**BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTES REDRESSAL**

**COMMISSION AT MADURAI**

**CONSUMER COMPLAINT NO. \_\_\_\_\_\_of 2023**

**IN THE MATTER OF:**

K.Karthikeyan,

S/o. Kothandaraman,

Age: 35 years

Occupation: government teacher

No.217, West Masi Street,

Madurai – 16 . ……Complainant

Vs

The Proprietor,

The Perambur Sri Srinivasa Sweets & Snacks,

No.20-5-1, Tirumala Bypass Road Near,

Leelamahal Circle,

Tirupathi – 517501. . ………Opposite party

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

MOST RESPECTFULLY SHOWETH:

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. That the complainant went to Tirupati with his friends on 06.09.2020. One the next day dated 07.09.2020 the complainant with his friends went to the restaurant of the opposite party for lunch. They ordered 5 meals having order number 22942, on the table no. 17-GP. The total cost of the lunch was Rs.517/-.
5. That the complainant was served an order that has a meal including the rice and vathal kulambu. While eating the complainant poured the vathal kulambu on the rice and noticed the foreign object, a piece of iron wire. Shocked to see this, the complainant informed the supplier, supervisor and the manager about the piece of iron wire found in the meal served.
6. But the opposite party did not take any step to provide alternative meals or do anything by way of remedial measures. Instead the opposite party advised the complainant to throw away the iron wire and continue eating the meal.
7. The complainants state that on finding the foreign object, a piece of wire, in the meal, the opposite party was duty bound to give an alternative meal or do any remedial measures.
8. The opposite party deliberately failed to provide safe and hygienic food while preparing it, and had the complainant consumed the meal, it might have led to great danger and harm to the complainant.
9. The act of the opposite party amounts to deficiency in service and has caused great mental agony, pain and suffering to the complainant.
10. The complainant has video graphed the entire incident in his mobile and kept it for record to be used against the opposite party.
11. It is stated that the complainant pursuant to the incident the complainant sent a legal notice on 26.09.2020, which was received by the opposite party on 30.09.2020. But the opposite party did not reply to the notice.
12. The incident has a profound effect on the complainant’s mental health and suffering from mental agony. Hence, the complainant has filed this complaint and has approached this forum to take proper action against the complainant and direct them to ensure safety and hygienic conditions when preparing and supplying food.

**CAUSE OF ACTION**

The cause of action arose 07.09.2020 when the unsafe and unhygienic food was served to the complainant that had a foreign object, a piece of iron wire. Subsequently, the cause of action arose when even after raising the issue with the opposite party, they did not give an alternative meal and neither took any remedial measures to rectify the situation.

**JURISDICTION:** That the Hon’ble District Consumer Disputes Redressal Commission at Madurai has pecuniary as well as territorial jurisdiction to conduct an inquiry and adjudicate the present dispute. Since the complainant is residing in Madurai, the said commission has the territorial jurisdiction to hear the case. Further, the consideration is within the pecuniary limit established under the Consumer Protection Act, 2019.

**EVIDENCE**: That the Complainant attached herewith re

-Receipt for the purchase of food from the opposite party,

-The photograph of the incident,

- Travel entry pass – Covid -19. card

-Tirumala Tirupati Devasthanams Special Entry Darshan given by Tirumala Tirupati Devasthanams

- legal notice and the postal receipt.

**COURT FEE:** The Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.

**PRAYER**

1. To direct the opposite party to pay compensation of Rs.25,000/- for their act of deficiency service and for causing mental agony, pain, sufferings etc. to the complainant.
2. To direct the opposite party to pay the cost of Rs.10,000/- of this complaint.
3. Grant any other relief that the Hon’ble Commission deems fit.

PLACE: Madurai, Tamil Nadu  
DATED:                                                                  SIGNATURE OF THE COMPLAINANT

**VERIFICATION:**

I, K.Karthikeyan, S/o Kothandaraman, is a resident of No.217, West Masi Street, Madurai – 16, Tamil Nadu do hereby solemnly affirm and declare as that the facts stated above in paras 1 to 9 are true to the best of my knowl­edge and based on the records maintained by me, which I believe to be true.

Verified at, on this \_ day of \_\_\_

**ANNEXURE OF EVIDENCE**