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

**IN RE: COMPLAINT No. 26 of 2022**

# **IN THE MATTER OF**:

ABC Educational Services

30/597, 4th street,

Sunset Avenue,

Cosmos- 32………………………………………………………,,.COMPLAINANT

## **Vs.**

Aesthetics Private Limited

2nd Cross Street,

Jeevan Nagar,

Cosmos-60……………………………………..………….OPPOSITE PARTY

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

# **RESPECTFULLY SHOWETH:**

1. The address of the Complainant for the purpose of service of summons, notice etc is as shown in the cause title above and that of his counsel
2. The address of the Opponents for the very purpose is the same as shown in the cause title above.
3. The opposite party is a respectable SAAS company having offices all over the country.
4. The complainant purchased a software for their school from the opposite party on 4th February 2022 at a cost of Rs 4,50,000. Training sessions on using the software were conducted by the company between 20th and 23rd February 2022
5. The software was installed on 24th February 2022, However because of several technical issues the complainant was unable to use the software since day one
6. The complainant further submits that they notified the same to the opposite party and paid a sum of Rs 3500 for fixing it
7. But the company failed to provide any kind of technical support and instead terminated the service agreement on 5th May 2022.
8. The complaint was shocked by the conduct of the opposite party and sent multiple emails requesting for a response. Finally, they sent a legal notice on 10th May 2022
9. The complainant received no response to the legal notice, hence the present complaint.
10. The cause of action arose in the first instance on 04/02/2022 when the complainant purchased the software, in the second instance on 5/05/2022 when the company terminated the service and in the third instance on 10/05/2022 when the complainant sent a legal notice.
11. .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.

**Annexure:**

Original bill/invoice

Copy of the emails sent to the opposite party

Original legal notice

# **PRAYER**

### The complainant the**r**efore prays: -

1. That the opposite party be directed to rectify the error or refund the cost of the software
2. That the opposite party be directed to pay Rs 50,000 towards compensation for mental harassment
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**

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I, Authorised Person representing ABC Educational Services Cosmos 30 , hereby declare that we have not misrepresented any facts nor have we tried to hide any information in our above complaint. All the facts mentioned herein are true to the best of my knowledge.

Name

Signature