DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION,

COMBINED COURT BUILDINGS, SALEM.

COMPLAINT No. \_\_\_\_\_\_\_\_of 2023

IN THE MATTER OF:

A.Hariharan,

S/o Arivalagan,

Aged:35

Occupation: Teacher

Sidhikullanoor,

M.Kalipatty Village,

Mecheri post, Mettur Taluk,

Salem District. …Complainant

-Versus-

1. R.Vasanth,

S/o Ramalingam,

Prop. Beverio Foods and Beverages,

7/199/1, Rajeswari Layout,

Begapalli Post,

SIPCOT-1, Hosur,

Krishnagiri District-635 126.

2. S.Ramesh,

Prop. of SRM Enterprises,

302, Convent Road,

Fairlands, Salem-636 016 . …Opposite parties

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019

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, A. Hariharan, 32 years, S/o Arivalagan, residing at Door No. 5, Sidhikullanoor Village, M.Kalipatty Post Office, Mettur Taluk, Salem District, Tamil Nadu - 636203,
5. It is submitted that the opposite party is Proprietor of Beverio Foods and Beverages owned by R. Vasanth is situated at 302, Convent Road, Fairlands, Salem-636 016.
6. It is stated that the complainant is an engineer by profession, working with a reputed construction company in Salem for the past 5 years. The complainant is the sole breadwinner of my family, consisting of my wife and two young children aged 2 years and 5 years. My family's monthly income is Rs. 25,000/-
7. It is stated that on 11/01/2022 around 3:30 pm, the complainant went to the New Bus Stand in Salem along with his 5 year old son. Being thirsty after the bus journey, he purchased 3 sealed 200 ml plastic bottles of carbonated flavored water from the Srinivasa Coffee Shop situated at the bus stand.
8. The complainant paid Rs 90/- for 2 bottles of orange flavor and 1 bottle of apple flavor; the receipt of it is enclosed as Exhibit A2. These bottles were manufactured by opposite party 2. Beverio Foods and Beverages and distributed through the shop of opposite party 1.
9. It is stated that the complainant immediately opened one orange flavor bottle and consumed it to quench my thirst. The complainant also gave a few sips to his young child from the same bottle. Upon finishing, when the complainant peered into the bottle, he was shocked to see some solid white particles and threads floating inside. On carefully observing the remaining unopened bottles, there were more contaminants and yellow colored threads floating within the sealed bottles.
10. It is stated that after around half an hour of drinking this beverage, the complainant started feeling intensely giddy and nauseous. The complainant had to rush to the bathroom to vomit. The complaining child also started vomiting profusely, the complainant noticed slight tinges of blood in his vomit and immediately took his child to the nearby Gurubatham Hospital, where the doctor examined both the complainant and his child and mentioned our symptoms were likely due to food poisoning from consumption of contaminated water.
11. It is stated that as per the medication bill (copy enclosed as Exhibit A3), the complainant had to spend Rs. 650/- for treatment to stabilize his health along with injections to stop vomiting. The doctor informed that timely treatment had helped prevent any further harm. My child was kept under observation for a day and we were discharged on 12/01/2022.
12. This harrowing experience caused immense physical trauma and mental agony to the complainant and his innocent child. Consuming such contaminated, unhygienic beverages with fungal growth could have led to even more dire health consequences like food-borne illnesses to the complainant and his child.
13. The complainant carefully examined the remaining bottles, it clearly appeared unfit for human consumption. and promptly returned to the coffee shop and complained about this to the proprietor Mr. S. Ramesh. He admitted that the bottled drinks were manufactured and marketed by R. Vasanth's company Beverio Foods and Beverages based in Hosur. The proprietor informed the complainant and the that he would return the stock of these contaminated bottles back to the company.
14. It is stated that the complainant has sent a legal notice on 05/02/2022 (copy enclosed as Exhibit A4), R. Vasanth failed to respond or take any remedial action. Hence, the complainant had no choice but to approach the Hon'ble Consumer Forum for justice.

**CAUSE OF ACTION:**The cause of action arises from the consumption of contaminated carbonated flavored water purchased from Srinivasa Coffee Shop, leading to severe health issues, medical expenses, and mental trauma to the complainant and his child.

**JURISDICTION**: The Hon’ble District Consumer Disputes Redressal Commission at Salem has pecuniary as well as territorial jurisdiction to conduct an inquiry and adjudicate the present dispute. Since the Complainant and the Opposite Party 2 are both based in Salem, the Commission has territorial jurisdiction to deal with the same. Further, the consideration is within the pecuniary limit established under the Consumer Protection Act, 2019.

**COURT FEE:** The Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.

**EVIDENCE**:

Exhibit A2: Receipt for the purchase of 2 bottles of orange flavor and 1 bottle of apple flavor from Srinivasa Coffee Shop.

* Exhibit A3: Medication bill indicating Rs. 650 spent on treatment after consuming contaminated carbonated water.
* Exhibit A4: Copy of the legal notice sent to R. Vasanth on 05/02/2022.
* Exhibit A5: Any medical reports or documentation from Gurubatham Hospital related to the health issues experienced by the complainant and his child.
* Exhibit A6: Any communication or response received from R. Vasanth or Beverio Foods and Beverages in relation to the legal notice.
* Exhibit A7: Any written communication or complaint filed with Srinivasa Coffee Shop regarding the contaminated bottles.
* Exhibit A8: Proof of the return of the contaminated bottles to Srinivasa Coffee Shop, if available.
* Exhibit A9: Proof of the complainant's monthly income of Rs. 25,000, establishing the financial impact.

**PRAYER**

In light of the above, it is requested to the Hon'ble Forum to direct Opposite parties

(i) to pay a sum of Rs.3,00,000/- towards compensation for his physical and mental agony along with his minor child for having consumed the poor quality contaminated carbonated water of the opposite parties for their deficiency of service,

(ii) to award cost of the complaint and

(iii) to grant such other relief or reliefs.

The complainant sincerely hopes the Hon'ble Forum will take cognizance of this complaint and provide justice.

Thanking you,

PLACE: Salem, Tamil Nadu  
DATED: SIGNATURE OF THE COMPLAINANT

**VERIFICATION:-**

I, A.Hariharan, s/o Sakthivel, Arivalagan,Sidhikullanoor, M.Kalipatty Village, Mecheri post, Mettur Taluk, Salem District, do hereby solemnly affirm that the facts stated above in paras 1 to 11 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**