**BEFORE THE HON'BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT ERNAKULAM**

IN RE: COMPLAINT NO.\_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

SREEHARI P.

Age \_\_ years S/o. K.A. Chandrasekharan Nair

Chandra Nivas, (Koothanalil)

Thaikkattukara P.O., Aluva - 683106

Email:

Mobile:

...COMPLAINANT

VS.

1) ASUS TECHNOLOGY PRIVATE LIMITED

4C, Gandecha Onclav, Kherani Road

Near Sakinka Police Chowki

Andheri East, Mumbai - 400072

Maharashtra

2) SHOUKKATHALI (Manager)

ALIF COMMUNICATION

Penta Menaka, Shop No. 131

Shanmugham Road, Ernakulam - 682031

...OPPOSITE PARTIES

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

RESPECTFULLY SHOWETH:

INTRODUCTION:

1. The complainant is Sreehari P., a \_\_-year-old individual engaged in the fabrication business and residing at the address mentioned above.

2. Opposite Party No.1 is Asus Technology Private Limited, a company engaged in manufacturing and selling electronic goods including mobile phones.

3. Opposite Party No.2 is Alif Communication, a retail store that sold the defective Asus mobile phone to the complainant.

TRANSACTION:

4. On 24.08.2015, the complainant purchased an Asus mobile phone, Model A501CG 51NCG 6GB from Opposite Party No.2 Alif Communication for a total consideration of Rs.\_\_\_\_/- vide Invoice No. 586 dated 24.08.2015 (Annexure-1).

5. The complainant was attracted to purchase the said mobile phone based on Asus' advertisements highlighting its superior quality and performance (Sample advertisement enclosed at Annexure-2).

NATURE OF COMPLAINT:

6. Soon after purchase, the Asus mobile phone started exhibiting major defects and issues:

a) Overheating

b) Rapid battery drain even when fully charged

c) Display flickering

7. This amounts to defective goods being sold by Opposite Parties in violation of express representations made through advertisements and amounts to an unfair trade practice under Section 2(47) of the Consumer Protection Act, 2019.

RECTIFICATION:

8. The complainant gave multiple opportunities to Opposite Party No.1 Asus to rectify the defects in the mobile phone by taking it for repairs at their authorized service center as follows:

a) On 27.10.2015, the phone was given for repair of overheating and battery drain issues but was returned after a week claiming repairs while issues persisted (Acknowledgement copy at Annexure-3).

b) On 21.11.2015, the phone was again given for repair of display flickering but issues continued after return (Acknowledgement at Annexure-4).

c) In June 2016, the phone became completely dead and non-functional (Photographs at Annexure-5).

9. Despite multiple repair attempts, Opposite Party No.1 Asus failed to provide a working and non-defective product. The complainant sent a legal notice to Asus on \_\_\_\_\_ (copy at Annexure-6) calling upon them to replace the phone and compensate for losses but there was no satisfactory response.

CAUSE OF ACTION:

10. The cause of action has arisen due to deficiency in service by Opposite Party No. 1 in selling defective goods and failing to rectify or replace the same despite multiple opportunities and due to adoption of unfair trade practice of making false representations about the quality of the product.

EVIDENCES:

11. The complainant will rely on the following documents:

a) Purchase Invoice (Annexure-1)

b) Advertisement copy (Annexure-2)

c) Service center acknowledgements (Annexures 3, 4)

d) Photographs showing dead phone (Annexure-5)

e) Legal Notice to Asus (Annexure-6)

f) Any other documents/evidence at the time of hearing

TERRITORIAL JURISDICTION:

12. This Hon'ble District Consumer Disputes Redressal Commission at Ernakulam has the territorial jurisdiction to try this matter as the cause of action has arisen within its territorial limits.

PECUNIARY JURISDICTION:

13. As the total value of claim for defective goods, losses suffered and compensation is less than Rs. 50 lakhs, the pecuniary jurisdiction lies with this Hon'ble District Commission.

LIMITATION:

14. The present complaint is being filed within the limitation period prescribed under Section 69 of the Consumer Protection Act, 2019.

COURT FEE:

15. As per Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, no court fee is applicable.

PRAYER:

In view of the above facts and circumstances, the complainant most respectfully prays that this Hon'ble Commission may be pleased to:

a) Direct Opposite Party No.1 to replace the defective Asus mobile phone with a new non-defective phone of the latest model;

b) Direct Opposite Party No.1 to compensate the complainant Rs. 1,00,000/- (Rupees One Lakh only) towards financial losses, cost of new phone and mental harassment suffered;

c) Award costs of the proceedings to the complainant;

e) Grant any other relief as this Hon'ble Commission may deem fit in the facts and circumstances of the case.

PLACE: Aluva

DATE:

(SREEHARI P.)

COMPLAINANT

**VERIFICATION**

I, Sreehari P., son of K.A. Chandrasekharan Nair, residing at the address mentioned above, do hereby verify that the contents of the above complaint are true and correct to my knowledge. Nothing material has been concealed therefrom.

Verified at Aluva on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

(SREEHARI P.)