DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION MADURAI

C.C.No…../……

IN THE MATTER OF:

P.Shankar,

S/o.V.Perumal,

Aged:40

Occupation: Employee at Raymond

No.14, Valarmathi Compound,

Indra Nagar, Vedasandur,

Dindigul District . ………Complainant

Vs

1. Asir Automobiles Private Limited,

Chellam Bappusamy Hall,

80 Feet, Road, K.K. Nagar,

Madurai – 625020.

2. Maruthi Suzuki India Limited,

Plot No.1, Nelson Mandela Road,

Vasant Kunj,

New Delhi – 110071.

………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. It is stated that the opposite party 2 is the car manufacturer for Maruti Suzuki India Limited and opposite party 1 is the authorized dealer.
5. That the complainant booked a Ciaz Alpha Diesel car manufactured by the opposite party no.2 from the opposite party No.1 dealer on 26.04.2017. The complainant has paid 10 lakhs and this is reflected in the invoice.no. 5624.
6. It is submitted that the opposite party No.1 delivered the car to me on 08.05.2017 and it was like a dream come true as I was planning to buy this car for a long time.
7. It is submitted that on my drive back from the temple, within a few kilometers, there was smoke and fire erupting from the front of the car and it came to an abrupt halt. Fortunately myself and my family members could come out unhurt.
8. That same day at around 8:30 pm, I informed the Opposite Party No. 1 about the manufacturing defect and requested to take back the defective vehicle and provide a replacement. But the Opposite Party No. 1 only sent their service personnel to repair the vehicle instead of replacing it.
9. It is submitted that the complainant also submitted a complaint to the Inspector of Police, Anna Nagar, Madurai on this matter on 09.05.2017.
10. That the Opposite Party No. 1 issued a false complaint to the Inspector of Police on 11.05.2017 stating minor repairs were carried out, while I was insisting on replacement due to manufacturing defects.
11. It is submitted that I was forced to book another new Ciaz car on 15.05.2017 by paying Rs. 1,00,000 to the Opposite Party No. 1, only after which the replacement car was provided to me on 24.05.2017.
12. That the above facts prove the manufacturing defect in the first car provided to me, which the Opposite Parties refused to acknowledge and address appropriately. This amounts to deficiency in service and unfair trade practice on their part.

CAUSE OF ACTION: The cause of action arose on 08.05.2017 when the complainant received delivery of the Ciaz Alpha Diesel car from the Opposite Party No. 1. On the same day, while driving back from the temple, the car started emitting smoke and fire from the front and came to an abrupt halt within a few kilometers, indicating a manufacturing defect. Further, the cause of action arose on 15.05.2017 when the complainant was forced to book another new Ciaz car by paying Rs. 1,00,000 to the Opposite Party No. 1 to get a replacement for the defective car.

TERRITORIAL JURISDICTION: The complainant and the opposite party both reside within the jurisdiction of this Hon'ble Commission. Hence this Hon'ble Commission has jurisdiction to try and entertain this complaint.

PECUNIARY JURISDICTION: The total consideration amount paid in purchasing the hotel booking is less than Rs. 50 lakhs. Hence this hon'ble commission has jurisdiction to entertain this complaint.

EVIDENCE:

* Booking confirmation for Ciaz Alpha Diesel car on 26.04.2017.
* Invoice no. 5624 dated. 24.04.2017
* Document or receipt confirming car delivery on 08.05.2017.
* Detailed incident report of smoke, fire, and abrupt halt during the drive.
* Written communication or phone records with Opposite Party 1 on 08.05.2017.
* Copy of complaint submitted to Inspector of Police on 09.05.2017.
* Evidence of false complaint by Opposite Party 1 on 11.05.2017.
* Payment evidence for booking another Ciaz car on 15.05.2017 (Rs. 1,00,000).
* Confirmation documents for replacement car delivery on 24.05.2017.
* Any correspondence regarding acknowledgment or denial of manufacturing defects.
* Photographs of the defective car and the replacement.

PRAYER:

In view of the above submissions, I pray that the Hon'ble Forum may graciously be pleased to:

a) Direct the Opposite Parties to jointly and severally refund the amount of Rs. 1,00,000 wrongly collected from me with interest @ 12% p.a. from date of payment till realization.

b) Direct the Opposite Parties to pay Rs. 2,00,000 as compensation for mental agony and hardship caused due to their negligent and callous service.

c) Pass any other order as deemed fit in the interest of justice.

Place: Dindigul

Date:

**VERIFICATION:-**

I, P.Shankar, S/o.V.Perumal, No.14, Valarmathi Compound, Indra Nagar, Vedasandur, Dindigul District, do hereby solemnly affirm that the facts stated above in paras 1 to 9 are true to the best of my knowl­edge and based on the records maintained by me, which I believe to be true.

Verified at, on this \_ day of \_\_\_

**ANNEXURE OF EVIDENCE**