**BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT MOGA**

**IN RE: COMPLAINT NO. \_/20**

**IN THE MATTER OF:**

Sumandeep Kaur Garu,

Entrepreneur, aged 31 years,

W/o Jagroop Singh Gharu,

Dune-ke, Tehsil, near Satya Sai Hospital,

Moga, Punjab ...Complainant(s)

Versus

1. Amazon Retail India Private Limited,

Ground Floor, Eros Plaza, Eros Corporate Center,

Nehru Place, New Delhi (South)- 110019.

2. VRP Telematics India Private Limited,

Building 2 (Wh 2), Plot No. 12/Ps (IT Sector),

Hitech Defence and Aerospace Park, Devanahalli,

Bengaluru, Karnataka, 562149. ...Opp.Party(s)

**COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019**

**RESPECTFULLY SHOWETH:**

1. That the Complainant herein, Ms. Sumandeep Kaur Garu, W/o Jagroop Singh Gharu, aged about 31 years old is an entrepreneur residing at Dune-ke, Tehsil, near Satya Sai Hospital, Moga, Punjab, purchased a watch for 13,795 Rs. The 2nd Opposite Party, VRP Telematics, is a sole proprietorship engaged in carrying on business with its office in Building 2. Warehouse 2, Plot No. 12/ps (IT Sector), Hitech Defence and Aerospace Park, Devenahalli, Begaluru, Karnataka-562149. The 1stt Opposite Party herein, Amazon Retail India Private Limited, a registered company registered under the Companies Act and is engaged in providing marketplace services, with its office in Eros Corporate Center, Nehru Place, New Delhi (South)- 110019.
2. That the complainant purchased a Titan Analog Gold Dial Men’s Watch, for a consideration of 13,795 Rs. on 01.03.2023 vide Order with ID No. 407-4606755-59419172 from the 2nd OP by using the platform hosted and maintained by the 1st OP. Soon after the Complainant’s husband tried the watch, the Complainant came to know that the watch was too big for him, and there, initiated the process for return as specified on the Platform of the 1st Opposite Party.
3. That the Complainant, upon duly following the return process, returned the watch to Amazon through one of its delivery partners on 07.03.2023. Soon thereafter, the Complainant got an intimation from the 1st Opposite Party that the request for refund was thereby initiated and that the refund would occur within 4-5 working days.
4. That despite the 1st OP’s initial assurance of refund within 4-5 days, a subsequent notification was received by the Complainant on 01.05.2023 stating that no refund or replacement would be initiated since the product was delivered complete and in an intact condition.
5. That the Complainant has video evidence, through the opening of the package, proving that the watch was incompatible for her husband’s wrist.
6. **CAUSE OF ACTION**: That the failure to process the refund despite following the return process constitutes a deficiency in service, causing mental agony and inconvenience to the Complainant
7. **EVIDENCE:** That the Complainant attaches herewith the purchase invoice, return confirmation and the notification from Amazon Retail that the refund would not be carried out. The video evidence of the unboxing of the package will be provided at the appropriate stage and as directed by the Hon’ble Commission.
8. **JURISDICTION**: That the Hon’ble District Consumer Disputes Redressal Commission at Moga has pecuniary as well as territorial jurisdiction to conduct an inquiry and adjudicate the present dispute. Since the Complainant is residing in Moga, the Commission has territorial jurisdiction over the said case. Further, the consideration is within the pecuniary limit established under the Consumer Protection Act, 2019.
9. **LIMITATION**: That the Cause of Action arose when the Complainant received intimation from the 1st OP that a refund will not be issues, which is, 1.5.2023. The same is within the two-year limitation period specified under Section 69 of the Consumer Protection Act, 2019 as the notification rejecting the Complainant’s claim for the refund occurred on 01.05.2023, which is within the two-year limitation period.
10. **COURT FEE**: That the Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.
11. **PRAYER:** That the Complainant seeks the following reliefs from this Hon’ble Commission:

A. Direct the Opposite Party 1 to refund the purchase amount of 13,795 Rs.; and

B. Direct the Opposite Parties to jointly and severally to pay compensation to the tune of 30,000 Rs. for the mental agony; and to

C. Grant any other relief that the Hon’ble Commission deems fit.

PLACE: Moga, Punjab

DATED: SIGNATURE OF THE COMPLAINANT

**VERIFICATION:**

I, Sumandeep Kaur Garu, W/o Jagroop Singh Gharu, residing at Dune-ke, Tehsil, near Satya Sai Hospital, Moga, Punjab, do hereby solemnly affirm and declare that the facts stated above in paras 1 to 11 are true to the best of my knowl­edge and based on the records maintained by me, which I believe to be true.

Verified at, on this \_ day of \_\_\_

**ANNEXURE OF EVIDENCE**