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

**CC.No. 334/2016**

IN THE MATTER OF:

Mr. Firoz Fayum Shekh

A/6, Punit Park, beside Yogi Kutir Society,

Old Padra Road

Tandalja, Vadodara.

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

Vs.

1. Narmada Cars Pvt. Ltd.

987/10, G.I.D.C., Makarpura,

Vadodara - 390 010.

1. Toyota Kirloskar Motor Pvt. Ltd.

Floor, 10, 17, 18, Canberra Block, ‘

UB City, No 24, Vittal Mallya Rd, K G Hilli,

Shanthala Nagar, Ashok Nagar,

Bengaluru, Karnataka.

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

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT

RESPECTFULLY SHOWETH:

1. That the Complainant is a citizen of India residing in Tandalja, Vadodara, and the Opposite Parties abovenamed, have their head offices in Vadodara and Bangalore respectively.
2. This complaint relates to the deficiency in services of the opposite party faced by the complainant.
3. The Opposite Party No.1 is a car dealership selling vehicles of Opposite Party No. 2, Toyota Kirloskar Motor Pvt Ltd, which is a vehicle manufacturer.
4. On 29/01/2015, the complainant visited the showroom of Opposite Party No.1 for purchasing a new car. The sales representative induced the complainant to buy a Toyota Fortuner car by making false claims about its extraordinary safety features, including that it cannot be stolen without original keys.
5. The complainant was also shown the company's website which made similar claims about the vehicle's anti-theft and security systems being impenetrable without original keys.
6. Relying on these assurances, the complainant purchased a Toyota Fortuner car, Model No. L 301 4 W.D.M.T. bearing registration no. GJ 06 HS 6154 on 29/01/2015 by paying a total amount of Rs 28,68,081 to Opposite Party No.1.
7. However, on 06/04/2015, at about 06:00 P.M., the complainant discovered that the said vehicle was stolen from outside Shed no. 865/4, G.I.D.C. despite the complainant having all three original keys in their possession.
8. The complainant immediately filed a police complaint before Manjalpur Police Station vide 1 Cr. No : 77/2015 under Section 379 of I.P.C. on 06/04/2015.
9. The complainant also filed an insurance claim before Cholamandalam MS General Insurance Co. Ltd. which was settled for Rs. 24,61,373, leaving the complainant with an unrecovered loss apart from mental agony and costs incurred.
10. The incident clearly shows deficiency in service by both the Opposite Parties as the vehicle's anti-theft system did not work as claimed, amounting to an unfair trade practice.
11. The complainant issued a legal notice to the Opposite Parties on 22/01/2016 calling upon them to pay the unrecovered amount along with compensation, but no response was received.
12. The complainant has made numerous efforts to resolve this issue but failed to get any relief from the Opposite Parties, who refused to accept any responsibility or provide any compensation.
13. The Complainant relies on the following evidences:
    1. Xerox copy of Invoice No. INV150000026.
    2. Xerox copy of delivery note.
    3. Xerox copy of receipt No. REC150000077.
    4. Xerox copy of receipt of tax paid by complainant to V.M.M.S.
    5. Xerox copy of life time vehicle card issued by Revenue officer of V.M.M.S.
    6. Xerox copy of receipt issued by Gujarat Motor Vehicle Department for amount paid by complainant for registration of vehicle
    7. Xerox copy of Policy of vehicle.
    8. Xerox copy of complaint lodged with police station.
    9. Xerox copy of notice issued by complainant to opponents.
    10. Xerox copy of receipt of Regd. Post.
    11. Xerox copy of status report of Regd. Post
    12. Xerox copy of status report of Regd. Post.
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 06/04/2015 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. It is therefore most respectfully prayed that this Hon'ble Commission be pleased to:
    1. Direct the Opposite Party to compensate the complainant Rs.16,08,708/- for the stolen car along with interest @9 % p.a. from date of filing complaint till realization.
    2. Award compensation of Rs. 10,000/- to the complainant for the mental harassment and Rs. 10,000/- 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, Firoz Fayum Shekh, resident of Tandalja, 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