

BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL  
COMMISSION, REWARI.

Consumer Complaint No: 578 of 2022.

Date of Institution: 13.12.2022.

Date of Decision: 13.10.2023.

Dinesh Kumar S/o Sh. Jai Narayan R/o Konsiwas Road Rewari, Tehsil &  
District Rewari.

.....Complainant.

Versus

1. Vishal Mega Mart, S.C.O-121 & 122, Brass Market Rewari through  
Jitender Kumar Area Manager.
2. Jitender Kumar, Area Manager, Vishal Mega Mart, S.C.O-121 &  
122. Brass Market Rewari.
3. Rajesh Sharma, Store Manager, Vishal Mega Mart, S.C.O.-121 &  
122, Brass Market Rewari.
4. Jayant, Cashier, Vishal Mega Mart, S.C.O.-121 & 122, Brass Market  
Rewari.

.....Opposite

Parties.

Complaint Under Section 35 of Consumer Protection Act, 2019

Before: Shri Sanjay Kumar Khanduja.....President.

Shri Rajender Parshad..... Member.

Present : Shri R. K. Meena, Advocate for complainant.

OPs No. 1 to 4 exparte vide order dated 10.5.2023.

ORDER

{*Per Rajender Parshad , Member* }

This present complaint under Section 35 of the Consumer Protection Act, 2019 (for short the Act) has been filed by complainant Dinesh Kumar (for short the complainant) against the opposite parties (for short the OPs), seeking compensation by alleging deficiency in services on their part.

2) Brief facts of this case are as under.

3) Complainant purchased two trousers and one coat vide Tax invoice no. 7032990026034 dated 11.11.2022 of Rs.2597/- and Rs.500/- were adjusted of previous coupon amount. After the purchase, the colour of the one of the trousers was not liked by complainant. So he tried to replace it with other trouser. He went at the shop of the OPs, but the officials said that they will change both the trousers. Complainant deposited second trouser also and received Credit note No.7R12990004887 dated 12.11.2023. But the OPs intentionally have neither returned the trousers and nor refunded the price of both the trousers. Complainant sent a legal notice through registered post upon OPs but they did not give answer of the legal notice. Hence this complaint to return Rs.835/-, the cost of trousers and the compensation to the tune of Rs.50,000/- for mental agony, financial loss and harassment alongwith litigation expenses of Rs.10,000/-.

4) Upon notice, Sh. Pardeep Kumar S/o Sh. Naresh Kumar appeared on behalf of OPs No.1 to 4 by filing authority letter. But thereafter he stopped appearing, as a result of which on 10.5.2023, the said OPs were proceeded against ex parte by this Commission.

5) Complainant tendered in evidence, documents Ex.C-2 to Ex.C-7 alongwith his affidavit Ex.CW1/A.

6) Ex parte arguments of the counsel of complainant are heard by this Commission and record has been perused.

7) In our considered view, this present complaint is liable to be allowed for the reasons mentioned hereinafter.

8) We are of the convinced view that the present complaint has merit and same deserves acceptance against opposite parties for the reasons mentioned hereinafter.

9) Copy of Tax invoice no. 7032990026034 dated 11-05-2022 Ex. C-2 proves that complainant is the consumer of opposite parties. As per contention of complainant, he returned both the trousers through Credit note No.7R12990004887 dated 12-11-2023 Ex.C-2. But the opposite parties neither refunded the payment of trousers nor returned the trousers. Opposite parties didn't even respond to legal notice dated 22-11-2022 Ex. C-3. Even they did not contest this complaint. These facts are proving deficiency and unfair trade practises of the opposite parties.

10) Hence, as an upshot of our above discussion, the present complaint is allowed. We direct opposite party no.1 to return Rs.849/-, the value of trousers, alongwith compensation of Rs.10000/- on account of mental agony and harassment and Rs. 11,000/- as litigation expenses to the complainant within 30 days from today, failing which the said amounts shall fetch interest @ 12% per annum from the date of filing of the complaint till realization.

11) If the order of this Commission is not complied with, then the complainant shall be entitled to file execution petition under section 71 of Consumer Protection Act, 2019 and in that eventuality, the OP no.1 may also be liable for prosecution under Section 72 of the said Act, which envisages punishment of imprisonment, which may extend to three years or fine upto Rs. one lac or with both. Copies of this order be sent to the parties free of costs as per rules and this order be promptly uploaded on the website of this Commission. File be consigned to the record room after due compliance.

Announced  
13.10.2023.

President,  
District Consumer Disputes  
Redressal Commission,  
Rewari.

Member,  
DCDRC, Rewari.

(By: Mahak, steno typist)