

OF SHOWCASES, COCONUT OIL AND DEFECTIVE FLATS

I placed an order with Shivaram Interior Decorators, Vijayanagar, Bangalore for manufacture of a drawing room showcase and aluminium mesh windows valued Rs 30,000. I do not have any agreement except the receipt given by the contractor. Though the work is almost complete some defects are there. The polishing has not been done, walls are not painted and insects are corroding the structure. There is no response to my phone calls. Can you suggest a remedy?

N.G. Shubavani

Bangalore

This is a case of deficiency in service. Write a letter to the contractor asking him to rectify the work. If there is no response write a final letter under RPAD informing that you are going ahead with the rectification work at the cost of the contractor. Alternatively, you can file a complaint in the consumer forums and claim damages and cost.

Recently I purchased clinic plus coconut oil paying Rs 29.50. Earlier the price was Rs 25 for 200 ml. The label on the bottle says 'free 50 ml extra'. Is this legal? Can I write to the manufacturer? What is the address of the consumer forums and also please inform me about the procedures to file a complaint.

N. Srikant HPO

Bangalore

Firstly, ensure that what is the exact quantity of oil in the bottle i.e., 200 or 250 ml and also the Maximum Retail Price (MRP) printed on the label. You cannot complain about increase in prices of a manufacturer unless it is regulated by any law. Compare the two prices. In case you are getting 50 ml of oil for the cost of 200ml of oil, well and good. Otherwise it is unfair to print the word 'free'. You can write to the manufacturer as well as take up the matter in the MRTPC. Refer the telephone directory for the addresses of consumer forums. The procedure for filing a complaint has already been discussed in these columns.

I bought a Bajaj Classic scooter in September 1996. It is giving me a mileage of 42 km/litre. As per the advertisement it should give 75 km/litre under ideal/standard conditions. What mileage should it give on Bangalore roads? Can I approach the consumer forums?

G.H.Patil

Bangalore

The very word ideal/ standard is vague and subject to many conditions. As per the manufacturer, ideal condition means good roads without any humps, use of clutch, driving habits of the driver, quality of petrol and oil used, including vehicle maintenance.

In the case of CERC vs Karnavati Auto Limited the manufacturer had claimed that the average consumption of petrol by the moped sold was 90 km/litre. On the basis of the tests conducted by Automotive Research Association of India, Pune it was found that this consumption was possible only under ideal conditions which are almost impossible to obtain. A cease and desist order was passed. However it will be very difficult to prove your case due to the above ambiguity.

My friend bought a flat in 1993 which has started leaking since 1995. A civil engineer is of the opinion that the walls and roof are not waterproof. Can my friend approach the consumer forums?

P.Tauro , Mangalore

Selling a defective house or flat attracts the provisions of the Consumer Protection Act. A large number of cases have been decided by the forums and the Commission in favour of consumers on this subject. You can approach the consumer forums with all the documents. However in your case you have to prove that you were corresponding with the builder since 1995. Your complaint may be dismissed if it is beyond two years. Take immediate steps to file a complaint.

I am member of a housing cooperative society which collected money promising a site between 1985 and 1989. However, the society has not been able to distribute the sites even in 1997. How can I get back the deposit, compensation, etc. Is a society member a consumer?

P.R.L.Murthy

Bangalore

There are some conflicting views expressed by different district forums about the applicability of CPA to members of housing cooperative societies. But in many cases the forums have granted relief to the consumers (members)

You can file a complaint in the consumer forums and seek refund of deposits. Remember that you may get back your deposit with interest from the date on which you file a complaint or from the date when you have written to the society for refund of the deposit. You may not get interest from the date of depositing the money.
