**BEFORE THE HON’BLE NATIONAL/ STATE/ DISTRICT CONSUMER**

**DISPUTES REDRESSAL COMMISSION AT KOTTAYAM**

**IN RE: COMPLAINT No..................of 20.....**

**IN THE MATTER OF:**

Ancy Mary A.U.

W/o. Robin Mathew

Kocherilpongampuzha house,

Nalunakkal P.O. Vakathanam,

Kottayam- Pin – 686538 ………. Complainant

Vs

D.D.R.C. SRL Diagnostic Services

Ltd. Building No.12/1391-B,

Opposite General Hospital,

K.K. Road, Kottayam – 686002

Rep. by its Manager. ……….Opposite Party

**COMPLAINT UNDER SECTION 35 of CONSUMER PROTECTION ACT**

**RESPECTFULLY SHOWETH:**

1. The complainant is Ancy Mary A.U., residing in Kocherilpongampuzha house, Nalunakkal P.O. Vakathanam, Kottayam- Pin – 686538.
2. The opposite party is D.D.R.C. SRL Diagnostic Services Ltd. and is represented by its Manager. It is located in Building No.12/1391-B, Opposite General Hospital, K.K. Road, Kottayam – 686002.
3. The complainant and her husband are employed as staff nurses in Aster Hospitals & Clinics, Oman, and had come to Kerala to visit their parents.
4. For their return journey, they had booked tickets through Fayeda Travel and Tourism for 24-09-2021 by Air-India Express at 8.05 A.M., at a rate of 140 Oman rial (equivalent to Rs. 27,135/-) each.
5. As per travel requirements, an RTPCR test was to be taken within 48 hours before the journey. The complainant and her husband approached the opposite party for the test on 22-09-2021. The sample was taken by 12 PM, and the results were available by 3.20 AM on 23-09-2021.
6. The complainant's test result from the opposite party was reported as COVID-19 positive, while her husband's was negative.
7. Due to the complainant's alleged positive status and her husband's primary contact with her, they decided to cancel their flight tickets and postpone the journey.
8. The complainant, having no symptoms of COVID-19, underwent multiple tests to verify the accuracy of the opposite party's result: a. Antigen test at Paret Mar Ivanios Hospital, Puthuppally on 23-09-2021 at 12.30 PM - Result: Negative b. RTPCR test at Dianova Laboratories, Kottayam on 23-09-2021 at 5 PM - Result: Negative c. RTPCR test at General Hospital, Kottayam on 24-09-2021 - Result: Negative
9. The finding of the opposite party that the complainant was COVID-19 positive on 23-09-2021 is erroneous.
10. The act of the opposite party constitutes dereliction of duty and unfair trade practice, causing the complainant and her husband to miss their planned travel and incur additional expenses.

**CAUSE OF ACTION:** The cause of action arose on 23-09-2021 when the opposite party provided an erroneous COVID-19 test result, leading to significant financial and emotional distress for the complainant.

**TERRITORIAL JURISDICTION:**  The complainant and the opposite party both reside within the jurisdiction of this Hon'ble Commission. Hence this Hon'ble Commission has jurisdiction to try and entertain this complaint.

**PECUNIARY JURISDICTION:** The total consideration amount paid in purchasing the hotel booking is less than Rs. 50 lakhs. Hence this hon'ble commission has jurisdiction to entertain this complaint.

**LIMITATION:** That the present complaint is being filed within the period prescribed under section 69 of the Act, 2019.

**COURT FEE:** Requisite Court fee as contemplated is paid on this Complaint.

**EVIDENCE:**

1. Copy of flight tickets booked for 24-09-2021 (Ex. A1)
2. Copy of COVID-19 test result from the opposite party dated 23-09-2021 ( Ex. A2)
3. Copy of Antigen test result from Paret Mar Ivanios Hospital dated 23-09-2021 (Ex. A.3)
4. Copy of RTPCR test result from Dianova Laboratories dated 23-09-2021 (Ex. A.4)
5. Copy of RTPCR test result from General Hospital, Kottayam dated 24-09-2021 (Ex. A.5)
6. Copies of rebooked tickets and associated costs (Ex. A.6)
7. Salary slips showing loss of income (Ex. A.7).

**PRAYER:**

In light of the facts mentioned above, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

i) Direct the opposite party to pay Rs. 2,18,307/- towards the financial loss incurred due to rebooking of tickets at higher rates (Rs. 76,559/-) and loss of salary for the complainant and her husband (Rs. 1,39,548/-).

ii) Direct the opposite party to pay Rs. 1,50,000/- as compensation for mental agony, undue hardship, and inconvenience caused.

iii) Pass such other orders as deemed fit in the interests of justice.

**VERIFICATION:**

I, Ancy Mary, resident of Kocherilpongampuzha house, Nalunakkal P.O. Vakathanam, Kottayam- Pin – 686538 , hereby declare that I have not misrepresented any facts nor have tried to hide any information in my above complaint. All the facts mentioned herein are true to the best of my knowledge.

**Name & signature of the complainant**