

## **Precautions and Measures Before Filing a Consumer Complaint for Defective Vehicle**

### **1. Understand the Legal Basis:**

- **A defective vehicle can fall under the definition of "defective goods" as per the *Consumer Protection Act, 2019*.**
- **If the vehicle has defects or issues that affect its use, safety, or value, it can be considered a deficiency in service or a defective product.**

### **2. Jurisdiction for Filing the Complaint:**

- **Determine the jurisdiction for filing the complaint:**
  - **Based on the place of residence of the complainant.**
  - **Based on the location of the dealership or the place where the vehicle was purchased or where the defect was identified.**
- **Choose the appropriate *Consumer Forum* or *Commission* based on the compensation sought (District, State, or National Commission).**

### **3. Document the Defect Clearly:**

- **Clearly identify and document the defect(s) in the vehicle. This could include:**
  - **Mechanical or electrical issues.**
  - **Issues related to safety, performance, or appearance.**
  - **Malfunction of essential parts like engine, brakes, suspension, or electrical systems.**
- **Collect evidence of the defect, such as:**
  - **Photographs or videos of the defect.**



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- **Inspection reports from qualified mechanics or experts.**

#### **4. Gather Evidence of Purchase:**

- **Collect all relevant documents to prove your purchase, including:**
  - **The *sale invoice* or *receipt*.**
  - ***Warranty card* or *service book* provided by the manufacturer or dealer.**
  - ***Payment receipts* and any communication from the dealer regarding the vehicle's condition.**

#### **5. Service Records and Complaints:**

- **Maintain a record of all service history, including:**
  - **Any visits to the service center for repairs related to the defect.**
  - **Copies of complaints or communications sent to the manufacturer or dealer.**
  - **Service receipts or reports from authorized service centers that reflect the defects and the attempts to fix them.**

#### **6. Warranty and Guarantee Terms:**

- **Check the warranty period and terms mentioned by the manufacturer. Most vehicles come with a warranty period for defects. Ensure that the defect is covered under the warranty and falls within the time frame.**
- **If the defect is covered under warranty but was not resolved by the manufacturer/dealer, it strengthens your case for a refund, repair, or replacement.**

#### **7. Attempt Resolution Before Filing:**



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- **It's often required or recommended to attempt resolution through the manufacturer/dealer before filing a complaint. This can include:**
  - **Sending a *legal notice* requesting the manufacturer or dealer to fix the defect or provide a replacement or refund.**
  - **Providing them a reasonable time (typically 15-30 days) to resolve the issue before taking legal action.**

#### **8. Expert Opinion:**

- **Consult a qualified automobile expert or mechanic to assess the defect. If possible, get an expert's opinion stating that the defect is not due to misuse and is a genuine issue with the vehicle.**

#### **9. Quantify the Compensation:**

- **Clearly quantify the compensation you seek, which may include:**
  - **Repair costs if the vehicle is still under warranty but cannot be fixed by the authorized service center.**
  - **Refund of the vehicle's price or replacement with a new vehicle of the same model.**
  - **Compensation for mental agony, loss of use, or inconvenience caused by the defective vehicle.**
  - **Any additional costs incurred due to the defect (e.g., rental vehicle costs, towing, etc.).**

#### **10. Formatting the Complaint:**

- **Ensure your complaint is well-structured:**
  - **Synopsis: Provide a brief summary of the case.**



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- **Parties involved:** Include the details of the complainant, the manufacturer, dealer, and any other parties involved.
- **Statement of Facts:** Outline the defect and the timeline of events.
- **Grounds for the Complaint:** Explain how the defect has led to inconvenience and harm.
- **Relief Sought:** Specify the desired resolution, such as repair, replacement, or refund.

**11. Supporting Documents:**

- **Organize supporting documents for your complaint, including:**
  - **Copies of the sale invoice, warranty card, and payment receipts.**
  - **Service records, complaint letters, and communications with the dealer or manufacturer.**
  - **Expert opinions and photographs/videos of the defect.**
  - **Any reports or documents from the authorized service center confirming the defect.**

**12. File the Complaint Online (if applicable):**

- **File the complaint via the *e-Daakhil* portal for online filing: <https://edaakhil.nic.in>.**
- **Ensure all documents are scanned and uploaded clearly, and the complaint is properly paginated.**

**13. Assess Time Limitations:**

- **File the complaint within the stipulated time frame, which is generally two years from the discovery of the defect or the date when the defect could have reasonably been discovered.**



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**14. Legal Assistance:**

- **Consider seeking assistance from a lawyer who specializes in consumer protection or defective goods claims to:**
  - **Draft a legally sound complaint.**
  - **Guide you on the evidence and documentation.**
  - **Represent you effectively in the Consumer Forum or Commission.**

**15. Consumer Forum Procedure:**

- **Once the complaint is filed, the forum or commission may ask for a hearing where both the complainant and the defendant (manufacturer/dealer) will present their arguments and evidence.**
- **The Consumer Forum will then issue a judgment, which may include an order for compensation, replacement, or repair.**

**Important Note:**

**Ensure that you file the complaint in the correct Consumer Forum, and make sure all evidence is properly organized and presented. Misfiling can delay the process, so seeking expert guidance on the matter is crucial.**

**By following these measures, you can increase the chances of a successful outcome in your consumer complaint against a defective vehicle.**



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