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

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

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

Aaron Pereira.

Son of Eveta Pereira,

Aged 23 years.

Resident of H. No. 451,

Caramorad, Chinchinim,

P.O. Dramapur,Salcete, Goa………………………………………………..Complainant

Micro Star Int'l Co.,

Represented herein by their Manager.

Mr. Ravi Sharma………………………………………………………….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:

He purchased a Micro Star International Co. laptop, the MSI GV Series Core i7 8th Gen (16 GB/1 T8 HDO/128 G8 SSD/Windows 10 Home/ 6GB Graphics) GV62 8RE-050IN) Gaming Laptop with a two-year warranty for Rs. 89,990/- through Flipkart on 11 October 2018. There arose issues with the laptop's HDD, panel, and audio jack in July 2019, and he sent it to the service centre in Bangalore on 20/07/2019, and it was returned on 06/08/2019, after repairs were made under warranty.

He then had to go to UK and then Kuwait for a job search and encountered the same issues with the laptop, as well as heating issues and software malfunction. When he returned, after the lockdown he gave it to the service centre in Mapusa, in Goa on 01/08/ 2020, and returned on 26/10/2020, but it wasn’t fixed and he sent it back on 04/11/2020. On 04/12/ 2020, he refused to pick up the laptop from the service center and asked for a replacement.

At the same time the complainant’s father was in contact with the company's Manager, Mr. Ravi Sharma, regarding the issue and he asked them to contact Mr. Sandeep Singh, who promised to replace the laptop. But Sandeep Singh said the replacement would not be a box piece, but an opened laptop with a limited warranty period.

The complainant has filed this complaint because of the mental agony he has faced as a result of his malfunctioning laptop and OP’s inability to fix it and unwillingness to replace it in an acceptable manner. Given the shady guarantees of Sandeep Singh, he is also skeptical of whether such a product given by him would be genuine, and hence would prefer a box piece.

**Cause of Action**

The cause of action arose as the OP was not willing to provide a box piece laptop with full warranty to the Complainant despite the issues with the laptop having arisen from the start of its use. 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. Emails between the Complainant and OP.

**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:

* Order OP to provide to the Complainant a box piece replacement laptop.
* Alternatively to 1 above, refund the cost of Rs. 89,990 paid for the laptop.
* Order OP to repay the Rs 15,000 spent on travel to Bangalore to be refunded,
* Grant ₹ 1,00,000/- as compensation for the physical, financial and mental agony undergone,
* Any other reliefs that this Commission may deem fit.