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

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

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

Pranesh Prakash Shet Dessai

R/o. H. No. 44/A,

Nainem, Culwado,

Cuncolim, Salcete

South Goa 403 703………………………………………………Complainant

Versus

M/s. HAVELLS INDIA LTD.,

Reg. Off. 904, Surya Kiran Building,

K.G. Marg., New Delhi 110 019 (INDIA)....................................Opposite Party 1

M/s, E-Solutions,

Matrix House, Ground Floor,

Next to Over bridge,

Navelim, Margao, South Goa……………………………………Opposite Party No.2

**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.

Herein the above-named Complainant most respectfully submits as under:

The Complainant submits that he purchased two Air Conditioners (LLOYD SAC 1.5-TON-LS18B32EPB2) along with two Stabilizers (SYSCOM 4KVA SE 400 M) for an amount of Rs 66,000/- via Invoice No: ESNV:21- 22:0845 dated 15-10-2021 from E-Solutions in Margao, which were manufactured by Havells India Limited.

The air conditioners were installed and commissioned by the company representatives on 16-10-2021. However, after using the air conditioners for approximately 15 days, the Complainant noticed that the units were not providing the desired cooling.

In the first week of November 2021, the Complainant reported the issue to the company's service provider and the dealer from whom he purchased the units. Despite multiple visits from service engineers and technicians, the cooling issue remained unresolved, and no satisfactory explanation was given for the failure to resolve the problem. The service report provided by the engineers indicated a minimum room temperature of 25.5 degrees Celsius after running the units for nearly 46-60 minutes in cool mode.

The engineers assured the Complainant that they would escalate the matter to their senior engineers. Months went by, and the Complainant continued to pursue the issue with the service provider. However, each visit by new technicians or service engineers failed to resolve the cooling problem. Frustrated with the lack of progress, on 21-04-2022, the Complainant sent an email to the customer care address of OP1, detailing their ordeal and seeking relief.

Unfortunately, no reply was received from the company. The Complainant sent another email on 10-05-2022, providing further details and feedback received from site engineers and technicians, but once again received no response.

Based on these incidents, the Complainant has concluded that the air conditioner units sold to them were defective products, and requests this Commission to hold OP1 liable for deficiency of service as well as for the defective products provided by them.

**Cause of Action**

The cause of action arose out of OP’s selling of defective products, as well as the subsequent deficiency of service in addressing the problems with the air-conditioners. The cause of action is still continuing due to willful negligence and failure to resolve the Complainant's grievances by the Opposite Parties 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 Complainant has prayed for entire invoice amount of Rs 66,000/- with interest at a rate of 18% per annum, plus Rs 20,000/- for the mental agony, inconvenience, and hardship caused, which is well within the pecuniary jurisdiction limits prescribed for this Hon'ble Commission.

**Evidence Relied Upon**

1. Copy of Tax invoice dated 15.10.2021 for Rs. 66,000/-
2. Copy of email dated 21.04.2022 from the Complainant to OP
3. Copy of service report
4. Screenshot of WhatsApp communication
5. Observation chart
6. Copy of email dated 10.05.2022 from the Complainant to 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:

* Refund the entire invoice amount of Rs 66,000/- with interest at a rate of 18% per annum.
* Grant punitive compensation of Rs 20,000/- for the mental agony, inconvenience, and hardship caused.
* Grant the costs of this complaint.

**VERIFICATION**

I, Pranesh Prakash Shet Dessai, R/o. H. No. 44/A, Nainem, Culwado, Cuncolim, Salcete, South 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