे, लेकिन अब आप कहीं से भी शिकायत कर सकते हैं।

साथ ही, इसके लिए आपको किसी वकील की आवश्यकता नहीं है। Portal में Tutorial video देखकर और Documents Download कर, पढ़कर आप पूरी प्रकिया को समझ सकते है।

आप Online shopping में जितना समय देते हैं, उतने समय में आप इस Portal में Complaint file कर सकते हैं। Step-1

रजिस्ट्रेशन

Portal में जाकर अपने email id, mobile no. के साथ अपने को user के रूप में रजिस्टर्ड करें। आपके नाम से एक account बन जाएगा login id or password आपके रजिस्टर्ड मेल में भेज दिया जाता है। इस account में आप कितनी बार भी Complaint file कर सकते हैं।

Step-2

Complaint file करना,

आपको email में प्राप्त login id or password से login करके आप अपनी शिकायत दर्ज कर सकते हैं।

Complaint file करने से पहले सभी दस्तावेजों की PDF format में scanned copy तैयार रखें।

शपथ पत्र के साथ लिखित शिकायत और सभी दस्तावेजों की कॉपी पेजिंग की हई होनी चाहिए।

Payment किस प्रकार करेंगे Offline or online mode से, इसके अनुसार तैयारी कर लें।

अन्य आवश्यक दस्तावेज जो आप upload (PDF format में) करना चाहते हैं। जैसे रसीद, वाउचर इत्यादि।

card/passport/Ration card/AAy पहचान पत्र जैसे Voter card/Driving licence

Step-3

Payment करना

आप offline payment mode or online payment mode में से किसी को भी चुन सकते हैं।

Offline payment आप DD/IPO, चालान से कर सकते है। Online Payment करते हैं तो इसकी रसीद upload (PDF format में) करना होगा।

Offline payment आप Debit or credit card, internet Banking, IMPS, UPI इत्यादि से कर सकते हैं।

Opposite Party यानी जिसके उपर आपने केस फाइल किया है, वह भी इस Portal में अपने को ऊपर बताये तरीकों से रिजरटर्ड करके अपना लिखित जबाब दाखिल कर सकता है।

Information being given to use e-daakhil portal for filing, Written
 Statements, Evidences, Papers and written arguments etc.

प्रारूप

जवाब, साक्ष्य प्रपत्र, लिखित बहस इत्यादि प्रस्तुत करने हेतु नोटिस न्यायालयः जिला उपभोक्ता विवाद प्रतितोष आयोग, मैनपुरी।

श्रीपुत्र
निवासी
श्रीपुत्र
निवासी
के द्वारा आपके विरूद्ध एक शिकायत परिवाद संख्या/
प्रस्तुत की गयी है। शिकायत की प्रति संलग्न है। आपके पास यह नोटिस
इस आदेश के साथ भेजा जा रहा है कि आप दिनांकतक
जिला उपभोक्ता आयोग, मैनपुरी में उपरोक्त शिकायत के सम्बंध में
वेबसाइट https://edaakhil.nic.in/ पर ऑन लाईन फीडिंग कर अपना
जवाब, साक्ष्य प्रपत्र, लिखित बहस इत्यादि प्रस्तुत करें तथा रजिस्टर्ड डाक
से जवाब दावा एवं अन्य प्रपत्रों की हार्डकापी आयोग को भेजें। आप अपनी
साक्ष्य भी इसी प्रकार ई-दाखिल कर सकते हैं और हार्डकापी रजिस्टी जाक
से भेज सकते है। आप अपनी मौखिक बहस वीडियो कॉन्फ्रेंसिंग के माध्यम
से कर सकते हैं। जिसका लिंक प्राप्त करने के लिए मो0 न0 9720727699
डी०एम०ए० श्री विवेक सिंह राणा अथवा मो० न० ८४४५८८८४ श्री दिनेश
कुमार, किनष्ट सहायक से संपर्क करें। आप पूरी सुनवाई ऑन लाईन करवा
सकते हैं आपकी उपस्थिति अनिवार्य नहीं है। आपवादिक परिस्थितियों में ही
आपकी व्यक्तिगत उपस्थिति की अपेक्षा की जावेगी। कृपया ई-दाखिल
सुविधा का पूरा लाभ उठाएं। यदि आप अनुपरिथत रहते हैं तो कार्यवाही एक पक्षीय चलाई जावेगी।
र स्थान निर्दार जीविपी

