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

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

IN THE MATTER OF:

Balachandran T.

S/o M. Kuttisankaran

House No.9, Lane No.32

Janatha Road, Vytilla

Ernakulam - 682019

Email: ...................

Mobile: .........................

...COMPLAINANT

VERSUS

M/s Real More International Pvt. Ltd.

Pipe Line Road, Near Govt. LP School

Padivattom Post

Ernakulam - 682025

...OPPOSITE PARTY

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

RESPECTFULLY SHOWETH:

INTRODUCTION:

1. The Complainant is a resident of Ernakulam and runs a provision store business.

2. The Opposite Party is a company dealing in spices and other food products.

TRANSACTION:

3. The Complainant placed two orders vide order nos. 2 and 4 with the Opposite Party for purchase of:

a) 100 kgs of pepper for Rs.21,800/-

b) 1 kg of cumin for Rs.20,895/-

4. The Complainant made full advance payment totaling to Rs.42,695/- vide Invoice No. W2 dated 10/12/2021 as per the Opposite Party's demand.

5. The Opposite Party's CEO Mr. Ashik provided purported lorry receipts over WhatsApp claiming that the goods were dispatched. However, the said receipts turned out to be fake and the Complainant never received the goods ordered and paid for. Copies of invoices and purported receipts are annexed as Annexures A and B respectively.

NATURE OF COMPLAINT:

6. Despite repeated requests and visits to the Opposite Party's office, they have failed to either deliver the 100 kgs of pepper and 1 kg of cumin ordered and paid for or refund the total amount of Rs.42,695/- paid as consideration.

7. This willful non-delivery of goods after accepting advance payment constitutes an unfair trade practice, fraud and negligence on part of the Opposite Party.

RECTIFICATION:

8. The Complainant has sent a legal notice dated ........... to the Opposite Party calling upon them to refund the amount of Rs.42,695/- along with compensation of Rs.20,000/- totaling to Rs.62,695/- for harassment within 15 days. However, no response has been received so far. A copy of the legal notice is annexed as Annexure C.

CAUSE OF ACTION:

9. The failure to deliver the goods or refund the consideration amount after receipt of payment, along with sending fake documentation amounts to deficiency in service, unfair trade practice and adopting fraudulent practices, which are offences under the Consumer Protection Act, 2019.

EVIDENCE:

The Complainant relies upon the following documents:

1) Invoices for orders - Annexure A

2) Fake lorry receipts - Annexure B

3) Legal Notice - Annexure C

PECUNIARY JURISDICTION:

As the value of the goods and claim is less than Rs.50 lakhs, this Hon'ble District Commission has pecuniary jurisdiction to try the matter.

LIMITATION:

The present complaint is being filed within 2 years from the date of cause of action as per Section 69 of the Act, 2019.

COURT FEE:

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, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

a) Direct the Opposite Party to refund the total amount of Rs.42,695/- paid by the Complainant;

b) Award compensation of Rs.20,000/- for mental agony and costs;

c) Award interest at 12% p.a. on the total claim from the date of complaint till realization;

d) Impose costs of proceedings on the Opposite Party; and

e) Pass any other order deemed fit and proper in the interest of justice.

PLACE: ERNAKULAM

DATE:

(Balachandran T)

**VERIFICATION**

Verified at Ernakulam on this \_\_\_ day of \_\_\_ 20\_\_ that the contents of the above complaint are true and correct to the best of my knowledge, information and belief. No part of it is false and nothing material has been concealed therefrom.

(Balachandran T)