

## **One sided agreement - State Consumer Fora and the National Commission have power to declare contractual terms which are unfair, as null and void**

Consumer Protection Act, 1986, Section 2(1)(c) - Consumer Protection Act, 2019 - Agreement - One sided agreement - Incorporation of one-sided and unreasonable clauses in the Apartment Buyer's Agreement constitutes an unfair trade practice under Section 2(1)(r) of the Consumer Protection Act - Even under the 1986 Act, the powers of the consumer fora were in no manner constrained to declare a contractual term as unfair or one-sided as an incident of the power to discontinue unfair or restrictive trade practices - An "unfair contract" has been defined under the 2019 Act, and powers have been conferred on the State Consumer Fora and the National Commission to declare contractual terms which are unfair, as null and void - This is a statutory recognition of a power which was implicit under the 1986 Act.

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