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

**CC.No.3/2018**

IN THE MATTER OF:

Mansi Vipul Shah

Rasi. B/364, Devadeep Nager Society,

Opp. Sales India, Old Padra Road,

Vadodara

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

Vs.

1. Apple India Pvt. Ltd., Manufacturing Company

Add. 19th Floor, Concorde Tower C,

UB City No. 24, Vittal Maliya Road,

Bangalore-560 001.

1. Jasmin Infinite Trade Pvt. Ltd.,

Add. 110/111, Gokulesh Complex,

Opp. Circuit house, R. C. Datt Road,

Alkapuri, Vadodara.

1. Venus Data Products

Add. GF-9, Pancham High Street,

Old Padra Road, Vadodara

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

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT

RESPECTFULLY SHOWETH:

1. That the Complainant is a citizen of India residing in Devadeep Nager Society, Vadodara, and the Opposite Parties abovenamed, have their head offices in Bangalore and Vadodara respectively.
2. This complaint relates to the deficiency of services of the opposite party faced by the complainant.
3. The Opposite Party No. 1 is a reputed manufacturer of mobile phones including iPhones, the Opposite Party No. 2 is an authorised seller of Apple products including iPhones and the Opposite Party No. 3 is an authorised service centre for Apple products.
4. On 21/06/2018, the complainant purchased an iPhone from the Opposite Party No. 2 bearing model code 359203077791959 and serial number FYDW211XHTVR for a price of Rs. 18,740/- with the hope that it would serve her well for a long duration.
5. From the very first day, the said mobile phone was not working properly and the touch screen function of the device was creating issues. The Complainant immediately contacted the Opposite Party No. 2 who advised her to visit the Opposite Party No. 3's service centre.
6. Within 3 months from the date of purchase i.e. on 04/09/2018, the complainant visited the Opposite Party No. 3's service centre with the defective mobile phone. Despite their efforts, the Opposite Party No. 3 was unable to repair the device and instead replaced it with a new mobile phone of the same model bearing serial number FR8X403VHTVR on 10/09/2018.
7. Even the replacement mobile phone started giving software and hardware issues from the beginning itself. The complainant once again approached the Opposite Party No. 3 on 02/10/2018 for repair of the said device. However, despite their efforts, the Opposite Party No. 3 failed to resolve the issues and returned the defective mobile phone to the complainant.
8. The complainant also lodged complaints with the Opposite Party's customer care centre as well as their service centre vide various job numbers, but did not receive any satisfactory response or resolution to the persistent issues with the mobile phone. The staff members also misbehaved with the complainant and refused to replace the mobile phone.
9. That the incessant issues with the mobile phone despite multiple replacement and repair attempts have caused tremendous harassment, mental agony and financial loss to the complainant.
10. The Complainant relies on the following evidences:
    1. ID proof of applicant
    2. Bill of disputed mobile
    3. Delivery report
    4. Copy of letter issued by the opponent
    5. Copy of bill of new mobile
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 on 21/06/2018 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. It is therefore most respectfully prayed that this Hon'ble Commission be pleased to:
    1. Direct the Opposite Party to pay Rs. 18,740/- with interest at the rate of 18% per annum from the day of loss till the realisation of payment or replace it with a new piece of IPhone.
    2. Award compensation of Rs. 30,000/- to the complainant for the mental harassment and Rs. 20,000/- as cost of the present legal proceeding
    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, Mansi Vipul Shah, resident of Devadeep Nager Society, Old Padra Road, 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