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

**CC.No.464/2018**

IN THE MATTER OF:

Mr. Jitendra Khatri,

C- 103, Aries signature,

Opp. Shyam Tulsi society,

Diwalipura, Vadodara.

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

Vs.

1. The principal,

Poddar World school

Bhimpura Koyai Channel Road

Sherkhi,Vadodara 391 330

1. The chairman

Head office, Poddar Group of schools

85, Poddar centre Charbaug post, Office,

Dr B.R. Ambedkar Road, Parel, Mumbai 400 012

1. The Poddar World school,

Head office Poddar group of schools,

Anandilal and Ganesh Poddar society,

Saraswati road, Santacruz (West), Mumbai 4000 12

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

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT

RESPECTFULLY SHOWETH:

1. That the Complainant is a citizen of India residing in Diwalipura, Vadodara, and the Opposite Parties abovenamed, have their head offices in Vadodara and Mumbai respectively.
2. This complaint relates to the unfair trade practice of the opposite party faced by the complainant.
3. The complainant's minor daughter Navya Khatri was admitted in class 6th at the Opposite Party's school in June-July 2016 and continued her studies up to class 08/03/2018.
4. For the academic year 2018-19, Navya was re-admitted in class 08/04/2018 at the Opposite Party's school. However, due to personal reasons, after only 2-3 days of attending class 8th, the complainant decided to withdraw Navya and transfer her to another school.
5. On 08/04/2018, the complainant submitted an application to the Opposite Party school seeking a Transfer Certificate for Navya's admission elsewhere.
6. Despite Navya having attended only 2-3 days in the new academic quarter, the Opposite Party demanded fees for the entire quarter from April to June 2018 amounting to Rs.13,200/-.
7. The complainant repeatedly requested the Opposite Party to waive the full quarterly fees and charge on a pro-rata basis for the 2-3 days attended. However, the Opposite Party refused to do so.
8. Left with no option, the complainant paid the Rs.13,200/- amount under protest on 31/05/2018, only after which the Transfer Certificate was issued by the Opposite Party school.
9. The insistence on charging full quarterly fees from the complainant for merely 2-3 days of service amounts to an unfair trade practice, deficiency in service and adopting restrictive trade practice under the Consumer Protection Act, 2019.
10. The complainant has made efforts to resolve this issue by way of representations but the Opposite Party failed to provide any justification for their actions.
11. The Complainant relies on the following evidences:
    1. Copy of notice given to opponent by complainant
    2. Copy of acknowledgement of service of notice -2
    3. Copy of payment of Rs.13,200/- issued by opponent No. 1
    4. Copy of transfer certificate issued by the opponent No. 1
12. The complainant has not filed any complaint having the same cause of action in any other forum or court.
13. The complainant resides within the jurisdiction of this Hon'ble Commission. Hence this Hon'ble Commission has jurisdiction to try and entertain this complaint
14. 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.
15. The cause of action arose on 08/04/2018 which is within the limitation period prescribed under the Act. Hence, the claim in the complaint is not barred by the law of limitation.
16. The Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.
17. It is therefore most respectfully prayed that this Hon'ble Commission be pleased to:
    1. Direct the Opposite Party to refund the excess fees of Rs.13,200/- charged for the quarter, along with interest from the date of payment
    2. Award compensation of Rs. 1,00,000/- to the complainant for the mental harassment and Rs. 15,000/- for the cost of proceedings
    3. Grant any other relief which this Hon'ble Commission deems fit in the facts and circumstances of the case.

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

**COMPLAINANT**

**VERIFICATION**

I, Jitendra Khatri, resident of Aries signature, Diwalipura, 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