

**GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE AND TECHNICAL
EDUCATION DEPARTMENT PESHAWAR**

NOTIFICATION

Dated Peshawar the _____, 2020

No. _____.- In exercise of the powers conferred by section 22 of the Khyber Pakhtunkhwa Consumer Protection Act, 1997 (Act No. VI of 1997), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

**THE KHYBER PAKHTUNKHWA
CONSUMER PROTECTION RULES, 2020.**

CHAPTER-I

1. Short title and commencement--- (1) These rules may be called the Khyber Pakhtunkhwa Consumer Protection Rules, 2020.

(2) These shall come into force at once.

2. Definitions--- (1) In these rules, unless the context otherwise requires.-

(a) "Act" means the Khyber Pakhtunkhwa Consumer Protection Act, 1997 (Act No. VI of 1997);

(b) "Administrative complaint" means a complaint filed with the Director or with his authorized officer under section 11C of the Act;

(c) "Agent" means a person duly authorized by a party to present any complaint, an appeal or reply on his behalf and to represent it in the proceedings before the Court subject to permission of the Court;

(d) "Authorized officer" means an officer of the Directorate of Industries and Commerce, to whom powers have been delegated under sub section (3) of section 11C of the Act

(e) "Consumer right" means and includes legitimate interests of consumers in the course of commercial practices and services delivery as protected by the Act, rules, Council's policy and by any other law for the time being in force; and includes the similar interests protected under the international laws, covenants and declarations adopted, ratified, and signed by the Government of Pakistan;

(f) "Form" means a Form as provided in Schedule-I;

- (g) “Department” means Industries, Commerce and Technical Education Department of the Government of Khyber Pakhtunkhwa;
- (h) “Judicial complaint” means a judicial complaint filed with the Court
- (i) “Price fixation” means the price of the commodities and services fixed by District Price Review Committee or by any other forum authorized by any other law for the time being in force and includes the court as mentioned in clause (o) of section 2 of the Act;
- (j) “Province” means the Province of the Khyber Pakhtunkhwa;
- (k) “Registrar” means the head of ministerial establishment of the Court exercising such powers and functions as assigned to him by the Court or Government, as the case may be;
- (l) “Respondent” means a person or entity answerable on a complaint of defect, deficiency or infringement of consumer right; and
- (m) “ Schedule” means Schedule appended to these rules;
- (n) “Court” means the consumer court as defined under section 11(A) of the Act.

(2) Words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in the Act.

CHAPTER-2

COMPLAINT, INQUIRY AND INSPECTION

3. Administrative Complaint.--- (1) An aggrieved consumer may file an Administrative complaint on Form-I before the Director or authorized officer, as the case may be, under section 11-B of the Act and such complaint shall be duly verified.

Provided that where a complaint is made verbally, the same shall be reduced into writing on Form-I as soon as may be practicable, and shall be verified accordingly.

(2) In case a complaint in respect of similar matter relating to a particular jurisdiction is simultaneously filed by an aggrieved consumer before the Director or authorized officer and the Court of a concerned district, the complaint before the Director or authorized officer shall abate:

Provided that where the Court deems necessary, may pass an order to assign an inquiry to the Director or authorized officer. The Director or the authorized officer after completion of the inquiry, shall send his inquiry report to the Court and final order shall be passed by the Court keeping in view the inquiry report and evidence.

4. Judicial complaint. --- (1) An aggrieved Consumer may file a Judicial complaint before the Court on Form-II a and such complaint shall be duly verified.

(2) The Director or authorized officer may file Judicial complaint before the Court under sub-section 1(d) of section 13 of the Act on Form II b.

5. Scrutiny of judicial complaint.--- (1) Every judicial complaint shall after being filed, be numbered by the Registrar and if there is any defect in the filing of the complaint, the particulars of such defects shall be recorded and the party or agent shall be informed of the defects requiring for their removal within three days.

(2) In case the party disputes the correctness of the defects pointed out, the matter shall be placed before the Court for appropriate orders.

(3) After the expiry of the time given, the matter shall, irrespective of the fact as to whether the defects have been removed or not, be placed before the Court for appropriate orders.

6. Registration of judicial complaints.--- (1) The judicial complaint shall be registered in the prescribed book by the Registrar with the following particulars:-

- (a) the serial number;
- (b) the date of institution of the complaint;
- (c) the name and particulars of the complainant;
- (d) the name, parentage and residence of respondent;
- (e) the nature of defect or deficiency complained of; and
- (f) the final order.

