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

**IN RE: COMPLAINT No. 23 of 2022**

# IN THE MATTER OF:

Bruno

45 years of age, male

56/879, 4th street, Sunset Avenue, Cosmos- 32

Bruno1888@gmail.com

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

## Vs.

ABC Reels Private Limited

Represented by its Manager

2nd Cross Street, Jeevan Nagar, Cosmos-60

abcreels@gmail.com

9456716832……………………………………………..………….OPPOSITE PARTY

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

# RESPECTFULLY SHOWETH:

1. The complainant, K. Bruno (PAN Card No. xxxxx xxxxx), aged 45, 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 theatre in the city of Cosmos. It runs about 12-15 shows every day, and the number goes up to 20 on weekends.
3. On 04/02/2022 (4th February, 2022), at around 5:30 pm, the complainant along with his family went to *Suave,* a theatre owned by the opposite party to watch a movie, and the show began on time, but much to the disappointment and shock of the opposite party, the hall was not maintained properly with empty plastic bottles and chocolate wrappers strewn all over the place.
4. Also, the complainant spotted spoiled left-over food because of which there was a foul smell inside the theatre which made the complainant experience nauseous. After some time, when the stench became unbearable, the complainant had to leave the place halfway through the show.
5. In fact, before leaving, the complainant requested the manager to clean the place, and that if not immediately, at least during the intermission, but the opposite party refused to pay heed to her repeated requests. Further, he said that the place would be spruced up only after the show ended besides falsely asserting that the place was hygienic, and that the ambience was conducive to a wholesome experience.
6. When the complainant disagreed, the opposite party asked him to adjust and refused to return money already paid towards the ticket price citing no-refund policy as the reason. The complainant later sent an email to the opposite party on 05/02/2022 narrating in detail the incident, and asked for compensation to tune of Rs 10,000 for the mental distress caused to him along with a request for refund of the ticket price which Rs 150 per person (Rs 600 for four persons), but the complainant did not receive any reply from the opposite party.
7. The complainant was therefore constrained to send a legal notice on 15/02/2022 (15th February, 2022) whereby the opposite party was advised to comply with the request of the complainant for compensation to the tune of Rs 10,000 for the mental distress caused to him, and also refund of the ticket price which came to Rs 600 for four persons to avoid initiation of action under the Consumer Protection Act of 2019 on the ground of deficiency in the service rendered to the customer.
8. However, months went by, but the complainant never received any reply to the notice sent on 15/02/2022. 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.
9. 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 avail quality service for the consideration paid, and also deficiency in service as described under section 2(11) of the Consumer Protection Act of 2019 thereby meriting remedy under the relevant provisions of the Act.
10. The cause of action arose in the first instance on 04/02/2022 when purchased movie tickets, in the second instance on 04/02/2022 when complainant had to exit the venue midway due to lack of proper maintenance of the premises, and finally on 05/02/2022 when the complainant’s email for compensation met with no response from the other side.
11. The following documents have been attached as Annexures for the perusal of the hon’ble commission:
12. Movie tickets (original)
13. Copy of the email sent to the opposite party
14. Original legal notice
15. 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 pay compensation to tune of Rs 10,000 for the mental distress caused to complainant;
2. refund the ticket price which Rs 150 per person (Rs 600 for four persons);
3. pay Rs 5000 for the legal expenses incurred;
4. 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, Bruno, 45 years of age, male, 56/879, 4th street, Sunset Avenue, Cosmos- 32, 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