

Date of admission:- 15/10/2019
Date of disposal: - 09/10/2023

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, HAZARIBAG

Present:-

1 Shiv Kumar Shukla :- President
2 Dr. Anita Bala :- Member
3 Prem Kumar Singh :- Member

Consumer Complainant case no:- 51/2019

Niraj Kumar
S/o:- Late Satyanarayan Dayal
R/o:- Okni Kali Mandir, Bhagat Gali
P.S- Lohsinghna, Hazaribag Complainant

Verses

Managing Director
Crompton Greavas Consumer Electrical Ltd.
Registered office- Equinex
Business Park, 1st floor,
LBS Marg Kurla Tower,
Mumbai Maharastra India 400070 Opposite Party

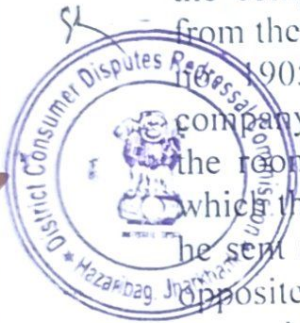
For the Complainant

:- Ramesh Prasad Sinha (Advocate)



Order/Judgment

- 1 This Consumer Complaint has been filed by the complainant namely Niraj Kumar against the opposite party claiming to pay Rs – 8937/- with S.I. 9% per annum. It is further claimed that Rs- 200000/- for physical and mental harassment be paid to the complainant by the O.P and Rs- 10000/- as litigation cost.
- 2 The case of complainant in brief is that he had purchased one cooler online “Amazon of Crompton Greaves Consumer Electrical Ltd. on 30/04/2019 vide order no. 40399105942910706 and the said cooler was delivered to him on 07/05/2019 under invoice no. SEC9199. The price of said cooler is Rs- 8937/- which was paid to the deliverer. After taking delivery the complainant wanted to use it but the cooler could not move then on the same day i.e. 07/05/2019 the complainant made a complain bearing no. 1905051614 to the service centre of the said company and a mechanic of service centre came to the complainant and examined the cooler and reported that one part of the cooler is defective hence it is not functioning and very soon it would be replaced but thereafter neither mechanic came to remove the defect nor the said cooler could be functioned. Thereafter the complainant made several complain but he received only assurance from the company, lastly he made again a complain on 24/05/2019 bearing no. 1905208420 but thereafter neither mechanic or any person of the company came to the complainant to remove the defect. The cooler is in the room but room is not cooled because of its non functioning due to which the complainant faced mental agony with his family members, lastly he sent a legal notice on 28/08/2019 which was served on 30/09/2019 to opposite party but neither O.P replied nor made payment of demand. A prayer has been made on behalf of complainant that O.P be directed to pay claim of the complainant as sought in complaint.
- 3 After having issued notice O.P did not appear before the commission, so the case was fixed for ex-parte hearing against O.P vide order dated 20/04/2022.
- 4 On behalf of complainant evidence of one witness namely Niraj Kumar has been filed on affidavit who is complainant himself.
Besides oral evidence the complainant has filed photocopy of documents which are marked as under:-



Mark A is letter dated 10/08/2019 sent through email to the O.P, Mark A/1 is letter dated 19/07/2019 sent by complainant to O.P through email, Mark A/2 is invoice, Mark A/4 is what's app msg screen dated 02/07/2019, Mark A/5 is post receipt, Mark A/6 is legal notice dated 28/08/2019.

- 5 We have heard argument of learned counsel for the complainant and perused the entire evidence available on record.

Finding

- 6 According to complainant he had purchased a cooler on online from Crompton Greaves Consumer Electrical Ltd. (O.P) for Rs- 8937/- which was delivered to the complainant on 07/05/2019. The complainant wanted to use the said cooler but the cooler was not in function and on the date of delivery of cooler i.e. 07/05/2019 he made complaint to O.P. Thereafter a machine came from service center who disclosed that the part of cooler was defective and after replacement of parts the cooler will come in function. Thereafter no body came to remove the said defect. In this regard the complainant made several requests to the O.P but defect of cooler was not removed and no any reply was given by the O.P to the letters sent by complainant. Ultimately complainant sent a notice to the O.P through his advocate but no any reply was given by the O.P. The cooler is laying in the room of complainant which is not in function. The complainant faced mental agony due to deficiency in service on part of O.P.

7 On behalf of complainant evidence of one witness namely Niraj Kumar, is complainant himself has been filed on affidavit and he has supported averment of the complaint in his evidence. Now it is necessary to discuss documentary evidence adduced and produced on behalf of complainant. Mark A/2 is tax invoice/bill of supply in which total price of cooler is mentioned Rs- 8937/- issued by O.P in favour of complainant Niraj Kumar. Mark A and A/1 are letters sent by complainant to O.P regarding replacement of cooler but no any reply was given to the complainant by the O.P regarding replacement of cooler or to remove defect of said cooler. From the evidence of complainant it appears that the said cooler was defective from beginning which was not in function. As per evidence of complainant mechanic of company had reported him that the part of cooler is defective and assured to remove the same very soon but defect was not removed. Apart from that after having sent legal notice



the O.P did not send any reply of the notice. The complainant has proved his case by adducing and producing oral and documentary evidence and has proved deficiency in service on part of O.P. We are of the opinion that the complainant is entitled to get claim from the O.P, so the complainant is entitled to get claim amount Rs- 8937/-. Since the case is of the year 2019, so in our opinion S.I. 6% per annum would be just and proper on decretal amount Rs- 8937 /- from the institution of the case till its realization. We are also of the opinion that it would be just and proper to award Rs- 5000/- as compensation for mental agony and harassment and Rs- 3000/- as litigation cost in favour of the complainant.

Complainant is directed to return the cooler to the O.P within 30 days from the date of this order. The opposite party is directed to pay the compensation amount after receiving the cooler from the complainant. After returning of cooler by the complainant to the O.P if O.P fails to pay the compensation amount within 30 days from the date of receipt of cooler then complainant will be entitled to get S.I 9% per annum on decretal amount Rs- 8937/-

Therefore opposite party is directed to pay Rs- 8937/- with S.I 6% per annum from the date of institution of the case i.e. 15/10/2019 till its realisation. The opposite party is further directed to pay Rs- 5000/- as compensation for physical and mental harassment and Rs- 3000/- as litigation cost to the complainant.

The above amount must be paid by the opposite party within 30 days from the date of receipt of cooler, failing which the complainant shall be entitled to realize the decretal amount Rs-8937/- with S.I 9% per annum from the date of institution of the case.

Let a copy of this order/Judgment be supplied to the parties i.e. complainant and O.Ps free of cost.

Dr. Anita Bala

Member 09-10-2023

Member

DCDF, Hazaribag

Prem Kumar Singh

09.10.2023

Member

Member

DCDF, Hazaribag

Shiv Kumar Shukla

09-10-2023

President

President

District Consumer Commission

Hazaribag