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

**CC.No.1429/2022**

IN THE MATTER OF:

Sumedh Sunil Gupte

Res. 9B, S.T. Society,

Opp. T. B. Society, Gotri Road, Vadodara 390 021

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

Vs.

Amazon Seller Services Private Ltd.

At 8th Floor, Brigade Gateway,

2/6, Dr. Rajkumar Road, Karnataka 560 055

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

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT

RESPECTFULLY SHOWETH:

1. That the Complainant is a citizen of India residing in Gotri Road, Vadodara, and the Opposite Party abovenamed, has their head office in Dr. Rajkumar Road, Karnataka.
2. This complaint relates to the deficiency in services of the opposite party faced by the complainant.
3. The Opposite Party is a company incorporated under the Companies Act, 1956, having its registered office at the abovementioned address, and is engaged in the business of providing an online platform for buying and selling various products, including laptops and other electronic devices.
4. On 16/07/2022, the Complainant placed an order on the Opposite Party's online platform for a Lenovo ThinkBook 15 laptop, and paid a total amount of Rs. 59,990/- towards the cost of the said product.
5. On 18/07/2022, the said product was delivered to the Complainant by the Opposite Party.
6. After receiving the product, the Complainant discovered that the said laptop was defective and not functioning properly. The Complainant immediately informed the Opposite Party about the defective product and requested for a replacement.
7. Pursuant to the Complainant's request, the Opposite Party provided a replacement laptop.
8. Unfortunately, the replacement laptop was also found to be defective by the Complainant, and therefore, the Complainant immediately raised a "Refund on Return" request with the Opposite Party on 22/07/2022.
9. Despite the Complainant's repeated requests and attempts to contact the Opposite Party through various modes, including customer care, chat, email, and phone calls, the Opposite Party failed to respond or take any action regarding the refund request.
10. The Opposite Party scheduled several pick-ups for the return of the defective product, but no one came for the pick-up, and the Opposite Party failed to provide any valid reason or explanation for the same.
11. That the Opposite Party has exhibited deficiency in service by delivering defective products, failing to respond to the Complainant's refund request, and not complying with the scheduled pick-ups, thereby causing mental agony, harassment, and financial loss to the Complainant.
12. That the Complainant has made several attempts to resolve the issue amicably with the Opposite Party, but all such attempts have been futile.
13. The Complainant relies on the following evidences:
    1. Copy of the invoice dated 16/07/2022
    2. Copies of email/chat communications or call recordings between the Complainant and the Opposite Party regarding the defective product, replacement request, and subsequent refund request
    3. Copies of communications from Amazon regarding the scheduled pick-ups for the return of the defective product
14. The complainant has not filed any complaint having the same cause of action in any other forum or court.
15. The complainant resides within the jurisdiction of this Hon'ble Commission. Hence this Hon'ble Commission has jurisdiction to try and entertain this complaint
16. 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.
17. The cause of action arose on 18/07/2022, which is within the limitation period prescribed under the Act. Hence, the claim in the complaint is not barred by the law of limitation.
18. The Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.
19. In light of the abovementioned facts and circumstances, it is most respectfully prayed that this Hon'ble Commission may be pleased to:
    1. Direct the Opposite Party to refund the entire amount of Rs. 59,990/- paid by the Complainant, along with appropriate compensation for mental agony, harassment, and financial loss suffered by the Complainant;
    2. Award an interest of 9% on the amount from the date of registration of the complaint until realization in case of failure to comply within the stipulated time.
    3. Pass such other order(s) as this Hon'ble Commission may deem fit and proper in the circumstances of the case.

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

**COMPLAINANT**

**VERIFICATION**

I, Sumedh Sunil Gupte, resident of S.T. Society, Gotri 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