**BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSION, (MAIN) VADODARA**

**CC.No.65/2020**

IN THE MATTER OF:

1. Jagrut Nagrik (A Voluntary Consumer Association)

Through their Managing Trustee P.V. Moorjani,

Opp: LBS Vidhyalay, Nr. Prerna School,

Sangam Karelibaug Rd.,Vadodara.

1. Dr. V.K. Agrawal

3A Deepika Society No.01, Nr. Water Tank,

Karelibaug, Vadodara- 390022.

................ COMPLAINANT

Vs.

Mr. Vishal Shah

B-304, Keshav Residency,

Nr. Jayratna Char Rasta, Resides Reliance Petrol Pump,

Vadodara-390001

............. OPPOSITE PARTY

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT

RESPECTFULLY SHOWETH:

1. The Complainant No. 2, Dr. V.K. Agrawal, is a resident of Karelibaug area of Vadodara city, and is a consumer under the Consumer Protection Act, 1986.
2. The present complaint is filed due to deficiency in services, negligence, and unfair trade practices adopted by the Opponent.
3. The Complainant No. 2 had contacted the Opponent for Video and Photography work for the marriage reception of his son to be held on 25/11/2018 at LVP, Vadodara.
4. The Complainant No. 2 found the details of the Opponent through online internet advertisement.
5. The Complainant No. 2, along with his wife Dr. Chhaya Agrawal, visited the Opponent and inquired about the advance payment for the said job. The Opponent denied the need for an advance payment; however, as a gesture of goodwill, the Complainant No. 2 handed over an amount of Rs. 15,000/- vide SBI Cheque No. 129998 dated 01/08/2018.
6. Thereafter, the Complainant No. 2 changed his mind regarding the said job and cancelled the same, informing the Opponent about the cancellation in October 2018.
7. The Opponent confirmed the cancellation by stating "No problem"; however, the Opponent has not refunded the amount paid to him through the aforementioned cheque.
8. Despite repeated reminders on 29/11/2018 and correspondence through WhatsApp messages, emails, phone calls, the Opponent neither refunded the money nor provided any receipt for the advance payment of Rs. 15,000/-.
9. The Opponent has avoided responding to the letter written by the Complainant No. 2 on 13/08/2019, thereby adopting deficiency in services and unfair trade practices.
10. The Complainant relies on the following evidences:
    1. Copy of Bank Receipt of cheque dated 6/08/2019
    2. Copy of WhatsApp chat dated 18/05/2019
    3. Copy of RPAD Letter written by Complainant No.2 to opponent dated 13/08/2019
    4. Copy of Application from complainant No.2 to complainant No.1
    5. Copy of Notice dated 3/10/2019
    6. Copy of Acknowledgement of Notice
11. The complainant has not filed any complaint having the same cause of action in any other forum or court.
12. The complainant resides within the jurisdiction of this Hon'ble Commission. Hence this Hon'ble Commission has jurisdiction to try and entertain this complaint
13. The total consideration amount paid in purchasing the mobile phone is less than Rs. 50 lakhs. Hence, this Hon'ble Commission has jurisdiction to entertain this complaint.
14. The cause of action arose in October 2018 which is within the limitation period prescribed under the Act. Hence, the claim in the complaint is not barred by the law of limitation.
15. The Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.
16. In view of the above circumstances, it is humbly prayed that this Hon'ble Commission may be pleased to:
    1. Order the Opponent to refund the amount of Rs. 15,000/- towards the advance paid by cheque from the date of payment on 1/08/2018 with interest @ 18% per annum till realisation.
    2. Award Rs. 5,000/- towards miscellaneous legal expenses.
    3. Award Rs. 10,000/- towards mental agony and harassment caused to the Complainant No. 2.
    4. Grant any other relief that this Hon'ble Commission deems fit in the interest of justice and equity.

Dated this day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COMPLAINANT**

**VERIFICATION**

I, Dr. V.K. Agrawal, resident of Deepika Society, Karelibaug, Vadodara 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