

BEFORE THE HONOURABLE COURT OF THE DISTRICT CONSUMERS DISPUTES  
REDRESSAL COMMISSION-I AT VISAKHAPATNAM

C.C.85/2021

Between:

Dr. Tenneti Lakshmi

... Complainant

And:

M/s. Newtech Cargo, Bahrain and two others

... Opposite Parties

**EVIDENCE AFFIDAVIT FILED ON BEHALF OF THE 2<sup>ND</sup> OPPOSITE PARTY**

I, Sri Sandeep.Gorre, S/o Sathyanarayana, Hindu, aged 43 years, Authorized Signatory of Maxwell Logistics Pvt. Ltd., Surya Towers, 7<sup>th</sup> Floor, 105, S.P. Road, Secunderabad, Telangana State, do hereby solemnly affirm and state on oath as follows:-

1. I submit that I am the Authorized Signatory of the 2<sup>nd</sup> Opposite Party as such I am well acquainted with the facts of the case.
2. I submit the averments made by the complainant that after the consignment reached India the payments are on delivery of consignment at Visakhapatnam is totally false and the charges to us are to be made on receipt of the articles/goods to Hyderabad and not on its delivery to the complainant. However, it is true that the 2<sup>nd</sup> Opposite Party is the agent of 1<sup>st</sup> Opposite Party who is looking after the affairs of the delivering the articles in Telangana and Andhra Pradesh states having established its head office at Hyderabad in Telangana State.
3. I submit that as per the procedure, the complainant being consignor has to physically appear before the customs people with her original passport and after scrutiny and verification only, the goods will be allowed to move or pick up from customs area in turn the same can be delivered to the complainant. Though this fact is well within the knowledge of the complainant and also covered under the agreed terms, the complainant refused to attend at Hyderabad, but instead sent her original passport to us only on 19.03.2020 along with documents after repeated persuasions from 11.03.2020 and that too she has sent them through courier and stated that due to oldage and covid situations she denied to appear inperson.
4. I submit that the goods were arrived on evening of 19.03.2020 being Friday and the next day being Saturday is a holiday for customs people and the next day being Sunday was a holiday and 22.03.2020, the Central Government declared it as "Janatha Curfew" and from the next day i.e., 23.03.2020 it was a lock down which cannot be attributed to this 2<sup>nd</sup> Opposite party and this fact needs kind consideration of this Hon'ble Forum.

For Maxwell Logistics Private Limited

Authorized Signatory

5. I submit that we have also requested the 3<sup>rd</sup> Opposite party to waive the demurrages against the complainant and such request was made in the interest of the complainant only and this shows the concern of this Opposite party towards the complainant and their articles which may have to be considered by this Hon'ble Forum and thus no deficiency can be alleged or attributed to this Opposite Party.

6. I submit that the delay in handing over the consignment to the complainant is not within our hands. The delay is explained properly as above which is not in our hands but still the complainant is making allegations towards this 2<sup>nd</sup> Opposite party which is not proper on her part.

7. I submit that the list mentioned documents may be marked as Exs.A-1 to A-11 respectively.

8. I submit that the complaint is not maintainable even against us and is liable to be dismissed for non-joinder of necessary parties being the party through whom the complainant has booked consignment. Even otherwise the relief if any can be sought only against the 3<sup>rd</sup> Opposite party which charged demurrages inspite of the fact that due to lockdown consignment could not be lifted or taken for which we cannot be blamed.

9. I, therefore, pray that this Hon'ble Forum may be pleased to dismiss the above complaint as against this respondent/opposite party, in the interests of justice.

**LIST OF DOCUMENTS**

S.No.	Date	Description	Remarks
1.	29.02.2020	Email received from the 2 <sup>nd</sup> Opposite Party to ASL Pricing India	Photostat copy
2.	11.03.2020	Email sent to complainant from 2 <sup>nd</sup> Opposite Party	Photostat copy
3.	20.03.2020	Email received from the 2 <sup>nd</sup> Opposite Party to ASL Pricing India.	Photostat copy
4.	16.03.2020 To 21.03.2020	Emails received from the 2 <sup>nd</sup> Opposite Party to ASL Pricing India.	Photostat copies
5.	19.03.2020	Email received from Nucleus Shipping Company Pvt. Ltd., to 2 <sup>nd</sup> Opposite Party	Photostat copy
6.	20.03.2020	Email received from Azimar Shipping Company Pvt. Ltd., to 2 <sup>nd</sup> Opposite Party	Photostat copy
7.	09.05.2020	Email received from Nucleus Shipping Company Pvt. Ltd., to 2 <sup>nd</sup> Opposite Party	Photostat copy
8.	12.05.2020	Email received from Reddy Ramakrishna to 2 <sup>nd</sup> Opposite Party	Photostat copy
9.	21.05.2020	Email from Ranga Newtech International to 2 <sup>nd</sup> Opposite Party	Photostat copy
10.	31.05.2020	Email from Ranga Newtech International to 2 <sup>nd</sup> Opposite Party	Photostat copy
11.	14.06.2020	AWB copy and Delivery Note	Photostat copy

Deponent

Solemnly affirmed and signed before me on this 7<sup>th</sup> day of December, 2022 at Visakhapatnam.

Advocate

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BEHALF OF THE 2<sup>ND</sup> OPPOSITE  
PARTY

Filed on: 07.12.2022

Filed by:

Sri C.S.Sekhar  
Advocates  
VSP  
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