(2) When a judicial complaint is presented to the Court, it—

- (a) shall fix a date of not more than 15 days for the appearance of the respondent; and
- (b) shall issue summons to the respondent to appear on a date specified therein.

7. Procedure for Inquiry. --- (1) The Director or authorized officer, as the case may be, on receipt of an administrative complaint or on his own motion or on directions from the Court in case of a judicial complaint, shall get the case registered in the specified book and proceed

to conduct an inquiry for determination of defect, deficiency or unfair trade practice in contravention of any of the provisions of the Act and these rules.

(2) The Director or authorized officer as the case may be, if deemed necessary may issue a notice to the violator as specified in Schedule-II and shall proceed to hold an inquiry into the substance of the administrative complaint or judicial complaint as the case may be, and collect such evidence as he deems necessary under section 11C of the Act.

(3) Inquiry shall be conducted in accordance with the procedure as provided in section 11-C of the Act.

(4) The Station House Officer of the local police station, or any other police officer higher in rank, on requisition by the Director or authorized officer, as the case may be, shall provide necessary police force for assistance of the Director or authorized officer, as the case may be, at any place in jurisdiction of such police station, where commercial activities or transactions of trade and commerce are being carried out or where the products are being sold or services are being provided.

(5) If the Director or authorized officer, as the case may be, is satisfied after the inquiry under section 11C of the Act that sufficient material is available to prove any violation of the provisions of the Act or these rules, he shall pass an order accordingly:

Provided that before passing an order, an opportunity of hearing shall be given to the violator.

(6) If the Director or authorized officer, as the case may be, serves a notice upon the violator as referred to in sub-rule (2) and he fails to appear, the Director or authorized officer, as the case may be, shall require the police to produce the violator before him or he may proceed ex-parte in case the violator is at large or cannot be produced by the police.

8. Defective products.--- (1) In case of Defect in products, the Director or authorized officer, as the case may be, shall examine that whether-

- (i) the sale of product is subject to statutory, contractual or professional standards;
- (ii) the manufacturer has set some standards with regard to the product;
- (iii) the product adheres to an express warranty;
- (iv) the utensils and equipment used by the seller comply with statutory, contractual or professional standards;
- (v) the material used by service provider is according to statutory, contractual or professional standards;

- (a) the material used by product seller is detrimental and injurious to the lives and health of the consumer;
- (vi) the product comply with hygienic, cleanliness and safety standards;
- (vii) the quality of the product;
- (b) the seller possesses adequate capacity and qualifications to manufacture, store and sell the product;
- (c) the seller uses any other fraudulent means;
- (viii) the place or premises where goods are sold comply with statutory, contractual or professional health, environment and safety standards; and
- (ix) the product is defective due to any other cause;

(2) In determining whether the product adheres to manufacturer's specifications or warranty or not, the Director or authorized officer, as the case may be, shall take samples and refer it to Laboratory or expert opinion and shall proceed as deem appropriate.

(3) In determining whether a product is defective or not, the Director or authorized officer, as the case may be, shall consider defect in design or defect due to any other cause or inadequate warning on the product, a defect in accordance with section 7B of the Act.

9. Deficiency in services.---(1) If the Director or authorized officer, as the case may be, is inquiring about the existence of a Deficiency in the service, he shall examine that whether-

- (d) the provision of services are subject to statutory, contractual or professional standards;
- (e) the services carry an express warranty;
- (f) the equipment used by the service provider are of satisfactory standard and quality;
- (g) the material used by service provider is according to statutory, contractual or professional standards;
- (h) the material used by service provider is detrimental and injurious to the lives and health of the consumer;
- (i) the quality of the service;

- (j) the place or premises where services are being provided comply with statutory, contractual or professional health, environment and safety standards;
- (k) the service provider possesses adequate capacity and qualifications to deliver the services; and
- (l) the service provider uses any other fraudulent means.

(2) In examining the aspects of a service under sub-rule (1), Director or authorized officer, as the case may be, may rely on the evidence of an expert opinion, or lab reports.

