**BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTES REDRESSAL**

**COMMISSION AT MADURAI**

**CONSUMER COMPLAINT NO. \_\_\_\_\_\_of 2023**

**IN THE MATTER OF:**

V.Ramaraj,

S/o. Varadharajulu,

Age-45

Occupation: Sub-inspector

Pasumpon Nagar,

Madurai.

………………Complainant

Versus

Lalitha Jewellery Mart Private Limited,

Represented by its Managing Director,

No.180-182,South Masi Street,

Madurai - 1

………………Opposite party

COMPLAINT UNDER SECTION 35 of CONSUMER PROTECTION ACT

MOST 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. Herein the above-named Complainant most respectfully submits as under,
4. That the complainant wanted to buy the silver ornaments. So he went to a Jewellery shop named Lalitha Jewellery Mart Private Limited. Which was run by the opposite party.
5. On 01.01.2016, the complainant purchased 2 pairs of silver leg chains and 2 pairs of metti tags, totaling 305.830 grams, from the Opposite Party. The complainant paid rupees 11,013.42 for the purchased Jewellery according to the per gram rate in the market. The opposite party issued the bill no 33783/15-16 for said transaction.
6. It is submitted that as the complainant didn’t have enough money at the time of purchasing the silver, the complainant exchanged his old silver chain weighing 201 grams which was purchased from the same shop of the opposite party a year ago.
7. The complainant expected that the opposite party would calculate the price of the old silver weighing 201 grams after deducting the dust cost at a per gram rate and deduct that price from the new silver purchased. Hence the complainant would pay less for the new silver purchased.practice.
8. But to the surprise of the complainant the opposite party unfairly deducted 59 grams from the gross weight of 201 grams of my old chain, apart from 4 grams for dust wastage. They calculated the amount only for the remaining 138 grams instead of 201 grams. This is a clear case of unfair trade.
9. It is submitted that at the time of purchasing the exchanged ornament earlier, the complainant had paid separately for each milligram of silver. Therefore, while evaluating the exchanged silver ornament, the Opposite Party was only permitted to deduct weight for dust wastage and pay as per market rate for the remaining silver.
10. Complainant after exchanging the old ornament paid balance of Rs.6,128/- for the entire value of Rs.11013.62/- on 1/1/2016
11. It is further submitted that the new 190 gram silver leg chain purchased on 01.01.2016 has impure silver and due to this the chain broke within a few days of purchase. This amounts to deficiency in service as the Opposite Party sold defective products made of spurious silver.
12. This conduct of the opposite party by deducting the weight of the old ornament made the complainant pay more price for the new silver and caused financial loss to the complainant. Further the new silver leg chain broke in a few days and hence caused mental agony to the complainant.
13. Hence, the complainant has approached the hon’ble forum.

**CAUSE OF ACTION**: The cause of action arose on 01.01.2016 when the complainant exchanged an old silver chain weighing 201 grams for new silver ornaments. However, the opposite party unfairly deducted 59 grams from the gross weight, in addition to 4 grams for dust wastage.

**TERRITORIAL JURISDICTION:** The complainant and the opposite party both reside within the jurisdiction of this Hon'ble Commission. Hence this Hon'ble Commission has jurisdiction to try and entertain this complaint.

**PECUNIARY JURISDICTION**

The total consideration amount paid in purchasing the hotel booking is less than Rs. 50 lakhs. Hence this hon'ble commission has jurisdiction to entertain this complaint.

**COURT FEE:** Requisite Court fee as contemplated is paid on this Complaint.

**PRAYER**:

1. To direct the Opposite Party to pay me the amount equivalent to the value of 59 grams of silver unlawfully deducted by them.
2. To award compensation of Rs. 5,00,000/- for the mental agony caused by their actions.
3. To award costs of filing this complaint.

**EVIDENCE:**

1. Copy of Tax Invoice dated 01.01.2016 showing details of purchase and exchange
2. Copy of Legal Notice dated 02.02.2016 sent to the Opposite Party
3. Copy of postal tracking report of delivery of Legal Notice
4. Copy of Reply from Opposite Party dated 06.02.2016

I sincerely hope the Forum will take cognizance of this complaint and provide justice.

**VERIFICATION:-**

I,V.Ramaraj, S/o. Varadharajulu, Pasumpon Nagar, Madurai., do hereby solemnly affirm that the facts stated above in paras 1 to 10 are true to the best of my knowl­edge and based on the records maintained by me, which I believe to be true.

Verified at, on this \_ day of \_\_\_

**ANNEXURE OF EVIDENCE**