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

**DISPUTES REDRESSAL COMMISSION AT KOTTAYAM**

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

**IN THE MATTER OF:**

Sadique M.A.

Excellent Graphics,

T.B. Road, Changanacherry,

Resi. address.

Mankulathil House,

Valara P.A.

Irumpupalam, Adimali. ………. Complainant

Vs

Doctorfone services,

Ground Floor,

Vettoor Buildings,

T.B. Road, Opp. Hotel Arcadia,

Near KSRTC, Kottayam ……….Opposite Party

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

**RESPECTFULLY SHOWETH:**

1. The complainant is Sadique M.A, whose shop’s address is Excellent Graphics, T.B. Road, Changanacherry and resident address is Mankulathil House, Valara P.A. Irumpupalam, Adimali.
2. The opposite party is Doctorfone services and located in Ground Floor, Vettoor Buildings, T.B. Road, Opp. Hotel Arcadia, Near KSRTC, Kottayam.
3. On 11-04-2018, the complainant purchased an Epson L1455 printer, bearing Serial No. X2SL002015, from opposite party no. 1 for a sum of Rs. 62,000/-.
4. The device includes functionalities of a color printer, scanner, and photocopier.
5. In January 2020, the printer developed defects, and as directed, the complainant registered a complaint with the authorized service center on 30-01-2020.
6. The opposite party caused an inordinate delay in rectifying the defects of the printer.
7. Due to non-usage during the lockdown period, the printer head became damaged. The complainant registered another complaint under warranty on 05-01-2020, but received no response.
8. Later, the opposite party informed that the defect could be rectified only upon availability of spare parts.
9. On 30-03-2021, the complainant lodged another complaint with the manufacturer, but again received no response.
10. Neither the manufacturer nor the authorized service center took steps to rectify the defect of the printer.
11. The spare parts for the said printer were not available in the open market and could only be procured from the authorized service centers of the manufacturer.
12. Due to the non-functioning of the printer from January 2021, the complainant incurred loss including the loss of opportunity to work during the election time.

**RECTIFICATION:** The complainant made multiple attempts to get the printer repaired by registering complaints with the authorized service center and the manufacturer, but to no avail.

**CAUSE OF ACTION:** The cause of action for this complaint arose in January 2020 when the printer first developed defects and the opposite parties failed to rectify them promptly. It continued with subsequent complaints in January 2021 and March 2021, which were ignored by the opposite parties.

**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 the purchase invoice (Ex. A. 1).
2. Copies of complaints registered with the authorized service center and manufacturer (Ex. A. 2).
3. Documents supporting the loss of business due to non-functioning of the printer (Ex. A. 3).

**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 compensation of Rs. 1,20,000 for the losses incurred due to the non-functioning of the printer.

ii) Direct the opposite party to pay Rs. 50,000 towards loss of opportunity to work during election time.

iv) Pass any order as the Hon'ble Consumer Forum may deem fit in the circumstances of the case.

**VERIFICATION:**

I, Mr. Sadique M.A., resident of Mankulathil House, Valara P.A. Irumpupalam, Adimali, 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**