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

**IN RE: COMPLAINT No. 20 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 Appliances Private Limited

Represented by its Manager

2nd Cross Street, Jeevan Nagar, Cosmos-60

aestheticszz@gmail.com……………………………...………….OPPOSITE PARTY

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

# RESPECTFULLY SHOWETH:

1. The complainant, Bruno (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, the Complainant purchased a microwave oven from the seller, well within the warranty period. However, within a few weeks of purchase on 15/03/2022, the oven malfunctioned, prompting the Complainant to seek assistance from the seller's service center. A technician from the seller's company acknowledged the issue and informed the Complainant that certain parts needed replacement, assuring that the matter would be resolved within a week once the parts were procured. Unfortunately, despite the assurance, the replacement parts never arrived within the stipulated time frame.
3. Subsequent attempts to resolve the issue through communication with the service center proved futile. Despite promises of escalation and resolution from higher authorities, no concrete action was taken. Frustrated by the lack of progress, the Complainant resorted to sending emails, but these attempts also failed to yield a favorable response. The Complainant sent multiple representations to the Opposite Party to no avail.
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 23/04/2022 (23rd February, 2022) demanding the replacement of defective components or a refund of the purchase cost, along with compensation amounting to Rs 15,000. However, even after sending the legal notice, there was no response from the seller, leaving the Complainant in a state of dissatisfaction and inconvenience.
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 a product under warranty be repaired/replaced and also a defect in good as described under section 2(10) of the Consumer Protection Act of 2019 thereby meriting remedy under the relevant provisions of the Act.
7. The cause of action arose in the first instance on 15/03/2022 when the oven malfuunctioned.
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 goods is Rs. 10,000 (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 component or refund the purchase cost of the product i.e. Rs. 10,000
2. The the opposite party be directed to pay Rs 15,000 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, Bruno, aged 45, residing at 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