10. Sealing of premises.--- (1) Where the Director or authorized officer, as the case may be, after inspection under clause (i) of sub-section (2) of section 11C, has reason to believe that-

- (a) a fault or defect in goods or product or deficiency in any services exists or unfair trade practices are being carried out or likely to be carried out;
- (b) violation of any provision of the Act or rules there under is being committed or is likely to be committed;
- (c) the manufacturer, trader, dealer, goods or services provider is involved in any unfair trade practices; and
- (d) the standard, price, quality, quantity, weight, measures and purity of any food items, or other essential commodities or any other item of use which is unfit or injurious to the consumer in terms of health or money or contravenes or violates any other law or provisions of law or rule for the time being in force which in any way protect consumers;

(e) the Director or authorized officer, as the case may be, in circumstances of the case, may proceed to seal the premises in terms of clause (v) of sub-section (2) of section 11C and shall seize and detain goods and products being sold or delivered or cause to be sold or delivered and also confiscate record of business, license or No Objection Certificate or any other books of commercial transaction, if any, under clause (iv) of sub-section (2) of section 11C of the Act, and thereafter lock and seal the premises.

(2) The Director or authorized officer, as the case may be, in case of seizure required under clause (iv) of sub-section (2) of section 11C, shall prepare a memorandum of sealing as prescribed in Schedule-III with the detail of goods and products so seized or detained and shall be witnessed and signed by two witnesses and it shall be made part of the record of inquiry.

(3) The goods, products, records or any other things so seized or detained shall be kept in safe custody of the Director or authorized officer, as the case may be.

(4) The goods, products, records or any other things so seized or detained by the Director or authorized officer, as the case may be, shall be disposed-off as per order of the Court, by referring the case to the Court for destruction, auction and return of goods or property, as deemed appropriate.

(5) If the manufacturer, trader, goods or services provider desires to reopen the premises, he shall pay the fine, as imposed by the Director or authorized officer, and also give an undertaking on stamp paper with regard to his fair business on the Form as prescribed in Schedule-IV and thereby receive a “re-opening of business certificate” as prescribed in Schedule-V.

11. Inspection.--- (1) Director or authorized officer, as the case may be, in an inquiry on his own motion or consumer complaint or on the direction of the Court, may inspect at reasonable time any place where the activities or transaction of trade and commerce or services are carried out to restrict unfair trade practices.

(2) The Director or authorized office, as the case may be, in the implementation of the Act and these rules, may require assistance of any Government Department or Organization including Police Force.

(3) The Director or authorized officer, as the case may be, shall collect samples, seal premises, and seize products or documents as deemed appropriate.

12. Fine.--- (1) The Director or authorized officer, as the case may be, after inquiry and inspection, have sufficient evidence to believe that violation has occurred, may impose fine under section 11B of the Act.

(2) The amount of fine shall be specified unambiguously on a consumer’s rights violation ticket (challan) as given in Schedule-VI of which one copy to be handed over to the trader, dealer, firm, company, vendor, goods or services provider or to the person who is involved in unfair trade practices and second copy shall remain with the Director or authorized officer.

(3) The violators are bound to pay the fine as imposed by the Director or the authorized officer as the case may be, and the same shall be deposited to the government treasury under specified head of account.

(4) If the fine, imposed by Director or authorized officer, as the case may be, is not paid on the spot or refused to pay, the Director or authorized officer may submit the attested

office copy of the consumer's rights violation ticket (challan) to the Court and the Court shall, then, recover the fine in the manner as provided in the Code of Criminal Procedure, 1898.

13. Support in collection of evidence.--- The Director or authorized officer, in exercise of his functions, may require any information and support concerning consumer rights from all public and private sector entities. Moreover, photographs, videos shall also be considered evidence in presence of owner or his representative or witnesses.

14. Order of the Director or authorized officer.--- The orders of the Director or authorized officer in the course of proceedings shall be in writing, duly signed and dated and the final order shall contain the reasons and shall be referred as Consumer Protection Order and communicated to concerned person free of cost.

15. Manner of appeal under section 17 of the Act.--- An appeal under sub-section (1) or sub-section (2), as the case may be, of section 17 of the Act shall be filed in the following manner, namely;

- (a) a memorandum of appeal shall be in writing, signed by the appellant and shall set forth concisely the grounds of appeal brief facts of the case without any detailed argument or narrative and such grounds shall be numbered consecutively; and
- (b) a memorandum of appeal shall be accompanied by the certified copy of the impugned order, and of such other documents as may be required in support of appeal.

