**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION**

**AT MAHABUBNAGAR**

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

**IN THE MATTER OF:**

Ms. T. Kavitha

W/o G. Rajendra Prasad

Aged about 35 years

Occupation: Bank Employee

State Bank of India, Mahabubnagar Main Branch

Mahabubnagar, Mahabubnagar District

...Complainant

Versus

1. The Authorized Signatory

Amazon Seller Services Pvt. Ltd.

Regd Office: Rect Killa No.38/18/2, Min 192/122/1,

196/2/1/1, 37/15/1, Adjacent to Starex School,

Village: Binola, National Highway-8,

Tehsil-Manesar, Gurgaon, Haryana-122413

2. The Superintendent

Head Post Office

Mahabubnagar

Mahabubnagar District

...Opposite Parties

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,

1. That the Complainant booked an online order for a toy car for her minor child worth Rs. 12,499/- from the website www.amazon.in operated by Opposite Party No. 1 on 07.01.2019.

2. Upon receiving delivery of the toy car on 15.01.2019, the Complainant found that the same was defective. She immediately informed the Opposite Party No. 1 about the defect.

3. That as advised by the Opposite Party No. 1, the Complainant sent back the defective toy car vide registered post parcel no. CA012164954IN dated 12.02.2019 to the address of Opposite Party No. 1 through Opposite Party No. 2 by paying all requisite postal charges amounting to Rs. 650/-.

4. That despite the lapse of considerable time, the aforesaid registered parcel was not delivered to the addressee Opposite Party No. 1. The Complainant made repeated complaints to the Opposite Party No. 2 regarding non-delivery of the parcel but to no avail.

5. That the complainant vide communication dated 23.09.2019, the Opposite Party No. 2 informed the Complainant that the parcel could not be traced and was settled at the cost of Gurgaon sorting office. The Opposite Party No. 2 only paid a paltry amount of Rs. 500/- as compensation.

6. That the callous and reckless act of the Opposite Party No. 2 in losing the Complainant's registered parcel and not delivering the same to the addressee Opposite Party No. 1 amounts to gross deficiency in service. Due to the negligence of the Opposite Party No. 2, the Complainant has been deprived of the cost of the toy car amounting to Rs. 12,499/-.

7. That aggrevied by the conduct of the opposite party the complainant sent the legal notice dated 21.10.2019 to be issued to the Opposite Parties calling upon them to pay the cost of the toy car, but the Opposite Parties failed to make the payment.

8. That the present complaint has been filed within the period of limitation of 2 years as prescribed under section 69 of the Consumer Protection Act, 2019.

**CAUSE OF ACTION:** The cause of action arose on 23.09.2019 when the Opposite Party No. 2 informed the Complainant about non-delivery and loss of the registered parcel containing the toy car leading to denial of its cost of Rs. 12,499/-.

**JURISDICTION**: The consideration amount is less than 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. Invoice dated 07.01.2019 showing purchase of toy car -

3. Copy of application dated 29.04.2019 to Post Office seeking proof of delivery -

4. Reply from Post Office dated 23.09.2019 alongwith compensation of Rs. 500/-

5. Legal Notice dated 21.10.2019 -

**PRAYER**

In view of the facts and circumstances stated above, it is, therefore, most respectfully prayed that this Hon'ble Commission may kindly be pleased to:

a) Direct the Opposite Party No. 2 to pay to the Complainant a sum of Rs. 12,499/- towards the cost of the toy car sent through registered post;

b) Award interest @ 36% p.a. on the aforesaid amount from the date of cause of action till realization;

c) Direct the opposite parties to pay Rs.50,000/- towards compensation for adopting unfair trade practice, mental agony and deficiency of service.

d) Direct the Opposite Parties to pay Rs. 10,000/- towards costs of the complaint;

e) Pass any other order/s as this Hon'ble Commission may deem fit and proper keeping in view the facts and circumstances of the case.

Complainant

Through Counsel

Place: Mahabubnagar

Date:

VERIFICATION:

Verified at Mahabubnagar on this \_\_\_\_ day of February 2024, that the contents of the consumer complaint are true and correct to the best of my knowledge, information and belief and nothing material has been concealed therefrom.

Verified by:

Ms. T. Kavitha

Complainant