**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION**

**AT AHMEDABAD CITY**

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

**IN THE MATTER OF:**

From,

Mukund Dineshchandra Mehta,

Age: 62 vyears

Occupation: Business

G-504, Indraprasth 5,

Anand Nagar Road, Satellite,

Ahmedabad - 380015.

Complainant

Versus

Principal Nodal Officer

at HDFC Bank Ltd.

5th Floor, Tower B,

Peninsula Business Park,

Ganpatraokadam Marg, Lower Parel (West),

Mumbai – 400013.

Opponent

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 is running a furniture business and is residing at the address mentioned above and the Opposite Parties' addresses are correctly shown above within the jurisdiction of this Hon'ble Commission.
5. The complainant is a consumer of the services of the opposite party as he is the power of attorney of his daughter, Aneri Mukund Mehta, who is holding credit card no. 2448-6868-7007-5786 of the opponent.
6. That the Complainan’s daughter had booked a ticket to Canada on 06.02.2020 for Rs. 62759/-.
7. That the complainant’s daughter had to cancel her ticket to Canada due to the COVID-19 pandemic and subsequent lockdown.
8. That the airlines refunded the amount of Rs. 62759/- on the same credit card held by the complainant’s daughter.
9. That the complainant had to block her card on 15.08.2020 due to an unauthorised transaction.
10. That the complainant on the same day, 15.08.2020, claimed a refund of the excess amount on the credit card to the opponent. However, he received no reply.
11. That the complainant, thereafter, sent multiple emails to the opponent asking for a refund but the opponent failed to comply with that. Then in February 2021, the opponent processed the refund.
12. That the complainant, thereafter, sent a legal notice to the opponent asking for compensation for the delay caused in the refund process but received no response from the opponent.
13. That the actions of the opponents show a clear deficiency in service due to which the Complainant has suffered immense mental agony, inconvenience, and financial loss.
14. Left with no other recourse, the complainant has approached this Commission seeking justice.
15. It is submitted that the present complainant is filed within the limitation period of 2 years from the cause of action that arose as prescribed under section 69 of the Consumer Protection Act 2019.

**CAUSE OF ACTION**: The cause of action arose on 15.08.2020 when the complainant claimed the refund of the excess amount on the credit card after it was blocked but the opponent failed to comply with the same.

**JURISDICTION**: The excess amount on the credit card issued by the opponent which is supposed to be refunded by them to the complainant 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.

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

**EVIDENCES**:

Ex.A-1: Photocopy of a message from the airline stating that the refund of the amount of Rs. 62759 has been processed on HDFC credit card no. 2448-6868-7007-5786 dated 13.05.2020

Ex.A-2: a message from HDFC Bank that the amount of Rs. 62759 has been credited to the credit card on 13.05.2020.

Ex.A-3: Photocopy of the mail of confirmation of the ticket ticket to canada dated 6.02.2020.

Ex.A-4: Photocopy of the confirmed ticket to canada.

Ex.A-5: Photocopy of he message of cancelation of the ticked by the airline dated 13.05.2020.

Ex.A-6: Photocopy of the legal notice sent to the opponent dated 10.03.2021.

**PRAYER**:

In the circumstances stated above, the Complainant prays that the Hon'ble Commission may be pleased to:

a) Direct the Opposite Parties to resolve the issue and grant the interest at the rate of 3% per month on the amount of Rs. 62,759/- from 13/05/2020 to February 2021.

b) Award compensation of 10,000/- for mental agony and financial loss suffered by the Complainant

c) Award Rs. 500/- as total penalty for delay in refund.

d)Pass any other order as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.

Place: Ahmedabad City (Signature)

Date: Complainant

Verification

Herein I, Girish Sohanlal Khatri, do hereby state on the solemn affirmation that the contents of the above paragraphs are read over and explained to me in my vernacular, and the same are found to be true and correct to the best of my knowledge, belief, and information.

AHMEDABAD CITY Complainant

/0 /2024

DRAFTED AND PRESENTED BY

ADV. XYZ