16. Implementation of the appellate order.--- When the impugned order is set aside, modified, or varied, the Director or authorized officer, shall act in accordance therewith for further course.

CHAPTER-3

COURTS

17. Place of sitting of Court.--- Subject to any general or special orders of the Government in this behalf, the Court shall hold its sittings at a place within the district or area for which it is established or in any other district or area as may be assigned to it by the Government for the time being.

18. Dress Code.--- The Presiding Officer of the Court shall follow the same dress code as prescribed by the Peshawar High Court, Peshawar for members of the District Judiciary in the Province.

19. Hearing hours.--- Subject to any general or special orders, the working hours of the Court for hearing matters shall be the same as specified by the High court for district courts.

20. Cause List.--- (1) Cause list of the Court for the following week shall be made ready before the close of working hours of the preceding week and displayed on the notice board. The cause list of the Court having a website shall also be posted on the website.

(2) Cause list shall be split into three different parts, namely:--

- (i) after notice matters;
- (ii) matters where evidence is to be recorded; and
- (iii) final disposal matters/order.

(3) The cause list shall contain the following particulars, namely:

- (i) Serial Number;
- (ii) number of the matter;
- (iii) title of matter;
- (iv) previous date of proceedings; and
- (v) name of the parties or agent appearing.

(4) If a date of hearing is given in presence of parties or their agent, it shall not be ground for non-appearance for the reason that the cause list for the concerned date does not show the matter or contains incorrect entry or there is omission of the particulars of the matter.

21. Institution of appeals in the Court.--- (1) An appeal against the order of the Director or authorized officer, as the case may be, under section 17 of the Act shall be filed in two sets with additional sets equal to the number of respondents.

(2) The memorandum of appeal shall contain particulars of dispute and relief claimed and shall also be accompanied by copies of such documents as are necessary to prove the claim made in complaint or grounds of appeal.

22. Scrutiny of appeals.--- (1) Every appeal shall after being filed, be numbered by the Registrar and if there is any defect in the filing of the appeal, the particulars of such defects shall be recorded and the party or agent shall be informed of the defects requiring for their removal within three days.

(2) In case the party disputes the correctness of the defects pointed out, the matter shall be placed before the Court for appropriate orders.

(3) After the expiry of the time given, the matter shall, irrespective of the fact as to whether the defects have been removed or not, be placed before the Court for appropriate orders.

23. Issue of summons and notice.---(1) Summons and notice shall be issued in the manner as provided in the code of Civil procedure 1908.

(2) The Court may appoint a courier agency operating within its jurisdiction for the purposes of effecting service on such security given to it by the courier agency as the Court may require.

(3) Alongwith the summons and notice, copies of judicial complaint or memorandum of appeal, as the case may be, and other documents filed shall be served upon the respondents.

24. Adjournment.--- (1) Every proceeding before the Court shall be conducted as expeditiously as possible and as per requirement of the Act and these rules.

(2) The Court shall record the reasons for any adjournment made by it. The number of adjournments shall not be more than three in the matter.

(3) The cost of adjournment sought by respondents, shall be imposed which shall not be less than five hundred rupees per adjournment.

(4) The complainant or appellant, as the case may be, may also be burdened with cost unless sufficient cause is shown for seeking adjournment.

(5) The cost imposed may be given to the other party or parties to defray his or their expenses.

(6) Non-availability of a lawyer who is representing any party shall not be a ground for seeking adjournment of the matter unless his absence is beyond his control for reason of sudden illness or bereavement in the family.

25. Summons to the respondent in judicial complaint of offence.---(1) When a judicial complaint of offense is presented to the Court it—

(a) shall fix a date of not more than seven days for the appearance of the respondent; and

(b) shall issue summons to the respondents for appearance on a date specified therein.

(2) If the respondent avoids service of summons upon him or does not appear before the Court after having been informed, the Court may issue warrant of arrest to compel his appearance before it in custody or on bail as directed.

