

If there is a defect in the furniture, immediately lodge a consumer complaint | रसरंग में आपके अधिकार: फर्नीचर में खामी होने पर तुरंत करें उपभोक्ता शिकायत

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Your rights in Rasrang: If there is a defect in the furniture, immediately lodge a consumer complaint

Gaurav Pathak 12 days ago



India's furniture market is growing rapidly. Consumers are increasing their expenditure on furniture, but complaints of defective products are also increasing. Let us know today what legal rights the consumer has in this case and how these rights have been interpreted through various decisions.

Consumer Rights As per Section 2(9)(ii) of the Consumer Protection Act, 2019, the consumer has the right to be informed about the 'quality, quantity, potency, purity, standard and price of the goods so as to protect him from unfair trade practices.' Thus,

consumers buying furniture have the right to be informed about the price and quality of the furniture. If this is not done, the consumer can file a consumer complaint against the manufacturer and seller of the furniture.

Evidence is key Consumer commissions have time and again held that mere allegations of defects are not enough. It is also important to have sufficient evidence of the same. In *Shyamal Das vs Shukla Mukherjee (2014)*, the West Bengal State Commission dismissed the complaint as the consumer failed to produce any concrete documentary evidence of the defects in the furniture. The commission held that there was no evidence other than the consumer's statement and made it clear that consumers must produce primary evidence of the defects.

Expert testimony matters Documentary evidence is important, but courts also accept expert testimony as admissible evidence. In *Tata Coffee Ltd. v. N. Srinivasalu (2014)*, the National Commission held that the testimony of a qualified carpenter can be substantive evidence. When four brothers complained of pest infestation in newly purchased furniture, the Commission accepted the carpenter's testimony to dismiss the manufacturer's unverified claim of poor maintenance.

Importance of timely action Early action strengthens the consumer's case. In *Thomas Mathew vs Blue Moon Communications (2015)*, the National Commission emphasised that if there is a defect in the product, the complaint should be filed as soon as the delivery challan (documentary evidence of delivery) is received. When the consumer complained about poor quality and smell coming from the polish several days after delivery, it weakened the case.

Manufacturing defects vs. maintenance Courts distinguish between manufacturing defects and problems that arise as a result of use. In the case of *M.D. Mozart Global Furniture (2024)*, the Kerala State Commission rejected the seller's claim of poor maintenance when the furniture developed fungus within two months of purchase. The Commission said that problems that arise immediately after purchase point to a manufacturing defect.

Interpretation of Business Purpose An important principle emerged through *Rajiv Bhargava v. Sanjay Goyal (1996)*, which discussed furniture purchased for office use. The National Commission clarified that just because a piece of furniture is purchased for office use, it cannot be excluded from the scope of consumer protection by presuming it to be purchased for 'business purpose'. This decision of the Commission provided protection to small businessmen who use the furniture for their offices.

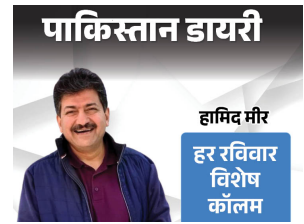
Clarification of jurisdiction The National Commission also provided clarity on the issue of jurisdiction in the *Tata Coffee* case. Even though the purchase documents mention the exclusive jurisdiction of certain courts, consumer forums have the jurisdiction to hear consumer complaints where the goods are distributed and used. **(The author is also the Secretary, CASC.)**

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