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

**DISPUTES REDRESSAL COMMISSION AT KOTTAYAM**

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

**IN THE MATTER OF:**

Muhammed Fahis, aged \_\_\_ years

Subaida Manzil, Kummanam P.O,

Kottayam-686005 Ph: 7025534425 ………. Complainant

Vs

Managing Director,

Xiaomi Technology India Pvt.Ltd

Ground Floor AKR Infinity

Sy.No.113

Krishna Reddy Industrial Area

7th mile, Hosure Road,

Bangalore-560068 ……….Opposite Party

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

**RESPECTFULLY SHOWETH:**

1. The complainant is Mr. Muhammed Fahis, aged \_\_ years, residing at Subaida Manzil, Kummanam P.O, Kottayam-686005, Ph: 7025534425.
2. The opposite party is Managing Director, Xiaomi Technology India Pvt.Ltd. It’s office is located on Ground Floor AKR Infinity Sy.No.113 Krishna Reddy Industrial Area 7th mile, Hosure Road, Bangalore-560068.
3. The complainant purchased a Redmi Note 10 Pro Max 6/128 mobile phone from the 2nd opposite party on 07.08.2021 for an amount of Rs. 20,500 with a one-year warranty assurance. A copy of the purchase invoice is attached as Annexure 1.
4. On 16.06.2022, the complainant found that the front camera of the mobile phone was not working.
5. The complainant handed over the mobile phone to the authorized service center of the opposite party for repair. They informed the complainant that the defect had been cured and returned the phone.
6. However, within two days, the same defect with the front camera recurred.
7. The complainant entrusted the mobile phone to the opposite party again on 06.07.2022. Once again, it was returned with an assurance that the defect had been cured.
8. Thereafter, the same defect repeated multiple times, and finally, the opposite party hesitated to repair the mobile phone, revealing that the defect could not be cured.

**RECTIFICATION:**

1. Despite repeatedly handing over the mobile phone for repair within the warranty period, the opposite party failed to rectify the defect or provide a satisfactory resolution.

**CAUSE OF ACTION:** The cause of action arose on 16 June 2022 when the complainant found that the front camera of the phone was not working. Even after multiple repairs the defect was not solved and hence this constitutes a deficiency in service and unfair trade practice

**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 purchase invoice of mobile phone. (Ex.A.1)
2. Receipt of repairs. (Ex. A.2)
3. Photos of the issues faced in the phone. (Ex. A.3)
4. Copy of the warranty document. (Ex. A.4)
5. Copies of correspondence with the opposite party. (Ex. A.5)

**PRAYER:**

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

a) Direct the opposite parties to replace the defective mobile phone with a new one of the same make and model, or alternatively, refund the purchase price of Rs. 20,500 to the complainant.

b) Direct the opposite parties to pay a compensation of Rs. 20,000 to the complainant for deficiency in service and mental agony suffered.

c) Pass any other order(s) as this Hon'ble Commission may deem fit and proper in the circumstances of the case.

**VERIFICATION:**

I, Mr.Muhammed Fahis , resident of Subaida Manzil, Kummanam P.O, Kottayam-686005, 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**