**BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT COSMOS**

**IN RE: COMPLAINT No. 18 of 2022**

# IN THE MATTER OF:

# 

1. K. Gayathri

46 years of age, female

20/918, III street, Vimala Nagar, Cosmos – 100

Gayathri1888@gmail.com

9234567891……………………………………………,.COMPLAINANT

## Vs.

1. Platinum Private Limited

Represented by its Manager

2nd Cross Street, Simala Nagar, Cosmos-60

platinum@gmail.com

9456718865

1. ABC Home Appliances

15/234,3rd street, Vimala Nagar, Cosmos- 25

abchomeappliances@gmail.com.

9768453221………………………………..…………….OPPOSITE PARTY

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

# RESPECTFULLY SHOWETH:

1. The complainant, K. Gayathri (PAN Card No. xxxxx xxxxx), aged 46, residing at 20/918, III street, Vimala Nagar, Cosmos – 100, is a graphic designer by profession, and has been working in H2O Designs Private Limited for the last seven years.
2. The opposite party is a well-known and reputed dealer in the home appliances sector, and has branches across the city of Cosmos and in other parts of the country; since its inception in 2019, it has served over 5 lakh customers from across the country.
3. On 04/02/2022 (4th February, 2022), at around 10:30 am, the complainant visited the Jeevan Nagar showroom of opposite party no. 1 who is one of the authorized dealers of ABC Home Appliances, and purchased a double-door refrigerator whose details are as follows:

Type: Double-door refrigerator

Brand: *Coolz*

Manufacturer: ABC Home Appliances

Capacity: 600 Liters

Colour: Black

Price: Rs 50,000/-

Warranty period: 1 year

1. The product was delivered on 10/02/2022, and the complainant had used it for seven months when the fridge stopped working on 15/09/2022. The very next day, on 16/09/2022, the complainant informed the company, and the latter promised to send a technician within a few days. On 17/09/2022, a technician from the company arrived, and inspected the product. Upon examination, he traced the cause of the problem to malfunctioning of the compressor and PCB, and suggested that the complainant get the components replaced.
2. On 18/09/2022, the complainant sent an email to the company asking for a replacement of the fridge itself as the product was still covered by the warranty period. The complainant strongly believed that if the product could fall into disrepair within months from the date of purchase, then it must be due to some inherent manufacturing defect; hence, the complainant sought a replacement of the same.
3. However, much to the surprise of the complainant, the opposite party refused to replace the product. Instead, it offered to get the dysfunctional parts alone replaced, but the complainant was apprehensive about having only certain components replaced as in that case there would be no guarantee that the problem would not recur. The complainant felt that issues pertaining to non-compatibility if exact spare components are not available could not be ruled out, so he insisted on getting a new product in place of the faulty product sold to him initially.
4. In furtherance of his request, the complainant sent multiple emails to the opposite party, and also raised a complaint on the website on 20/09/2022. The complainant also spoke to the customer support team on 21/09/2022 only to be sternly told that it would not be possible to replace the entire product.
5. The complainant was therefore constrained to send a legal notice on 25/09/2022 (25th September, 2022) whereby the opposite party was advised to comply with the request of the complainant to replace the faulty product, and pay Rs 10,000/- as compensation for the mental distress caused to the complainant, and also for the legal expenses incurred by the complainant to avoid initiation of action under the Consumer Protection Act of 2019 on the ground of sale of defective product to the customer.
6. However, months went by, but the complainant never received any reply to the notice sent on 25/09/2022. Distressed by the indifferent attitude of the opposite party towards the suffering of the complainant, the latter has now approached this hon’ble commission for relief.
7. The complainant, therefore, humbly submits that the present incident is a clear case of violation of the right of the complainant as a consumer to receive a quality product for the consideration paid, and also amounts to supply of defective goods as described under section 2(10) of the Consumer Protection Act of 2019 thereby meriting remedy under the relevant provisions of the Act.
8. The cause of action arose in the first instance on 04/02/2022 when the complainant purchased the product, in the second instance on 15/09/2022 when the product stopped functioning and finally on 18/09/2022 when the opposite party refused to replace the product.
9. The following documents have been attached as Annexures for the perusal of the hon’ble commission:
10. Original bill/invoice
11. Copy of the emails sent to the opposite party
12. Photograph of the product
13. Original legal notice dated 10/02/2022
14. Jurisdiction:

As the consideration paid for the service availed is less than Rupees 50 lakhs, and the cause of action is in the city of Cosmos, the complaint is being filed with the Hon’ble District Consumer Disputes Redressal Commission, Cosmos.

1. Limitation:

That the present complaint is being filed within a period of two years from the date of cause of action i.e date of the incident, as prescribed under section 69 of the Act, 2019

1. Court Fees:

In line with Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020, no court fee has been paid as the value of the impugned product is less than Rs 5 lakhs, and stipulated three copies of the complaint have been submitted.

# PRAYER

### The complainant therefore prays: -

1. That the opposite party be directed to replace the defective product, or refund the purchase money paid, and pay Rs 10,000 as compensation for the mental distress caused and the legal expenses incurred
2. that such orders be passed as the Hon’ble Consumer Forum may deem fit in the circumstances of the case.

PLACE: Signature

DATED: NAME OF THE COMPLAINANT

# VERIFICATION

I, K. Gayathri, 46 years of age, female, 20/918, III street, Vimala Nagar, Cosmos – 100, hereby declare that I have not misrepresented any facts nor have I tried to hide any information in my above complaint. All the facts mentioned herein are true to the best of my knowledge.

Name

Signature