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

**DISPUTES REDRESSAL COMMISSION AT KOTTAYAM**

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

**IN THE MATTER OF:**

Ambili Sivarajan,

Vadakettil

Ithithanam P.O.

Changanacherry

Kottayam - 686535 ………. Complainant

Vs

The Managing Director,

Amster Group,

Kurup Tower,

Kodimatha P.O.

Kottayam – 686013 ……….Opposite Party

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

**RESPECTFULLY SHOWETH:**

1. The complainant is Ambili Sivarajan, residing in Vadakettil Ithithanam P.O. Changanacherry Kottayam - 686535.
2. The opposite party is The Managing Director, Amster Group and is located in Kurup Tower, Kodimatha P.O. Kottayam – 686013.
3. The complainant has extensive experience in nursing and sought the services of the opposite party in 2017 to immigrate to Canada.
4. The opposite party assured the complainant that the Canada EE Programme is a package programme, and if unsuccessful, the complainant could opt for the Quebec programme.
5. On 20-02-2017, the complainant paid an amount of Rs. 76,150/- to the opposite party for availing the Canada Express Entry programme services, based on their assurances and terms.
6. As per the terms and conditions set by the opposite party, the complainant needed to score 7 in IELTS for Canada Express Entry and 5 for the Quebec programme.
7. The opposite party had given an assurance of repayment in case of non-success.
8. The complainant scored 5 in the IELTS exam, which was below the required score of 7 for Canada Express Entry. When the complainant decided to opt for the Quebec programme as initially assured, the opposite party informed that no such programme existed.
9. Despite several approaches by the complainant for a refund, the opposite party has not responded positively.
10. All costs for the IELTS exam were borne by the complainant, with no expense incurred by the opposite party.
11. The complainant sent a legal notice to the opposite party, which also went unanswered.
12. The act of the opposite party in violating the terms and conditions amounts to deficiency in service.

**RECTIFICATION**:

1. The complainant approached the opposite party multiple times for refund of the payment made. However, that went in vain.
2. The complainant also sent a legal notice to the opposite party but they didn’t respond.

**CAUSE OF ACTION:** The cause of action arose when the opposite party failed to fulfill its commitment regarding the Quebec programme and subsequently refused to refund the fees paid by 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 receipt for payment of Rs. 76,150/- dated 20-02-2017 (Ex. A1)
2. Copy of terms and conditions provided by the opposite party ( Ex. A2)
3. Copies of communication with the opposite party regarding the Quebec programme (Ex. A.3)
4. Copy of legal notice sent to the opposite party (Ex. A.4).

**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 refund the entire amount of Rs. 76,150 paid by the complainant.

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

**VERIFICATION:**

I, Ambili Sivarajan, resident of Vadakettil Ithithanam P.O. Changanacherry Kottayam - 686535, 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**