26. Record in cases.--- The record in cases, on taking cognizance of offenses, shall be maintained in the manner hereinafter provided and shall contain the following, namely:

- (a) the serial number;
- (b) the date of the commission of the offence;
- (c) the date of the judicial complaint;
- (d) the name of the complainant (if any);
- (e) the name, parentage and residence of respondent;
- (f) the offence complained of;
- (g) the plea of the respondent and his examination (formal charge);
- (h) if respondent does not admit the charge, the substance of the evidence;
- (i) the statement of the respondent on questions from the evidence; and
- (j) the judgment of the Court and final order of conviction or acquittal.

27. Written reply.--- (1) On the date fixed, the complainant and violator shall appear before the Court and the violator shall be required to file his reply on such time as the Court may specify.

(2) If the violator fails to appear on the date fixed by the Court for his appearance, then—

- (a) if it is proved that summon was duly served on respondent, the Court may proceed *ex parte*:

Provided that where the Court has adjourned hearing of the complaint *ex parte*, and the respondent at or before such hearing appears and assigns good cause for his previous non-appearance, he may, upon such term as the Court directs, be heard in response to the complaint as if he had appeared on the day fixed for his appearance; and

- (b) in absence of proof of service of summons upon respondent or information to him, the Court may direct for issuing of any process under rule 23.

28. Recording of evidence.--- (1) On the date fixed for the recording of the evidence, the Court shall examine the witness produced by the parties in such order as it deems fit.

(2) The Court shall not issue any summons for the appearance of any witness unless, within three days after fixing of date for evidence, any party intimates the Court that it desires a witness to be summoned through the Court and the Court is satisfied that it is not possible or practicable for such party to produce the witness.

(3) The Court may permit the evidence of any person to be given by means of an affidavit; or he may be examined through Commission to be appointed by the Court on such terms as it deems fit or through online video link using modern means of communication if workable in particular nature of the case.

29. Conclusion of trial.--- (1)After close of evidence of both sides, the Court shall hear the arguments which should be as brief as possible.

(2) Where a party is represented by a counsel, it shall be mandatory to file a brief of written arguments two days before the matter is fixed for arguments; provided that the Court, in particular circumstances, may direct otherwise and hear the verbal arguments.

(3) In case of default to comply with the requirements of sub-rule (2), the cost shall be imposed at the same rates as laid down for grant of adjournments.

(4) The Court shall announce its judgment at once or on an adjourned date which shall contain an operative part at its end with a final order directing its compliance by the judgment-debtor within a time as may be specified by it.

30. Execution of order.--- If the judgment-debtor fails to comply with the final order within stipulated time, the Court, on its own motion or on an application made to it, may proceed to ensure the compliance of its order through coercive measures provided for execution of a money decree in Code of Civil Procedure, 1908.

31. Supplemental proceedings.--- (1) In order to prevent the ends of justice from being defeated, the Court may exercise powers as vested in a Civil Court under Code of Civil Procedure, 1908 for supplemental proceedings and:-

- (a) grant temporary injunction and in case of disobedience commit the person guilty thereof to the civil prison and order that his property be attached and sold; and
- (b) make such other interlocutory orders as may appear to the Court to be just and convenient.

(2) An *ex parte* interim order issued by the Court shall stand vacated after forty five days if in the meanwhile objections to such order are not heard and disposed of.

32. Record of the Consumer Court.

(1)The entire record of each complaint/Plaint including documents forming part of the appeal shall be preserved by the registrar in record room in the consumer court.

(2)Any original documents produced in evidence by either party shall be returned to such party within fourteen days of issuance of the final decision while retaining copies thereof which shall be attested by the registrar of the consumer court.

33. Public record.

The decision of the consumer court and the pleadings of the parties shall be public record and certified copies thereof may be obtained by any member of the public, upon submitting an application to the Registrar of the consumer court.

34. Registers of the consumer court.

The following registers of the consumer court shall be maintained by the Registrar, namely:

- (a) register of complaints for showing institution and disposal of complaints;
- (b) subsidiary registers for administrative purpose;
- (c) register of statistics for preparing monthly and annual progress of complaint disposal;

- (d) register for keeping accounts of court fees.

35. Contempt of Court:— (1)Whoever disobeys or disregards any order, direction or process of a Court, which he is legally bound to obey; or commits a willful breach of a valid undertaking given to a Court; or does anything which is intended to or tends to bring the authority of a court or the administration of law into disrespect or disrepute, or to interfere with or obstruct or interrupt or prejudice the process of law or the due course of any judicial proceedings, or to lower the authority of a court or scandalize a judge in relation to his office, or to disturb the order or decorum of a court is said to commit “contempt of Court”.

