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

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

Mr. Basavaraj,

S/o Siddegowda, Aged 46 years,

Residing at Channapatna Village,

Hassan Town, Hassan Hobli and Taluk. ....COMPLAINANT

V/s

The Manager

Channakeshava Sun Brite Solar Company,

No 135, 1st Main Road, Kempegowda Layout,

Laggere, Bangalore - 560 058 .... OPPOSITE PARTY No.1

AND

Jagadisha

Behind Aradhana Public School

Mariya Nalaya, Smt Jayameri House

Bittagowdanahally Gorur Road, Hassan …OPPOSITE PARTY No.2

**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 a water heater from Opposite Party No.1 for Rs 78,000 and it was installed on 09/05/2014.
5. That the water heater stopped working within 1 year, despite the assurance given by Opposite Party No.1 during the installation of the heater.
6. That the Complainant contacted Opposite Party No.1 by phone and requested them to repair the defective heater. However, Opposite Party No.1 your refused.
7. That the Complainant issued a legal notice dated 07/09/2017 but has not received any reply from the Opposite Party even after 15 days. His legal notice has been ignored, and therefore, he approached this Commission.
8. That this Commission allowed the Complainant and the aggrieved Opposite Parties filed an appeal (Appeal No. 795/2018) before the State Commission.
9. That the State Commission vide Order dated 28/03/2022 remanded the present matter to this Honourable Commission with directions to decide the matter afresh.
10. 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 07-09-2017 when the Complainant sent a letter to the Opposite Party regarding the defective water heaters.

V. **Limitation Period**

1. That the present complaint was 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 while the Complainant resides within the jurisdiction of this Hon'ble Court, both the Opposite Parties reside in Bangalore. The Complainant has chosen to seek relief before this Honourable Court and therefore 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. 78,000/- for the cost of the defective solar heater.
2. Direct the Opposite Parties to pay Rs. 22,000/- 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, Mr. Basavaraj, 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**