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

**IN RE: COMPLAINT No. 20 of 2022**

# IN THE MATTER OF:

Rithika,

aged 30,

20/918, III Street,

Vimala Nagar,

Cosmos - 100 .………………………………………………………...COMPLAINANT

## Vs.

## 

ABC Footwear Private Limited,

45/914, 2nd Street,

Malati Nagar,

Cosmos - 30.……………………………………………………….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. On 04/02/2022, around 2:30 pm, the Complainant visited the Malati Nagar branch of ABC Footwear Private Limited located in the city of Cosmos and purchased a pair of shoes manufactured by Elegance. Despite the price tag indicating an MRP of Rs 600, the Complainant was charged Rs 680.
3. The Complainant attempted to resolve the issue at the outset and questioned the Opposite Party as to the price of the item and why it was higher than the MRP. When questioned about the price difference, the Opposite Party cited taxes as the reason without providing adequate proof. However, there have been no recent notifications regarding tax modifications in the product category.
4. The Complainant has taken every possible action to settle the dispute. The Complainant lodged a grievance on the company's website, but no resolution was reached.
5. The Complainant was therefore constrained to send a legal notice on 15/02/2022 whereby the opposite party was advised to comply with the request of the complainant to provide compensation for the wrongs they had committed. Despite this, the Opposite Party’s response remained unchanged.
6. 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 have goods sold no higher than the MRP and also unfair trade practice as described under section 2(47) of the Consumer Protection Act of 2019 thereby meriting remedy under the relevant provisions of the Act.
7. The cause of action arose on 04/02/2022 when the complainant purchased the pair of shoes from the Opposite Party and was charged an amount in excess of the MRP.
8. The following documents have been attached as Annexures for the perusal of the hon’ble commission:
9. Original bill/invoice
10. Product box displaying MRP sticker
11. Copy of the emails sent to the opposite party
12. Original legal notice
13. 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 refund the amount of Rs. 60 paid in excess of the MRP
2. The the opposite party be directed to pay Rs 10,000 as compensation for the mental distress caused, and the legal expenses incurred by the complainant
3. 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, Rithika, aged 30, resident of 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