(2) Any person who commits contempt of court shall be punished with imprisonment which may extend to six months simple imprisonment, or with fine which may extend to Rs 100, 000, or with both.

CHAPTER-4

MEETINGS OF THE COUNCIL

36. Conduct of Meetings of the Council.--- (1) All decisions in the meeting shall be taken by majority and in case of tie, the Chairman or the member presiding the meeting shall have a casting vote.

(2) The proceedings of the meetings shall be recorded and maintained by the Secretary of the Council and minutes of the meetings shall be circulated amongst the members of the Council.

37. Nomination of Non-official member,--- (1) The non-official members of the council shall be nominated by the search & scrutiny committee comprising of;

- | | | |
|-------|---|--------|
| (i) | Secretary Industries | Member |
| (ii) | Additional Secretary Industries/Finance/Establishment | Member |
| (iii) | Director Industries & Commerce | Member |

(2) The nomination shall be approved and notified by the Government.

38. Resignation and termination of non-official members. --- (1) The non-official members of the Council may tender their resignation to the Government, through the chairman, provided that unless the resignation so tendered is approved.

(2) Non-official members of the council may be removed on the following grounds namely.

- (a) If he fails to attend three consecutive meetings.
- (b) If he has indulged in an activity which contravenes the provisions of Act and these rules.
- (c) If he has been convicted by the court of law.

CHAPTER-5

MISCELLANEOUS

39. Protection of rights of Consumers.---The Council shall, while performing its functions given to it under the Act, shall protect the rights of consumers namely:

- (a) the right to be protected against the marketing of goods and services which are hazardous to life and property;
- (b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may, so as to protect the consumer against unfair trade practices;
- (c) right to be assured, wherever is possible, access to variety of goods and services at competitive prices;
- (d) the right to be heard and to be assured that consumer's interests will receive due consideration at appropriate fora;
- (e) the right to seek redressal against unfair trade practices, or restrictive trade practices or devious exploitation of consumers; and
- (f) the right to consumer education.

40. Availability of goods and services at competitive price.--- The Council may categorize and fix price of goods and services not falling in the purview of any other Law and

rules for the time being in force, on proposal of Director or authorized officer or Deputy Commissioner of the district concerned to ensure provision of goods and services at competitive prices to the consumers and to restrict unfair trade practices.

41. Laboratories/Experts--- (1) For the purpose of sample testing the Director may register-

- (a) a laboratory recognized for the purposes of test of products or equipment; and
- (b) a laboratory recognized specifically to carry out any one or more categories of tests based on specialized capacity of the laboratory and its proposed cost for carrying out the analysis.
- (c) For getting expert opinion, the Director may recognize in writing expert person/entities in different specialties with verified qualification, experience. The expert/entity shall be recognized by the concerned department related to the specialties.

(2) The Director may, for the reasons to be recorded in writing, de-register or cancel registration of a laboratory.

42. E-Commerce.

- a. Consumer act is also applicable to all the online businesses either through an official websites of the vendors or through online market place.
- b. Screenshots obtained of the information displayed about a transaction will be enough to be consider as a transaction.

c. All the vendors shall display the relevant information about the product and services offered through an online platform.

d. Exchange/buyback policy shall be displayed on the website. Active cell/telephone numbers shall be displayed for convenience of the consumers.

e. All the vendors and businesses must comply with the e-commerce policy of Pakistan 2017.

SCHEDULE-1

Form-I

(see sub-rule (1) of rule 3)

FORM FOR ADMINISTRATIVE COMPLAINT

COMPLAINT FORM

Before the Director/Additional Director/Deputy Director/ Assistant Director Consumer
Protection Council District _____

In the matter of _____

Name of complainant _____

Address _____

VERSUS

Name opposite
party _____

Address _____

I/we, the above named complainant/complainants respectfully state before your good-self the
complaint as follows:

It is therefore prayed

- (i) That this action of opposite party violates the rights of the consumers as is prescribed by the Khyber Pakhtunkhwa Consumer Rights Protection Act, 1997.
- (ii) The complainant may please be compensated and remedied through the services of this Office.
- (iii) Legal action should be taken as per law and rules given to the Director Khyber Pakhtunkhwa Consumer Rights Protection act 1997 against the violator.

