**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………………………………………….COMPLAINANT

## Vs.

## 

ABC Appliances Private Limited

Represented by its Manager

2nd Cross Street,

Jeevan Nagar, Cosmos-60…………...……………………………..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.
2. On 06/02/2022, the Complainant entered into a hypothecation agreement with ABC Auto Corporation Private Limited to purchase a pick-up truck, financed for Rs 4,00,000/- over a 60-month tenure, with monthly installments of Rs 6,800/-. However, on 08/02/2022, merely two days after the agreement, the Financier confiscated the vehicle due to non-payment of EMI.
3. Despite the Complainant's attempt to clear the dues, the vehicle was not returned. Efforts to address the issue through emails were unfruitful, with no response from the company. Additionally, a refund code received by the Complainant resulted in an unauthorized debit of an additional Rs 10,000. Despite sending a legal notice on 20/09/2021 demanding the return of the paid sums and seeking Rs 1,00,000/- as compensation, there has been no response from the company to date, leaving the Complainant in a state of distress and financial loss.
4. Despite sending a legal notice on 20/09/2021 demanding the return of the paid sums and seeking Rs 1,00,000/- as compensation, there has been no response from the company to date, leaving the Complainant in a state of distress and financial loss.
5. The complainant, therefore, humbly submits that the present incident is a clear case of violation of the rights of the complainant as a consumer and an unfair trade practice as envisaged in Section 2(47) of the Consumer Protection Act of 2019 thereby meriting remedy under the relevant provisions of the Act.
6. The cause of action arose in the first instance on 08/02/2022 when the vehicle was wrongly confiscated.
7. The following documents have been attached as Annexures for the perusal of the hon’ble commission:
8. Original bill/invoice
9. Statement of account for the relevant period
10. Copy of the emails and Whatsapp messages between the Complainant and the Opposite Party
11. Original legal notice
12. Jurisdiction:

As the consideration paid for the goods 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 money already paid towards the purchase of the product to the complainant
2. The the opposite party be directed to pay Rs 1,00,000/- 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, resident of 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