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Your rights in Rasrang: Defect in geyser: Not only the manufacturer, but the dealer is also guilty

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In India, the purchase of geysers increases during the winter season. Consumers often feel helpless when these essential appliances do not work as expected. However, consumer laws have a solution for this. Let us understand what are your rights in case of faulty geysers and what kind of decisions have been given by consumer forums or commissions in this regard.

Provisions for Consumers The Consumer Protection Act, 2019 has several provisions for consumers. Section 2(7) defines the term “consumer” to include transactions made both offline and online. Section 2(9) gives the consumer the right to be protected against hazardous goods and to be informed about the quality, quantity, purity, price and standards of goods and services and to file complaints against unfair or restrictive trade practices. District, state and national commissions can direct manufacturers to take measures such as removing defects, replacing defective goods, refunding money paid and discontinuing unfair practices.

Manufacturing defects If a geyser has a manufacturing defect, the consumer has a right to a refund even if the seller is only a dealer and not the manufacturer of the geyser. In *Prematic International Electronics vs K. Subbaraman*, the Karnataka State Commission adjudicated a case where the geyser consumed more electricity than claimed in the advertisement. The manufacturer had claimed that 20 litres of hot water could be obtained for just 15 paise, while in reality 29 paise were spent for 15 litres of water. The dealer argued that only the manufacturer should be held responsible for this, but the Commission rejected this claim. Both the dealer and the manufacturer were held jointly liable, as the payment was taken from the consumer by the dealer.

Defects during warranty period In *Satyanarayan Jhunjunwala vs Batliboi & Co. Ltd.* (1996), the West Bengal State Commission laid down an important principle regarding repairs under warranty. When defects appeared in the consumer's geyser from the very beginning and repeated repairs during the warranty period did not help, the Commission directed a full refund. The Commission clarified that repeated unsuccessful repairs during the warranty period prove that the product is inherently defective. Consumers need not wait indefinitely for repairs.

Electrical Safety The case of *Jayamala Ambalal Panchal* (2007) underlined the importance of electrical safety in geyser installations. The complainant's husband had died of electrocution while using the geyser. The investigation revealed violations of the Indian Electricity Rules, 1956. Though the manufacturer of the geyser was not held liable as the warranty had expired, the Electricity Board was directed to pay compensation as it had not provided mandatory safety measures like an independent cut-out for the common service line.

Consumers should keep these things in mind - Always get the correct bill and warranty card while buying a geyser. - Insist on installation by authorized employees only. - In case of any defect, immediately lodge a complaint in writing. - Inform both the dealer and the manufacturer about the problems. - Keep a record of all repairs done during the warranty. - Ensure compliance with electrical safety during installation. In case of a defective geyser, first write to the dealer and the manufacturer and give details of the problems. If the repair is repeatedly not working during the warranty, then you can appeal to the Consumer Commission with the documents of all complaints and repair attempts. The Commission can order not only a refund but also compensation for the damage caused.