**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION NO.0I VISAKHAPATNAM: AP**

**CONSUMER COMPLAINT NO. /2020**

**IN THE MATTER OF:**

1. Sri. Chippada Jagadeesh Kumar

s/o Eswara Rao, aged 30 years,

D.No. 1-19, Kondapu Street,

Near Grama Panchayat Office,

Bhogapuram Mandal

Vizianagaram District-531162

Employee in Vodafone

… **COMPLAINANT**

**AND**

1. Varun Motors,

rep. by its Authorized Signatory,

D. No. 10-50-22/1,

Siripuram Junction,

Visakhapatnam-530003

… **OPPOSITE PARTIES**

**COMPLAINT UNDER SECTION 35 of THE CONSUMER PROTECTION ACT, 2019**

**RESPECTFULLY SHOWETH:**

1. The address of the Complainant for the purpose of service of summons, notice etc is as shown in the cause title above.
2. The address of the Opponents for the very purpose is the same as shown in the cause title above.
3. The complainant has purchased a two wheeler KTM motorcycle from the opposite party for Rs. 1,42,458/- on 25/08/2023 from the opposite party. The complainant when has received the receipt has realized that the opposite party has charged Rs.3000/- extra towards miscellaneous expenses.
4. The complainant submits that when he protested to pay the extra amount the opposite party had threatened to not deliver the vehicle on the same day and asked him to come after a few days for delivery. Under compelling circumstances, the complainant paid the said amount and took delivery of the vehicle on the same day.
5. The complainant further submits that later when he approached the opposite party for the refund the opposite party returned Rs.2,500 on 31/08/2023 and has retained the Rs.500 towards handling charges. The collection of extra amount in the name of handling charges whereas nothing was done under the guise of it is unfair, illegal and arbitrary.
6. The complainant further submits that he has issued a legal notice on 30/09/2023 to the opposite party asking them to return the extra amount charged, however there was no reply from the opposite party.
7. The complainant aggrieved by this attitude of the opposite party has approached this commission to seek redress.
8. **CAUSE OF ACTION**: The cause of action in the present case arose when the complainant realized that he has been overcharged than what he was required to pay, i.e., on 25/08/2023, and the second instance is when the complainant has issued a legal notice dated 30/09/2023 to which the opposite party did not reply.
9. **JURISDICTION**: The consideration amount of the dispute is less than Rs. 50 lakhs and the complainant resides within the territorial limits of this Hon’ble Commission. Hence this Hon’ble Commission has jurisdiction to try and entertain this complaint.
10. **LIMITATION**: That the present complaint is being filed within the period of limitation as prescribed under section 69 of the Act, 2019.
11. **COURT FEE**: As per Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, the requisite court fee has been paid.

**EVIDENCE:**

A1- Tax invoice issued by the opposite party

A2- Delivery Challan/Gate Pass

A3- Invoice for collection of handling charges issued by the opposite party

A4- Aadhar card of the complainant

**PRAYER**:

The complainant therefore prays to direct the opposite party :-

i) To pay Rs.500/- collected towards handling charges

ii) To pay the Rs.1,00,000/- towards compensation for the mental agony

iii) To pay Rs.1,00,000/- towards compensation for deficiency in service

iv)To pay Rs.10,000/- towards costs

iv) Such other relief or reliefs which the Honourable Forum deemed fit, just and proper in the circumstances of the case.

**PLACE**: Signature

**DATED**:

**VERIFICATION**:

I , Sri. Chippada Jagadeesh Kumar s/o Eswara Rao, aged 30 years, residing at D.No. 1-19, Kondapu Street, Near Grama Panchayat Office, Bhogapuram Mandal, Vizianagaram District-531162, do hereby declare that I have not misrepresented any facts nor have tried to hide any information in my above complaint. All the facts mentioned herein are true to the best of my knowledge.

Name & signature of the complainant