Signature of Complainant _____

Place _____

Name of Complainant _____

Date _____

Form-II (a)
(see sub-rule (1) of rule 4)

FORM FOR JUDICIAL COMPLAINT
BY CONSUMER

Case No _____

Dated _____

IN THE COURT OF HON'BLE JUDGE CONSUMER COURT
DISTRICT _____

Name/Entity: _____

CNIC No: _____ Phone: _____

Address _____

(Complainant)

VERSUS

Name/Entity: _____

CNIC No: _____ Phone: _____

Address _____

(Respondent)

Respectfully submits complaint under Section 13(1) (d) of the Khyber Pakhtunkhwa Consumer Protection Act, 1997:

The facts of the complaint _____

Place Of Occurrence: _____ **Time and date of occurrence** _____ **A**
violation punishable under Section _____ **of the Act.**

REMEDY CLAIMED: _____

- (a) Remove the defects/replace the defective goods /cease and desist from carrying out the unfair trade practice/issue a correction of misleading advertisements etc.
- (b) Refund the excess price/refund the charges paid for deficient services/a sum of Rs:_____ together with an interest at the rate of _____ from_____ till date of realization.
- (c) Pay a sum of Rs:_____ towards punitive compensation for mental agony, inconvenience and hardship caused.
- (d) Pay costs of this complaint and.
- (e) Pass such further or other order as this Hon'ble court may deem fit and proper in the circumstances of the case and thus render justice.

Enclosures:

- 1. _____
- 2. _____
- 3. _____.

Signature of Complainant _____

Place _____

Name of Complainant _____

Verification

I _____ S/D/W of _____

CNIC No _____ hereby solemnly declare& affirm on oath that the particulars stated above are true to the best of my knowledge and belief and nothing has been concealed therein. I further certify that the documents appended to the complaint are the true copies of original documents.

Verified at _____ this day of _____

Signature of Complainant _____

Place _____

Name of Complainant _____

Form-II (b)

(see sub-rule (2) of rule 4)

FORM FOR JUDICIAL COMPLAINT

BY DIRECTOR OR AUTHORIZED OFFICER

Case No _____

Dated _____

**IN THE COURT OF HON'BLE JUDGE CONSUMER COURT
DISTRICT _____**

State through

Director/ Additional Director Consumer Protection Council/ Deputy Director Consumer
Protection Council/ Assistant Director Consumer Protection Council District _____

(Complainant)

VERSUS

Name/Entity: _____
CNIC No: _____ Phone: _____
Address _____

(Respondent)

Respectfully submits complaint under Section 13(1) (d) of the Khyber Pakhtunkhwa Consumer Protection Act, 1997:

That undersigned:

- a) Received a complaint from _____ dated _____
- b) Inspected the above mentioned establishment on _____ and found the following violations
- c) Conducted inquiry on _____ and found following violations.

The facts of the inquiry/inspection complaint _____

Place Of Occurrence: _____ Time and date of occurrence _____ A violation punishable under Section _____ of the Act.

REMEDY CLAIMED: _____

- a) Remove the defects/replace the defective goods /cease and desist from carrying out the unfair trade practice/issue a correction of misleading advertisements etc.
- b) Refund the excess price/refund the charges paid for deficient services/a sum of Rs: _____ together with an interest at the rate of _____ from _____ till date of realization.
- c) Pay a sum of Rs: _____ towards punitive compensation for mental agony, inconvenience and hardship caused.
- d) Pay costs of this complaint and.
- e) Pass such further or other order as this Hon'ble court may deem fit and proper in the circumstances of the case and thus render justice.

Enclosures:

- 4. _____
- 5. _____
- 6. _____.

Signature & Seal of the Officer

Verification

I _____ S/D/W of _____

CNIC No _____ hereby solemnly declare & affirm on oath that the particulars stated above are true to the best of my knowledge and belief and nothing has been concealed therein. I further certify that the documents appended to the complaint are the true copies of original documents.

Verified at _____ this day of _____

Signature of Complainant _____

Place _____

Name of Complainant _____

SCHEDULE-II
(see sub-rule (2) of rule 7)

Notice No _____

Dated _____

NOTICE FOR CONSUMER RIGHTS VIOLATION

Name and address _____

of the trader, dealer, firm, company, etc.

