**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM AT NORTH GOA, PROVORIM**

**Consumer Complaint No. \_\_\_\_of 20**

BETWEEN

Miss Asawari Gharo Paryekar

Occupation: Singer

D/o Gharo Paryekar,

R/o Varchiwadi, Ayee,

Dodamarg, Sindhudurg .... Complainant

V/s

Mrs. Shobha Ladu Mhalkar, Proprietor,

M/s I Pacific, H. No. 21, Bordem,

Bicholim, Goa .... Opposite Party

**COMPLAINT UNDER SECTION 35 OF 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 purchased an electric bike from the opposite party vide invoice dated 30.06.2022 after paying the full amount of Rs. 1,15,000/-.
5. That within 4-5 months, in the month of November 2022, the said electric bike started having problems with frequent battery discharge, erratic starting, and lack of pick-up, clearly indicating manufacturing/technical defects.
6. That despite the complainant's repeated visits, the establishment of the Opposite Party was found closed, and she made herself untraceable, in order to avoid liability for the defective bike.
7. The Complainant sent a legal notice through her advocate on 11th December 2022, calling upon the Opposite party to repair the electric bike and to compensate for the harassment and loss caused within 10 days, by the registered AD post, however, the Opposite party failed to respond to the legal notice.
8. That the Opposite Party has indulged in unfair trade practice by selling a defective electric bike and thereafter refusing to rectify the defects or provide any after-sales service, causing huge financial loss and harassment.
9. That the acts and omissions of the Opposite Party amount to deficiency in service, unfair trade practice, and sale of defective goods under Sections 2(1)(c), 2(1)(g), and 2(1)(o) read with Sections 2(10) and 2(11) of the Consumer Protection Act, 2019.
10. That the arbitrary, unilateral, and illegal denial of the Complainant's rightful insurance claim amounts to gross deficiency in service and unfair trade practice by the Opposite Parties.

IV] **Cause of Action**;

1. The Cause of Action to file this complaint first arose in November 2022 when the electric bike stopped working and continued till the legal notice was sent on 11/12/2022.

**V] Limitation:**

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

VI]   **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. Hence this Hon'ble Court has got jurisdiction to try and entertain this complaint. The consideration amount in this Complaint is less than Rs.50,00,000/-.

VII]  **Court Fees:** 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 impugned product is less than Rs 5 lakhs, and stipulated three copies of the complaint have been submitted.

**VIII . Prayer**

It is therefore most humbly prayed that setting all the contentions of the Opponents if any an order may kindly be passed against the Opponents in the following terms,

* 1. Direct the Opposite Party to refund the entire amount of Rs. 1,15,000/- paid by the complainant;
  2. Award compensation of Rs. 50,000/- for mental harassment and agony caused to the complainant;
  3. Award costs of Rs. 10,000/- incurred towards litigation expenses;
  4. Pass any other order/s as deemed fit in the interest of justice.

PORVORIM

DATE

ADVOCATE FOR COMPLAINANT

**Verification**

Herein I, Asawari Gharo Paryekar , 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.

**PORVORIM**

**Date Complainant**