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

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

Davinder Kaur

W/o Harjit Singh

R/o House No. 429/12, Rose Avenue

Kapurthala, Punjab

Age: 43 years

Occupation: Housewife … Complainant

Versus

1. M/s Royal Enfield

Eicher Motors Limited

Tiruvottiyur High Road

Tiruvottiyur, Chennai 600019, Tamil Nadu, India

1. M/s Innovative Automobiles

Sultanpur Road

Kapurthala, Punjab … Opposite Parties

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 House No. 429/12, Rose Avenue, Kapurthala, and the Opposite Party Number 1 (OP1) abovenamed, is a bike manufacturer and having his office at Eicher Motors Limited, Tiruvottiyur High Road, Tiruvottiyur, Chennai 600019, Tamil Nadu. The Opposite Party Number 2 (OP2) is a bike dealership having its registered office at Sultanpur Road, Kapurthala.

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

3. The complainant purchased a motorcycle manufactured by the OP1 from OP2 on 30.08.2019 for Rs. 121000 under invoice number NV43554192000226. The chassis number of the bike is MEU3KC1KF978818 and the engine number is U3K5C1KF083581. The invoice is attached as Annexure A. The details of the bike are attached as Annexure B.

4. The complainant approached the district transport office to get the vehicle registered. The transport office told the complainant that as per the records, a Royal Enfield Motor Cycle with the same engine and chassis number is already in the name of a person named Gurjpal Singh and hence the complainant’s bike cannot be registered. A copy of the records is attached as Annexure C.

5. The complainant reached out to OP2 as well but has not received any satisfactory response. A copy of the correspondence is attached herewith as Annexure D.

6. OP1 and OP2, being a reputed bike manufacturer and a dealership respectively, had a responsibility to ensure that bikes with the same chassis number and engine number were not sold in the market. 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. 1,21,000/- which is less than Rs. 50 lakhs. The complainant resides in Kapurthala, and the cause of action arises in Kapurthala. The OP2 carries on business 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 30.08.2019 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, Davinder Kaur aged 43 years wife of Harjit Singh resident of House No. 429/12, Rose Avenue, 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