

# If your clothes get damaged in dry cleaning, get compensation | रसरंग में आपके अधिकार: ड्राई क्लीनिंग में कपड़े खराब हो गए, तो पाएं मुआवजा

[bhaskar.com/magazine/news/if-your-clothes-get-damaged-in-dry-cleaning-get-compensation-134599543.html](https://bhaskar.com/magazine/news/if-your-clothes-get-damaged-in-dry-cleaning-get-compensation-134599543.html)

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## Your rights in Rasrang: If clothes get damaged in dry cleaning, get compensation

Gaurav Pathak 14 days ago



Consumers often feel helpless when expensive clothes get damaged in dry cleaning. In fact, many consumers are not even aware of their legal rights in this case. But an analysis of decisions given by consumer courts from time to time shows that there are strong legal protections and established precedents for compensation for consumers in such cases.

### Liability and compensation

Consumer courts have often held dry cleaners liable for damages caused in the cleaning process. In *Snow N White Dry Cleaners vs J.M. James* (2011), the Kerala State Commission awarded compensation of Rs 5,000 for a new branded white shirt costing Rs

3,000 that developed black stains after dry cleaning. The commission rejected the dry cleaner's offer to rewash the shirt.

However, it should also be noted that the amount of compensation depends on how old the damaged garment was and its condition. In the case of Dashmesh Dry Cleaners vs. Geetanjali Nair (2000), the Union Territory Commission of Chandigarh set an important precedent. It ruled that compensation of two-thirds of the original price for a three-year-old saree would be appropriate. Apart from this, the Commission also ordered to pay Rs 500 for mental harassment, considering that making repeated rounds to resolve the problem creates additional inconvenience for the consumer.

### **Disclaimer does not release liability**

Dry cleaners often try to limit their liability by giving disclaimers on bills and receipts. However, it is clear that such disclaimers cannot absolve them of liability altogether. In New Way Machine Drycleaners vs. Mohammad Aftab Alam (2009), the Jharkhand State Commission directed the dry cleaner to pay 50 per cent of the estimated price of a suit. The suit was earlier lost by the dry cleaner and was later recovered only through the intervention of the court.

### **proving deficiency in service**

In Pushpa Buri v Chawla Dry Cleaners (1997), the Union Territory Commission of Chandigarh laid down important principles regarding burden of proof. The court held that the consumer would initially have to prove damage to the fabric, but once the problem of colour fading or stretching of the fabric is clearly shown, the courts usually rule in favour of the consumer. The Commission awarded compensation up to 75 per cent of the cost of the fabric in many cases. The court's observation is significant that no working person would file a case in a consumer court without any genuine problem.

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### **These deficiencies were acknowledged**

Consumer courts have considered a number of specific situations as deficiency in service, including:

- Clothes becoming faded or discoloured.
- Damage to the texture or structure of the fabric.
- Loss of clothes.
- There will be an exchange of clothes.
- Failure to remove stains may result in additional damage.
- Cloth getting torn, holed or burnt during the cleaning process.

## **How to lodge a complaint?**

Here are the steps consumers should take to file a successful claim:

- Keep the original dry cleaning receipt safe with you.
- Prepare documentary evidence by taking photographs of the damage.
- Keep proof of actual price of the clothes (bill, invoice etc.).
- File complaint in appropriate consumer forum in time.
- Keep a record of all communications with the dry cleaner.
- If possible, keep the damaged clothes safely so that they can be presented when asked by the Consumer Commission. This increases the chances of the case becoming stronger.

**(The author is also the Secretary, CASC.)**