**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION NORTH GOA, PORVORIM**

Mr. Shyam Gaonkar

Aged 43 years, S/o S/ Gaonkar

Occupation: Charter Accountant

R/o H. No. 72, Kothiwada,

Karapur, Sanguelim, Goa ...Complainant

V/s

Avera AI Mobility Pvt Ltd

Through its Authorized Representative

Having its Registered Office at  
2 C, Door No. 40-15/2-19  
Near Chandana Grand,

Brindavan Colony Benz Circle,

Vijaywada, Andhra Pradesh – 520010 ... 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 purchased a RETROSA electric scooter manufactured by Opposite Party from the authorized dealer Opposite Party No. 2 on 8 November 2021 vide invoice no. DSPA/21-22/71 after paying Rs. 1,30,000 as vehicle price and Rs. 7,773 towards other charges.
5. That on 21/07/2022, the said vehicle caught fire while charging at the Complainant's residence due to a manufacturing defect and was completely damaged. This was immediately intimated to the Opposite Parties.
6. That on 22/07/2022, the Opposite Party No. 2 took custody of the damaged vehicle after assuring that it would be replaced with a new vehicle within a few weeks. However, despite several oral requests and reminders, neither has the vehicle been replaced nor has the amount been refunded to date.
7. That the Complainant issued a legal notice dated 15/02/2024 calling upon the Opposite Parties to replace the vehicle or refund the amount paid along with interest. However, no response was received from the Opposite Parties.
8. That the Complainant has suffered immense harassment, agony, and financial loss due to the callous attitude and deficiency in service on the part of the Opposite Parties.
9. **Cause of Action**;
10. The Cause of Action to file this complaint first arose on 22/07/2022, the Opposite Party No. 2 took custody of the damaged vehicle after assuring that it would be replaced with a new vehicle within a few weeks. The cause of action continued till 15/02/2024 when legal notice was issued by the Complainant calling upon the Opposite Parties to replace the vehicle or refund the amount paid along with interest. However, no response was received from the Opposite Parties
11. **List of Evidence**
12. Invoice dated 8/11/2021 bearining no. DSPA/21-22/71 of Rs. 1,30,000 and Rs. 7,773 towards other charges issued by the Opposite party to the Complainant for the RETROSA electric scooter
13. Complainant’s Cheque bearing no. 56289474 dated 08/11/2021 drawn on HDFC Bank of amount amount Rs. 13,7,773/- towards the RETROSA electric scooter
14. Legal notice dated 15/02/2023 issued by the Complainant to the Opposite Party.
15. **Jurisdiction:**
16. 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/-.
17. **Court Fees:**
18. 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.
19. **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 Parties to jointly and severally refund the entire amount of Rs. 1,37,773 (Rupees One Lakh Thirty-Seven Thousand Seven Hundred Seventy-Three Only) paid by the Complainant along with interest @ 12% p.a. from the date of purchase till realization;
2. Direct the Opposite Parties to pay Rs. 1,00,000 (Rupees One Lakh Only) as compensation for mental harassment and agony caused to the Complainant;
3. Pass any other order that the Hon'ble Commission may deem fit and proper in the interest of justice.

PORVORIM

Date: Advocate for Complainant

**Verification**

Herein I, Shyam Gaonkar, 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 Advocate for Complainant**