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

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

# **IN THE MATTER OF**:

Bruno

Age 45.

56/879, 4th street,

Sunset Avenue,

Cosmos- 32.

Graphic Designer ……………………………………………………,,.COMPLAINANT

## **Vs.**

Manager

ABC Mobiles Pvt Ltd

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 ABC Mobiles Pvt. Ltd. represented by its authorised person i.e. the Manager
4. The complainant submits that he purchased a mobile phone from the opposite party on 08/02/2022. The sale price was Rs 40,000 but he got a discount of Rs 10,000 because he exchanged his old phone. Thus, he paid Rs 30,000 for the new phone.
5. The phone was manufactured by Solid Pvt. Ltd and was of the brand Breeze. Further, it had a warranty period of 1 year.
6. However, right from day one the complainant faced several issues with the phone. Hence, he approached the opposite party and informed them about the same.
7. The opposite party however accused the complainant of dropping the phone from a height and damaging it and refused to take any responsibility for the defect.
8. The complainant also sent multiple emails dated 10/02/2022, 15/02/2022 and 20/02/2022 requesting the opposite party to rectify the defect or replace the defective one with a new one, but it failed to take any action
9. Finally, the complainant sent a legal notice on 10/03/2022 but received no reply from the opposite party. Hence this complaint.
10. The cause of action arose in the first instance on 08/02/2022 when the complainant purchased the defective phone, in the second instance on 10/02/2022 when the complainant sent the first email to the opposite party and then in the third instance on 10/03/2022 when the complainant sent a legal notice to the opposite party.
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:**

1. Original bill/invoice

. Warranty card

1. Photograph of the product received
2. Copy of the emails sent to the opposite party
3. Original legal notice

# **PRAYER**

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

1. that the opposite party be directed to rectify the defect in the mobile phone or replace it with a new phone free of cost.
2. that the opposite party be directed to pay Rs 1,00,000 towards compensation for mental harassment and litigation cost.
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

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# **VERIFICATION**

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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