BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, NORTH GOA AT PERFORM

Case No. /2021

BETWEEN

Mr. Sarvesh Kashinath Madgaonkar,

Residing at H no. 17/B, Ucassaim,

Bardez, Goa- 403507 …. Complainant

Vs

Inderjeet, Proprietor,

Venkateshwara Engineering Works,

Vishwatara Apartments, Near Hockey Stadium,

Kolhapur, Maharashtra- 416012 ….Opposite Party

**COMPLAINT UNDER SECTION 12 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 herein, Mr. Sarvesh Kashinath Madgaonkar, is a law-abiding citizen of India and is currently residing at the aforementioned address.
5. That the Opposite Party, Mr. Inderjeet, is the proprietor of Venkateshwara Engineering Works, engaged in the business of selling Power Tilling Machines (PTM), with its registered office situated at Vishwatara Apartments, Near Hockey Stadium, Kolhapur, Maharashtra- 416012.
6. That the Complainant, being an agriculturist by occupation, decided to purchase a Power Tilling Machine (PTM) from the Opposite Party for the purpose of carrying out agricultural activities on his land.
7. That pursuant to negotiations and representations made by the Opposite Party, the Complainant agreed to purchase a PTM for a consideration amount of Rs. 1,13,500/-.
8. That the said consideration amount was duly paid by the Complainant to the Opposite Party on 12/05/2021 through RTGS from Goa to the bank account of Venkateshwara Engineering Works, as per the instructions provided by the Opposite Party.
9. That the PTM was delivered to the Complainant on 10/08/2021 through Avinash Cargo Pvt. Ltd., for which an additional amount of Rs. 4,280/- was charged as transportation charges, making the total amount paid by the Complainant Rs. 1,17,780/-.
10. That to the utter shock and dismay of the Complainant, upon opening the package, it was discovered that the PTM delivered was nothing but a heap of scrap, utterly unfit for any functional purpose.
11. That despite repeated pleas and requests made by the Complainant to the Opposite Party for either replacement of the defective PTM with a new one or refund of the entire amount paid, no remedial action has been taken by the Opposite Party to date.
12. That, the Complainant through his advocate issued a legal notice dated 28/08/2021 to the Opposite Party demanding a refund of the PTM machine or to deliver a new machine as promised, however, the Opposite Party failed to respond to the notice. Left with no other option, the Complainant has approached before this Hon’ble Commission.
13. That the actions of the Opposite Party amount to unfair trade practices, deficiency in service, and gross negligence, causing immense mental agony and distress to the Complainant.

IV] **Cause of Action**;

1. The Cause of Action to file this complaint first arose on 10/08/2021 when the Complainant was stopped from traveling due to travel issues by the Opposite Party, then continued till legal notice dated 28/08/2021 was issued to the opposite party, however, there was no response to the same.

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. Hence this Hon'ble Court has got jurisdiction to try and entertain this complaint.

VI]   **Court Fees:**

1. Requisite Court fee as contemplated is paid on this Complaint.
2. **PRAYER**:

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

1. Replacement of the defective PTM with a brand new one of the same specifications.
2. Refund of the entire consideration amount of Rs. 1,13,500/-
3. Compensation of Rs. 1,00,000/- towards mental harassment and agony suffered by the Complainant. d. Litigation expenses of Rs. 50,000/-.
4. d. Grant any other relief(s) deemed fit and proper in the interest of justice.

PLACE: Bardez

DATE: Advocate for the Complainant

VERIFICATION

I, Mr. Sarvesh Kashinath Madgaonkar, the Complainant herein, do hereby solemnly affirm and state as follows:

That I am the Complainant in the above-mentioned case.

That I have read the contents of the foregoing complaint and the same are true and correct to my knowledge and belief.

That no part of it is false and nothing material has been concealed therein.

Verified at Bardez, Goa, on this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ (Month), 20\_\_.

(Signature of the Complainant)