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

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

IN THE MATTER OF:

Rohit K.S.

Kollamolel House

Kadackanadu P.O., Kolencherry

Ernakulam - 682311

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

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

...COMPLAINANT

VERSUS

Xiaomi Technology India Pvt. Ltd.

Orchid (Block E), Ground Floor to 4 Floor

Embassy Tech Village, Marathahalli-Sarjapur

Outer Ring Road, Devarabisanahally

Bengaluru - 560103

...OPPOSITE PARTY

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

RESPECTFULLY SHOWETH:

INTRODUCTION:

1. The Complainant is a resident of Ernakulam district.

2. The Opposite Party is a company engaged in the sale of electronic products including LED TVs.

TRANSACTION:

3. On 08.11.2020, the Complainant purchased one Mi LED Smart TV (model no.....) from the Opposite Party's online Mi Store vide order no....... for a total consideration of Rs.26,000/-.

4. The said TV came with a 1 year manufacturer's warranty and was delivered to the Complainant on 11.11.2020.

5. However, upon unboxing the TV, the Complainant found multiple scratches all over the screen, rendering the product defective and unfit for use. Photographs showing the scratched screen are annexed herewith as Annexure A.

NATURE OF COMPLAINT:

6. The Complainant vide email dated 12.11.2020 brought the issue to the Opposite Party's notice along with photographs of the defect.

7. However, the Opposite Party has refused to either replace the defective TV or refund the amount paid, on the untenable ground that any replacement claim becomes null and void once the product box is opened by the customer.

8. There is no such condition mentioned anywhere in the product literature, warranty documents or on the Opposite Party's website regarding replacement being prohibited if the box is opened.

9. The Opposite Party's refusal to rectify the manufacturing defects amounts to deficiency in service and adoption of unfair trade practices under the Consumer Protection Act, 2019.

RECTIFICATION:

10. The Complainant has sent a legal notice dated ........ to the Opposite Party calling upon them to refund the full amount of Rs.26,000/- along with compensation of Rs.10,000/- within 15 days. However, no response has been received so far from the Opposite Party.

CAUSE OF ACTION:

11. The supply of a defective product by the Opposite Party despite being covered under warranty, and their subsequent refusal to rectify the same gives rise to a cause of action for filing the present complaint.

EVIDENCE:

The Complainant shall rely on the following documents:

1) Order details - Annexure B

2) Photographs of defective TV - Annexure A

3) Warranty documents - Annexure C

4) Email to Opposite Party - Annexure D

5) Legal Notice - Annexure E

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 full amount of Rs.26,000/- paid by the Complainant for the defective TV;

b) Award compensation of Rs.10,000/- for mental agony, costs and deficiency in service;

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

d) Award costs of these proceedings to the Complainant;

e) Pass any other order deemed fit and proper in the facts and circumstances of the case.

PLACE: ERNAKULAM

DATE:

(Rohit K.S.)

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.

(Rohit K.S.)