**BEFORE THE CONSUMER DISPUTES REDRESSAL DISTRICT FORUM AT KAPURTHALA, PUNJAB**

**CC.No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_/20\_\_**

Rajiv Kumar

S/o Bhushan Kumar

R/o Mohalla Saidan

Tehsil Sultapur Lodhi, Distt. Kapurthala

Age: 28 years

Occupation: Engineer … Complainant

Versus

Ambika Software Technologies

258 Gulmohar City, Badala Road

Kharar District S.A.S. Nagar

Mohali 140301 … Opposite Party

This complaint under section 35 of the Consumer Protection Act, 2019, is presented on the grounds stated herein under:-

1. That the Complainant is a citizen of India residing in Village Burewal, Tehsil & District Kapurthala, and the Opposite Party abovenamed, is an electronic retail shop and having his office at 258 Gulmohar City, Badala Road, Kharar District S.A.S. Nagar, Mohali 140301.

2. This complaint relates to the deficiency in service of the opposite party faced by the complainant.

3. The complainant purchased a graphic card with model number INNO3D Twin X2 RTX 3060 from the opposite party for Rs. 60000 under invoice number GST1060 on 23.03.2021. The invoice is attached as Annexure A.

4. The graphic card did not function properly. The complainant informed the opposite party about the same after which the opposite party told the complainant that the graphic card has an inherent manufacturing defect and cannot be repaired. The opposite party also told the complainant that the complainant would get a refund, but the complainant has not received any refund yet. The proof of the correspondence is attached as Annexure B.

5. To the complainant’s surprise, the opposite party has also stopped responding to the complainant’s calls. The call records are attached as Annexure C.

6. The opposite party, being an electronic retailer, had a responsibility to ensure that adequate support was provided and a refund was processed when the graphic card had an inherent manufacturing defect due to which the complainant suffered without any mistake of his own. The opposite party has been deficient in offering this service. The complainant is entitled to get a refund of the entire amount.

7. The total consideration paid by the Complainant for the purchase is Rs. 60,000/- which is less than Rs. 50 lakhs. The complainant resides in Kapurthala. Hence the district forum has the jurisdiction to try and entertain this complaint.

8. The complainant has not filed any complaint having the same cause of action in any other forum or court.

9. The cause of action arose on 23.03.2021 which is within the limitation period prescribed under the Act. Hence, the claim in the complaint is not barred by the law of limitation.

10. The Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.

11. In the circumstances, the Complainant therefore prays that:

a. the opposite party be directed to refund the entire amount of purchase with interest;

b. the Opposite Party be directed to pay to the Complainant the sum of Rs. \_\_\_\_\_\_\_\_/-, being the cost of the legal expenses borne by the Complainant;

c. the opposite party be directed to pay to the complainant the sum of Rs. \_\_\_\_\_\_\_\_/- for the mental agony and harassment suffered by the Complainant due to negligence and deficiency in service by the opposite party.

d. any other relief deemed fit and proper in the circumstances of the case.

Dated this day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COMPLAINANT**

**VERIFICATION**

I, Rajiv Kumar aged 28 years son of Bhushan Kumar resident of Mohalla Saidan, Tehsil Sultapur Lodhi, Distt. Kapurthala, do hereby solemnly declare and state that what is stated in paragraphs no.1 to 11 of the above complaint is true to my own knowledge and what is stated in the remaining paragraphs is stated on information and belief and I believe the same to be true.

Solemnly declared at Kapurthala

this day of \_\_\_\_\_\_ 2024

Complainant