

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-  
VIIDISTRICT - SOUTH-WEST  
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI  
FIRST FLOOR, PANDIT DEEP CHAND SHARMA SHAKAR BHAWAN  
SECTOR-20, DWARKA, NEW DELHI-110077**

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**Case No.CC/153/2019**

**Date of Institution:-11.04.2019  
Order Reserved on :-09.02.2024  
Date of Order :-27.03.2024**

**IN THE MATTER OF:**

**Suresh Kumar**

RZ-213 (Old House No. RZ 135/91),  
Top Floor, Gali No. 2,  
East Sagarpur, New Delhi – 110059.

**.....Complainant**

**Versus**

**BhartiAirtel Limited**

Plot No. 16, Udyog Nagar,  
Phase-IV, Gurgaon – 122015.

**.....Opposite Party**

**ORDER**

**Per R. C. YADAV , MEMBER**

1. Briefly stated the facts of the case are that the Complainant has recharged Airtel DTH connection pack on 10.06.2018 and paid Rs.2994/- (Rupees Two Thousand Nine Hundred Ninety Four). This recharge amount for 10 months where 2 months free was promised on payment page. The complainant had captured the screenshot of payment and annexed with the case.

2. The complainant received a call to confirm the same from OP. The complainant has received 2 SMS on the same day where in it was clearly mentioned that current monthly charges Rs.299/- and DTH connection pack name was 'Value Prime Kids 12 M ARP' activated. Photo of the same are annexed with complaint.
3. The complainant has informed the same to the Airtel DTH customer care that he got the message for expiring of the plan on 17.02.2019 but the OP has not responded back to the complainant. The Complainant has suffered financial loss of Rs.1196/- from the OP. The complainant has prayed for refund of Rs.1196/- (Rupees One Thousand One Hundred Ninety Six) alongwith 12 months free subscription as compensation, harassment and mental agony.
4. Notice of complaint was served to OP. OP has filed reply taking several preliminary objection that UPP-Unique aprice Point (Value Prmie Standard 11M+M) was activated on the connection of the complainant within minutes and there is no deficiency in service on his part. On 15.06.2018, the complainant took My Sports 1M pack STD April 18 (DBR Rs.299/-) through App/Selfcare (ESB Mode) and the amount of Rs.2994/- was adjusted to the remaining days against 12 M package. The complainant has taken Infinity Sports 6 M retail ARP (Rs.1974/-) which got over on 03.02.2019. On 17.02.2019, the complainant again selected NTO package through App/Self-care (ESB mode). The complainant has received SMS on 10.06.2018 for Value Prime Kids 12M ARP which is similar to value prime standard

(11M+1M). The OP has alleged that complainant is not a consumer and is not suffering any financial loss. Hence, the complaint is not maintainable and liable to be dismissed.

5. Sh. RishabDev, Ld. Counsel for OP and complainant have argued the matter and the case was reserved for orders on 09.02.2024.
6. We have gone through material on record carefully and thoroughly and perused the documents placed on record by the complainant.
7. It is admitted by the OP that the complainant has recharged on 10.06.2018 and paid Rs.2994/- for the same. He has recharged for 10 months wherein 2 months free was promised on payment page. The complainant has received a call to confirm the same from OP. The complainant has received 2 SMS on the same day where in it was clearly mentioned that current monthly charges Rs.299/- and DTH connection pack name was 'Value Prime Kids 12 M ARP' activated. The complainant has informed the same to the Airtel DTH customer care that the plan was expiring on 17.02.2019 but the OP has not responded back to the complainant. The Complainant has suffered financial loss of Rs.1196/- from OP.
8. The versions of OP are not supported by their evidence. OP has not placed any evidence on record which can corroborate his averments. The complainant has paid the consideration amount for his DTH TV connection but the OP has not rectified the problem raised by the complainant and this act

apparently and clearly constitutes deficiency in service and unfair trade practice on the part of the OP.

9. Accordingly, we allow the complaint and direct the OP to refund Rs.1196/- (Rupees One Thousand One Hundred Ninety Six) alongwithinterest @ 6% p.a. from the date of deposit alongwith Rs.5,000/- (Rupees FiveThousand) as lumpsum for mental agony within 45 days from the date of receipt of the orders failing which OP shall be liable to pay the interest @ 9% p.a. till realization.

- Copy of the order be given/sent to the parties as per rule.
- The file be consigned to Record Room.
- Announce in the open Court on 27.03.2024 at 3.30 PM.

**(R.C. YADAV)**  
**MEMBER**

**(DR. HARSHALI KAUR)**  
**MEMBER**

**(SURESH KUMAR GUPTA)**  
**PRESIDENT**