BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT PROVRIM

Consumer Case No.\_\_\_\_\_ of 20\_\_

BETWEEN

Mr. Winston Souza Xavier

Occupation: Teacher

R/0 37/1 C.Xell

Bastora, Bardez, Goa ........ Complainant

V/s

Mr. Himanshu Agrawal & Mr. Aman Agrawal Directors

- VLE Bazaar/[www.vlebazaar.in](http://www.vlebazaar.in/)

Store address plot no.4

Numberdar Market, Grace Road,

Sec 22. Gurgaon 12202 Section 28 ...... Opposite Parties

**Complaint under Section 35 of the Consumer Protection ACT, 2019**

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 had placed an order for a Sony Walkman on the website [www.vlebazaar.in](http://www.vlebazaar.in/) operated by the Opposite Parties on 09/03/2022 and made payment of Rs. 12,745/- through ICICI debit card no. 4799320030005770 against Transaction ID 206815998933 and Order ID 1461182.
5. That despite the lapse of the guaranteed delivery period, the Complainant did not receive the product, upon clarification regarding the delivery status, the Complainant became aware that he had transferred the amount to a fraud account therefore he decided to cancel the order on 29/04/2022 and seek refund of the amount paid.
6. That the Opposite Parties issued an email dated 19/05/2022 falsely assuring the Complainant that the amount would be refunded only by 13/07/2022, thereby indulging in unfair trade practice.
7. That the Complainant registered a complaint with ICICI Bank Limited on 21/07/2022 according to which the said amount of Rs 12,745/-(Twelve Thousand Seven Hundred and Forty-Five Only) was refunded into the Complainants account on 16/07/2022 to which the Bank Manager termed it as “Ghost amount or Shadow CR” as the total amount did not reflect in complainants balance. After receiving such refund or Ghost amount (Shadow CR), to the utter shock of the Complainant, the said amount was retransferred back to the Opposite Party account without any authorization of consent OTP or PIN given by the Complainant.
8. That the fraudulent means adopted by the Opposite Parties to wrongfully retain the Complainant's money till the last minute amounts to grave deficiency in service, indulgence in unfair trade, and restrictive trade practices under the Consumer Protection Act, 2019.
9. That the Complainant has suffered immense harassment, agony, and pecuniary loss due to the grossly illegal acts of the Opposite Parties.

IV] **Cause of Action**;

1. The Cause of Action to file this complaint first arose on 16/07/2022 when the amount was retransferred back to the Opposite Party account from the Complainant’s account, without any authorization of consent OTP or PIN given by the Complainant.

V]   **Jurisdiction:**

1. The complainant resides within the jurisdiction of this Hon'ble Court, so also the opponent’s society is situated within the jurisdiction of this Hon'ble Court. Further, the consideration paid for the service availed is less than Rupees 50 lakhs. Hence this Hon'ble Court has got jurisdiction to try and entertain this complaint.

VI **Limitation:**

1. That the present complaint is being filed within a period of two years from the date of cause of action, as prescribed under section 69 of the Act, 2019

VII]   **Court Fees:**

1. In line with Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020, no court fee has been paid as the value of the services is less than Rs 5 lakhs and three copies of the complaint have been submitted.

**VIII. PRAYER**

In light of the above submissions, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

a) Award compensation of Rs. 1,00,000/- for harassment and mental agony caused to the Complainant;

b) Award litigation costs of Rs. 10,000/- to the Complainant;

c) Pass any other order that the Hon'ble Commission deems fit in the interest of justice, equity, and good conscience.

Panaji

Date Advocate for Complainant

**Verification**

Herein I, Winston Souza Xavier, 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 is found to be true and correct to the best of my knowledge, belief, and information.

**PORVORIM**

**Date Complainant**