IN RE: *(Details of the goods/services)* _____

Through this notice under Khyber Pakhtunkhwa Consumer Protection Rules 2016, this is to bring to your notice that:-

Mr/Miss/M/s _____ purchased above mentioned goods/services from your entity for a consideration of Rs: _____ paid in cash *vide* your Cash Memo/Receipt/Invoice No _____ or paid through cheque No _____ dated _____ drawn on bank.

The said goods are suffering from the following defects:-

Which is an offence/ violation under the Khyber Pakhtunkhwa Consumer Protection Act, 1997. The complainant has reported the above matter to you several times (give reference of earlier letters, if any) but despite all of his pleadings, you have not made good the defect in the goods (or deficiency in services) which is indeed regrettable and highly un-business like. On account of your aforesaid dereliction of duty and failure and neglect to rectify the same the complainant has suffered or likely to suffer losses/incurred expenses.

(give details) _____

Which, you are liable to compensate to him.

You are hereby finally called upon to appear and defend yourself before

DIRECTOR/ASSISTANT DIRECTOR CONSUMER PROTECTION COUNCIL

Address: _____

and

- (a) Remove the said defects in the goods, and/or
- (b) Replace the goods with new goods, and/or
- (c) Return the price/charges or over price/charge paid
- (d) Pay compensation for financial loss/injury/interest suffered due to your negligence
(give details)
in sum of Rs _____ with interest @ _____% *per annum*

Through this notice, You are directed to rectify the above mentioned shortcomings in within _____ days of the receipt of this notice failing which I shall be constrained to initiate against you for redressal of 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 Khyber Pakhtunkhwa Consumer Rights Protection Act 1997 exclusively at your own risk, cost, responsibility and which please note.

Place _____
Dated _____

Seal and Signature of the Officer

SCHEDULE-III
(see sub-rule (2) of rule 10)

MEMORANDUM OF SEALING

The premises of Mr/M/s _____ located at _____

_____ District _____

is hereby sealed under section 11C (2)(v) due to violation of provisions of the Consumer Protection Act, 1997 and these rules.

List & Particulars of Items seized

Signature of the Officer_____

SCHEDULE-IV

(see sub-rule (4) of rule 10)

**SOLEMN UNDERTAKING FOR BUSINESS
RE-OPENING/DE-SEALING**

UNDERTAKING

I _____ S/o _____

CNIC No _____ owner of the _____

Resident of _____

Do hereby solemnly affirm & declare on oath that:

- (a) I will never go against any of the provision of the Consumer Protection Act, 1997 Khyber Pakhtunkhwa, and if found in any unlawful activities of manufacturing, trading and goods and services providing or any unfair trade practices or over charging, uncleanliness or anything which is hazardous to the health and money of the consumer; would be liable to the cancellation of license/NOC and maximum fine fixed under the Act ibid.

(b) That the particulars stated above are true to the best of my knowledge and belief and nothing has been concealed therein

Verified at _____ this day of _____

Signature of the owner _____

SCHEDULE-V
(see sub-rule (4) of rule 10)

Case No _____

Dated _____

BUSINESS RE-OPENING CERTIFICATE

I, Director/Additional Director/Deputy Director Consumer Rights Protection, after taking undertaking on oath from and recovering fine imposed on the owner of the business concern due to violation of the rights of the consumer as enshrined in the Khyber Pakhtunkhwa, Consumer Protection Act 1997 and after having been satisfied by the owner with regard to his fair business, hereby giving him certificate for re-opening his business on the condition specified in his undertaking.

Seal and Signature of Officer _____

SCHEDULE-VI
(see sub-rule (2) of rule 12)

Serial No _____

Date _____

CONSUMER'S RIGHTS VIOLATION TICKET (CHALLAN)

Name of Offender _____

Name of the Entity _____

Address of Entity _____

CNIC # _____ Phone/Cell # _____

Type of Business

1. Sole Trader 2. Firm 3. Company

1. Manufacturer 2. Wholesaler 3. Dealer 4. Retailer 5. Service Provider

Violation under Section _____ of Consumer Protection Act 1997 (Amended 2015) Violation/Offence committed _____

Fine Imposed Rs: (In Fig) _____ (In Words) _____

Fine/Penalty deposited in Government Treasury under Head of Account **CO2954**

Evidence: _____ Witness: _____

Assistant Director
Consumer Protection Council
District _____