अध्यक्ष / मजिस्ट्रेट जिला उपभोक्ता विवाद प्रतितोष आयोग, भैनपुरी

Notices being issued in Execution Applications-

प्रारूप

धारा-71 उपभोक्ता संरक्षण अधिनियम 2019 के अन्तर्गत

जिला उपभोक्ता विवाद प्रतितोष आयोग,मैनपुरी

इजराय संख्या-	सन्-
मूल वाद संख्या-	सन्-
8	बनाम
निष्पादन कार्यवार्ह	ो के अन्तर्गत कारण बताओ नोटिस
श्री / श्रीमती	
	
चूँकि इस आयोग में ए	क मूलवाद सं0वि0को आपके
विरुद्ध इस प्रकार स्वीकार कर	निर्णित किया गया था कि "
आदेश का सारांश)	' जिसका अनुपालन आपने समय से नहीं किया है
जिस कारण परिवादी / परिवादिय	ग ने इस आयोग के समक्ष एक निष्पादन प्रार्थना—पत्र
दिनांकप्रस्तुत किया है नि	जेसके अनुसार प्रश्नगत धनराशि रू०पर
प्रतिशत वार्षिक ब्याज सहित	कुल धनराशि रू०/-की वसूली हेतु आपके
विरूद्ध आर०सी० जारी करने का	अनुरोध किया है।
अतः आपको आदेशित रि	केया जाता है कि आप उक्त निर्णय के अनुपालन में
परिवादी के खाता संख्या	आई०एफ०एस०सी०कोड०
(बैंक का नाम) में इस आयोग द्व	ारा निर्णित धनराशि रू०मय ब्याज के दिनांक
तक अंतरित करें।	यदि आप ऐसा कर देते हैं तो आपकी व्यक्तिगत
उपस्थिति की आवश्यकता नहीं	है। यदि आप द्वारा दिनांकतक निर्णित
धनराशि परिवादी के उपरोक्त र	वाते मे अंतरित नहीं की जाती है तो आपके विरुद्ध
धारा-71 उपभोक्ता संरक्षण अधि	नेयम 2019 के अन्तर्गत नियमानुसार प्रश्नगत धनराशि
की वसूली की कार्यवाही की जाव	मेगी।
दिनॉक	अध्यक्ष / मजिस्ट्रेट
	जिला उपभोक्ता विवाद प्रतितोष आयोग.
	जनपद – मैनपुरी

Draft

Under Section-71 Consumer Protection Act 2019

<u>District Consumer Disputes Redressal Commission (Name of District)</u>

Decree No.
Original Case No.
Vs
Show cause notice under execution proceedings
Mr. / Mrs
The Original Case no dated was decided against you by accepting it in such a way that (Summary of effective order of judgment) which you have not complied with in time, due to which the complainant has submitted an Execution Petition before this commission, according to which the amount in question Rs along with percent interest per annum totaling to Rs is to be recovered from you and issuance of all R.C. is requested against you.
Therefore, you are ordered that in compliance with the above decision, to transfer the amount decided by this commission in the complainant's A/c number I.F.S.C. code to (Name of the bank) by the date of with interest of Rs
Date: President / Member
District Consumer Disputes Redressal Commission
(Name of district)

Draft

Notice for submission of reply, evidence affidavit, written argument etc.

Court: District Consumer Disputes Redressal Commission (Name of the District)
Shrison ofresident of
Shrison ofresident of
A complaint has been submitted against you by the Complaint No

President/Member

District Consumer Disputes Redressal Commission

(Name of district)