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

**CONSUMER COMPLAINT NO. 59/2022**

**IN THE MATTER OF:**

Annapurna W/o Ramanagouda Kavadimatti

Age:45 Yrs, Occ:Household work.

R/o Ramanagar, Vijayapur.

… **COMPLAINANT**

**AND**

The Branch Manager,

Narayana Hyundai Cars Ltd.,

Vijayapur.

… **OPPOSITE PARTIES**

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

**RESPECTFULLY SHOWETH:**

1. The address of the complainants, Monisha Mazumdar w/o Dipankar Mazumder, aged 49 years, for the purpose of service of summons is MIG-A-131, 1st floor, Sagar Nagar, Visakhapatnam-530045
2. The address of the 1st opposite party, Assistant Engineer, Operation, for the purpose of serving summons is APEPDCL, Subdivision Sagar Nagar, Visakhapatnam-530045. The address of the 2nd opposite party, Executive Engineer, Operations, for the purpose of serving summons is APEPDCL, Subdivision Madhurawada, APEPDCL Zone-3, Visakhapatnam-530048. The address of the 3rd opposite party, Final Assessing officer,

(Executive Engineer, Assessments), for the purpose of serving summons is APEPDCL,

Corporate Office, ATC Building 2nd floor, P&T Colony, Seethammadhara, Visakhapatnam-530013. The 4th opposite party, The General Manager-CSC, for the purpose of serving summons is APEPDCL, P&T Colony, Seethammadhara, Visakhapatnam-530013.

1. The complainant approached the Op on 07.04.2021 for purchasing Hyundai Venu Car. The Op said that the price of the Car on road is Rs.9,15,000/-. The complainant got the quotation and paid Rs.10,000/- in advance on the day after getting permission to buy the car of the said Op. The Op Company assured that they will provide the said car within a month. But after one month, the Op said that the said car could not be supplied by the company and the said Op postponed the delivery of the car saying one or the other reason. The Op requested the complainant to wait for some time as the other persons who booked the car earlier to the complainant are also in the waiting list. But the said OP did not supply the car. Thereafter, the complainant issued notice to the Op on 25.02.2022. But the Op did not reply to the notice, and the act of the Op parties amounted to deficiency of service. Hence, filed this complaint.

**CAUSE OF ACTION**:

1. The cause of action in the present case firstly arose on the day when the complainant requested for clarification of procedure for filing the claim and the opposite party did not respond, i.e on 24/09/2020. The second instance is when the complainant wrote a letter on 15/03/2021 for which there was no reply. The third instance is when the complainant issued a legal notice on 14/12/2021 for which there was no reply and the last instance was when the opposite party has complied partially with the legal notice i.e on 29/12/2020.

**EVIDENCE:**

The true copies of the following documents have been attached as Annexures for the perusal of the hon’ble commission:

i) Aadhar card of the deceased.

ii) Policy issued by the opposite party

iii) Death Summary of the Apollo Hospital

iv) Death Certificate

v) Letter sent by the complainant

vi) Postal certificate of delivery

vii) Registered legal notice sent to the opposite party

viii) Postal Track report

ix) Postal Acknowledgement

x) Bank Statement of the deceased

**JURISDICTION**: The value of the consideration 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.

**LIMITATION**: That the present complaint is being filed within the period prescribed under section 69 of the Act, 2019.

**COURT FEE**: As per Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, the requisite court fee has been paid.

**PRAYER**:

The complainant therefore prays to direct the opposite party :-

i) To pay Rs.18,00,000/- after deduction of the Rs.2,00,000/- from sum assured of Rs.20,00,000/- ii) To pay Rs. 3,00,000/- towards damages for deficiency in service

iii) To pay the interest @ 12% p.a. for the Rs.18,00,000/- from 29/12/2020 to till date i.e, 29/01/2022

iv) To pay Rs.25,000/- towards costs

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

**PLACE**:Visakhapatnam Signature

**DATED**: 29/01/2022

**VERIFICATION**:

I , Mrs. Veerapaneni Sudha Madhavi, w/o Late. Sri Ravikumar, aged 57 years, Mrs. Veerapaneni Dhanya w/o Sri. Kodali Vamsi Krishna, aged 33 years and Kum. Veerapaneni Divya D/o Late. Sri Ravikumar, aged 29 years residing at D. No. 39-21-23, Vidyanagar, Madhavad, Visakhapatnam- 530007 do 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