BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, KARNATAKA, AT HASSAN

Consumer Complaint No. \_\_\_\_\_\_of 20

Mrs.Latha C.S

W/o Shekarappa, Age 50 years,

Residing at Ward No.1,

Holenarasipura Road, Near Vijaya Bank,

Channapatna, Hassan - 573 201. ....COMPLAINANT

V/s

The Proprietor, Manju M.C

Sun Energy Solar Solution Pvt Ltd

No. 347, Growth Center,

Industrial Area, Holenarasipura Road,

Hassan. .... OPPOSITE PARTY

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

1. The address of the Complainant for the purpose of service of summons, notice etc is as shown in the cause title above and that of his counsel
2. The address of the Opponents for the very purpose is the same as shown in the cause title above.
3. Herein the above-named Complainant most respectfully submits as under,
4. The Complainant respectfully submits that he purchased 5 solar water heaters for a total consideration of Rs 90,000 (including the compensation for deficiency of service) from the Opposite Party.
5. The Complainant submits that these water heaters stopped supplying hot water within 3 years of purchase, despite having a 5 year warranty. The Complainant sent the Opposite Party a letter on 14-01-2022 warning them that she would file a complaint with the Consumer Commission for supplying her with defective water heaters.
6. The Opposite Party replied on 06-02-2022 by wrongly stating the date of warranty of the heaters and agreed to bear half the cost of the tank if it was newly purchased. However, the Opposite Party failed to honour this guarantee.
7. The Complainant further submits that the lack of hot water due to the defective heaters has caused her tenants to vacate the premises, affecting the Complainant’s livelihood
8. The Complainant issued a legal notice dated 10/03/2022 but has not received any reply from the Opposite Party even after 15 days. His legal notice has been ignored, and therefore, he is forced to approach this Commission
9. That the Opposite Party is liable for the deficiency in service which has resulted in financial loss, harassment and mental agony.

IV. **Cause of Action**;

1. The Cause of action of this arose on 14-01-2022 when the Complainant sent a letter to the Opposite Party regarding the defective water heaters.

V. **Limitation Period**

1. That the present complaint is being filed within a period of two years from the date of cause of action, as prescribed under Section 69 of the Consumer Protection Act, 2019.

VI. **Jurisdiction:**

1. On territorial jurisdiction, it is submitted that the complainant and the Opposite Party reside within the jurisdiction of this Hon'ble Court and hence this Honourable Court possesses jurisdiction.
2. On pecuniary jurisdiction, it is submitted that the consideration amount is less than Rs. 50,00,000/-
3. Hence this Hon'ble Court possesses jurisdiction to try and entertain this complaint

VII. **Court Fees:**

1. In line with Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020, no court fee has been paid as the value of the impugned service is less than Rs 5 lakhs and the stipulated three copies of the complaint have been submitted.

VIII. **Prayer**

It is therefore most humbly prayed that setting all the contentions of the Opponents if any an order may kindly be passed against the Opponents in the following terms,

1. Direct the Opposite Parties to refund the amount of Rs. 63,000/- for the cost of the defective solar heaters.
2. Direct the Opposite Parties to pay Rs. 27,000/- as compensation for financial loss, harassment, mental agony, expenses and deficiency in service.
   1. Pass any other order as deemed fit in the interest of justice, equity, and good conscience.

HASSAN

Date Advocate for Complainant

**Verification**

Herein I, Mrs Latha C.S, do hereby state on the solemn affirmation that the contents of the above paragraphs are read over and explained to me in my vernacular, and the same is found to be true and correct to the best of my knowledge, belief, and information.

**HASSAN**

**Date Complainant**