**BEFORE THE CONSUMER DISPUTES REDRESSAL DISTRICT FORUM AT SOUTH GOA**

ORIGINAL COMPLAINT NO. \_\_\_\_\_\_/2023

(Filing Date: \_\_.\_\_.2023)

Shri Kiran B. Mangale

Resident of Yashodan,

YSF-05, B-Wing, 2ndFloor,

Varkhandem, Ponda-Goa 403401………………………………………………complainant

M/s. Nureca Private Limited,

Plot No. 110, Industrial Area,

Phase 1, Chandigarh,

Chandigarh, 160002…………………………………………………………opposite party

**COMPLAINT UNDER S. 35 OF THE CONSUMER PROTECTION ACT, 2019**

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:

The complainant purchased the Opposite Party (OP’s) Dr Trust Fully Automatic Blood Sugar Testing Glucometer Machine with 10 Strips for home use by his father, who is diabetic, and his medication was being given accordingly. But it was found to be showing significantly higher blood sugar readings (approx. 38 mg – 65mg discrepancy) as compared to a laboratory test report.

On July 9, 2021, the Complainant informed the Dr. Trust customer service representative, and sent all necessary documentation and a video clip to their official Whatsapp number. On July 20, 2021, after a review of the initial information, their technical official instructed him to courier the machine to their service center on the condition that he pay one-way courier charges.

On July 22, 2021 he couriered the machine and on July 28, 2021, the company decided to replace the existing faulty machine with a new machine that he received on August 9, 2021. But on August 10, 2021, the test was again faulty and they asked him to switch it to AC mode instead of general mode. But then that also didn’t work, so he got the second replacement on September 9, 2021.

He found out on January 11, 2022 that this had similar issues, so the company decided on January 14, 2022 to replace the second machine with a new machine; it was picked up on January 18, 2022 and on February 5, 2022 he got the third replacement. But on February 6, 2022, the result was still incorrect, and the company instructed that the test be performed in General Mode.

On February 9, 2022, he tried it on General Mode and it was still not accurate, so on February 10, 2022 they told him that the product works for home purpose and the results with the lab test will vary. When he haplessly asked to what extent it would vary, the company didn't share the details, and his refund request was also not processed.

He is thus compelled to seek recourse before the court for this faulty and dangerous product, as well as for deficiency of service on the part of OP.

**Cause of Action**

The cause of action arose as the OP’s product is inaccurate and dangerous. The cause of action is still continuing due to failure to resolve the Complainant's grievances by the OP till date. Hence the present complaint.

**Limitation Period and Court Fees**

The present complaint is being filed within a period of two years from the date of cause of action, as prescribed under section 69 of the Act, 2019. The Complainant declares that requisite court fees as per statutory rules is being paid on the present complaint.

**Territorial Jurisdiction**

This Hon'ble Commission has territorial jurisdiction to entertain and adjudicate upon the present complaint as the cause of action has arisen within its jurisdictional limits where the Complainant is a permanent resident.

**Pecuniary Jurisdiction**

The value of the present complaint is less than Rs. 50 lakhs, as the amount of compensation is well within the pecuniary jurisdiction limits prescribed for this Hon'ble Commission.

**Evidence Relied Upon**

1. original invoice
2. the label
3. WhatsApp conversations with the company
4. lab tests indicating the discrepancy.

**Prayer**

In view of the above stated facts and circumstances, and in the interest of justice, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

* Refund the cost of the Glucometer ₹899/- along with 18% interest;
* Grant a sum of ₹ 98,101/- towards the physical strain and mental agony suffered by the Complainant and his family members (compensation);
* Grant a sum of ₹ 1,000/- towards cost of this petition (Cost).

**VERIFICATION**

I, Kiran B. Mangale, resident of Yashodhan, Varkhandem, Ponda-Goa 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