**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION NO.0I VISAKHAPATNAM: AP**

**CONSUMER COMPLAINT NO. /2021**

**IN THE MATTER OF:**

Kona Lakshmi Prasanna Sai Aditya

s/o K.A. Prabhakar Rao, Aged 27 years,

D.No. 12-12-20, Near Ramulavari Temple,

Prakasraopeta, Mahranipeta,

Visakhapatnam- 530002

… **COMPLAINANT**

**AND**

M/S varun Motors Pvt. Ltd.,

rep by its Managing Director,

D.No. 10-150-22/1, Opp HSBC Bank,

Siripuram Road,

Visakhapatnam-530003

… **OPPOSITE PARTIES**

**COMPLAINT UNDER SECTION 35 of THE CONSUMER PROTECTION ACT, 2019**

**RESPECTFULLY SHOWETH:**

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. The complainant purchased a Bajaj Pulsar Vehicle with a temporary registration no. AP31 ZKTR 6463 on 21/10/2020 for a price of Rs.1,26,337 from the Opposite party. As a benefit of purchasing the vehicle the complainant received two free services of the vehicle and was covered under the warranty benefits that if there is any manufacturing defect then a free replacement of any of the parts is done within 5 years or 75,000 kms, whichever is earlier from the date of sale. The vehicle was plying well until the second service which was done on 22/03/2021 at the service center of the Opposite party.
4. The complainant’s bike frequently gave trouble post the second service. On 27/03/2021 at the Bullayya College Main Road, the vehicle suddenly stopped working and gave trouble. The display board was also damaged. The complainant immediately called the opposite party to get it repaired.
5. The Opposite party doing some temporary arrangement has returned the vehicle on the same day without properly looking into the issue. Post that the complainant could not drive the vehicle also.
6. The complainant has made multiple calls to the opposite party immediately 1 week later to rectify the issue. But the opposite party has not responded to any of the calls.
7. The opposite party in this case has deliberately avoided rectifying the issue in order to avoid replacing the part for free which is covered under the warranty provided by the manufacturer.
8. The complainant aggrieved by the deficiency of after sale service provided by the opposite party and them not complying with the warranty clause has filed this complaint before this forum.
9. **CAUSE OF ACTION**: The cause of action in the present case arose on the day when improper service was provided on 27/03/2021 and is continued till date for non correspondence of the opposite party.
10. **JURISDICTION**: The consideration amount involved in the dispute is less than Rs. 50 lakhs and the complainant resides within the territorial limits of this Hon’ble Commission. Hence this Hon’ble Commission has jurisdiction to try and entertain this complaint.
11. **LIMITATION**: That the present complaint is being filed within the period of limitation as prescribed under section 69 of the Act, 2019.
12. **COURT FEE**: As per Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, the requisite court fee has been paid.

**EVIDENCE:**

A1-Receipt of Purchase of the Vehicle.

A2- Receipt of the Free Service (Service History) of the Vehicle.

A3- Vehicle Registration

A4- Warranty Card for the Vehicle

**PRAYER**:

The complainant therefore prays:-

i) Rs.1,26,337/- towards refund of the advance amount with 12 % interest p.a.;

ii) Rs. 50,000/- towards damages

iii)Rs.10,000 for Costs

iv) Such other relief or reliefs which the Honourable Forum deemed fit, just and proper in the circumstances of the case.

**PLACE**: Signature

**DATED**:

**VERIFICATION**:

I Kona Lakshmi Prasanna Sai Aditya, Aged 27 years, resident of D.No. 12-12-20, Near Ramulavari Temple, Prakasraopeta, Mahranipeta, Visakhapatnam- 530002, 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