**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION**

**AT MAHABUBNAGAR**

**CONSUMER COMPLAINT NO. \_\_\_\_\_\_of 2023**

**IN THE MATTER OF:**

Syed Sidiq Pasha

S/o Syed Yousuf,

Aged 52 years,

Occupation: Auto Driver,

Resident of H.No.4-2-16/6, Ramaiah Bowli,

Mahabubnagar town & district.

...Complainant

Versus

The Authorized Signatory,

Samskruthi Automobiles,

RSP with: Fortune Integrated Assets Finance Ltd.,

#5-85/20A, Srinivasa Colony, Mahabubnagar town.

...Opposite Party

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019

MOST 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. Herein the above-named Complainant most respectfully submits as under,
4. That the Complainant is an auto driver residing at the address mentioned above and the Opposite Party's address is correctly shown above within the jurisdiction of this Hon'ble Commission.
5. That the Complainant had purchased an auto bearing registration no. TS 06 UB 3143 from the Opposite Party in November 2016 for his livelihood after the said auto was seized from its previous owner Varanasi Ashanna by the Opposite Party due to default in payment.
6. That the said original owner obtained finance from OP for fixed 36 monthly installments of Rs.5,800/- per month. The said Ashanna paid (6) irregular installments, due to that the OP seized the vehicle and sold it to the complainant and then sold to the complainant in November 2016.
7. That as per the agreement dated November 2016 between the Complainant and Opposite Party, the Complainant was liable to pay the remaining 30 installments of Rs. 5,800 per month towards full payment for the auto. The Complainant paid 4 installments at the time of purchase and further paid installments regularly upto 27 installments in total amounting to Rs. 1,56,600 till March 2019.
8. That when the Complainant approached the Opposite Party in early 2019 to pay the 3 pending installments out of the originally agreed 30 installments and get the auto registered in his name, the Opposite Party avoided and delayed the process under the pretext that the agreement was misplaced.
9. That the Opposite Party failed to accept the 3 installments from the Complainant and instead seized the auto on 14.02.2020 forcibly in the absence of the Complainant without giving any proper notice or following due process.
10. When the Complainant requested release of the auto, the Opposite Party demanded an exorbitant amount of Rs. 78,874 despite receiving Rs. 1,56,600 already paid by the Complainant.
11. That the arbitrary seizure of the auto by the Opposite Party without notice and their unreasonable demands has caused tremendous harassment, mental agony and loss of livelihood for the Complainant.
12. That the Complainant has incurred an expense of Rs. 50,000/-so far in pursuing this complaint.

**CAUSE OF ACTION**: That the cause of action arose when the Opposite Party failed to accept pending installments from the Complainant and instead seized the auto bearing registration no. TS 06 UB 3143 on 14.02.2020 without prior notice or due process. Despite having received Rs. 1,56,600 from the Complainant, the Opposite Party demanded additional Rs. 78,874 for release of the auto, causing immense harassment and loss of livelihood to the Complainant. The Complainant's various requests for release of the auto have been neglected by the Opposite Party, compelling the Complainant to approach this Hon'ble Commission for relief and justice.

**JURISDICTION**: The amount of loss incurred for the deficiency in service provided by the opposite party is less than Rs. 50 lakhs and the complainant resides within the territorial limits of this Hon’ble Commission. Hence this Hon’ble Commission has jurisdiction to try and entertain this complaint.

**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.

**EVIDENCE**:

1. Ex.A-1: Photostat copy of R.C. dt.16-5-2016.
2. Ex.A-2: Photostat copies of Cash Receipts (26 Nos.).
3. Ex.A-3: Photostat copy of Statement of Account issued by OP.

**PRAYER**::

In view of the facts stated above, the Complainant prays that the Hon'ble Commission may be pleased to:

a) Direct the Opposite Party to release the auto bearing registration no. TS 06 UB 3143 to the Complainant after receiving balance installment amounts.

b) Direct the Opposite Party to pay compensation of Rs. 1,00,000/- for mental agony and loss of livelihood suffered by the Complainant.

c) Award litigation cost of Rs.50,000/- incurred by the Complainant.

d) Pass any other just and equitable order as deemed fit in the interest of justice.

Place: Mahabubnagar

Date: (Signature)

Verification

Herein I, Syed Sidiq Pasha, S/o Syed Yousuf, Aged 52 years, Occupation: Auto Driver, Resident of H.No.4-2-16/6, Ramaiah Bowli, Mahabubnagar town & district do hereby state on solemn affirmation that the contents of the above paragraphs are read over and explained to me in my vernacular and the same are found to be true and correct to the best of my knowledge, belief and information.

MAHABUBNAGAR Complainant

/0 /2024

DRAFTED AND PRESENTED BY

ADV. XYZ