

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-II,

U.T. CHANDIGARH

Consumer Complaint No : 31 of 2023
Date of Institution : 13.01.2023
Date of Decision : 02.11.2023

Abhishek son of Sh.Ajay Kumar, aged 26 years, House No.5025/2, Modern Housing Complex,
Manimajra, U.T, Chandigarh

.....Complainant

Versus

Harpreet Kaur, #1265-A, Sector 20-B, Chandigarh

..... Opposite Party

BEFORE: MR.AMRINDER SINGH SIDHU, PRESIDENT

MR.B.M.SHARMA, MEMBER

Argued by : Sh.Sahil Mehta, Authorised Representative of complainant

OP exparte

ORDER BY AMRINDER SINGH SIDHU, M.A.(Eng.),LLM,PRESIDENT

The complainant has filed the present complaint pleading that he joined personal coaching classes with OP from 21.11.2022 for preparation of IELTS Examination. It is stated that the complainant paid Rs.10,000/- in cash to the OP for personal coaching for all four modules of IELTS General Training but the OP having casual approach taught the complainant only for five days till 28.11.2022. It is also stated that the OP told the complainant that she is occupied for 2/3 days due to her sister's marriage and she would complete all his IELTS syllabus by December, 2022 for IELTS Exam. to be held in January, 2023. However, the OP kept on lingering the matter by making one excuse or other and did not give her further classes for IELTS examination. Ultimately, the complainant requested the OP to either complete his IELTS coaching or refund his amount of Rs.10,000/-, but the OP did not respond. It is submitted that whenever the complainant visited the OP, the premises was found locked. The complainant kept on trying to contact the OP but to no avail. Hence the present complaint has been filed alleging deficiency in service and unfair trade practice on the part of OP with a request to direct the OP to refund Rs.10,000/- with interest as well as compensation and litigation cost.

2] The OP did not come present to file written version before this Commission despite service of notice of complaint on her and preferred to be proceeded against exparte vide order dated 28.2.2023.

3] Complainant led evidence in support of his contentions.

4] We have heard the authorized representative of the complainant and perused entire documents on record.

5] The complainant has proved his case by filing duly sworn affidavit in support of contentions made in the complaint. Further, the OP despite being duly served, failed to appear or come forward to contradict the allegations set out in the present complaint, which has raised a reasonable presumption that the Opposite Party has failed to render due service to the complainant and have nothing to contradict meaning thereby that the OP has duly admitted the claim of the complainant. Therefore, the deficiency in service and unfair trade practice on the part of the OP is clearly made out, which certainly has caused loss to the complainant.

6] The Hon'ble National Consumer Disputes Redressal Commission in the case of Manu Solanki & Ors. Vs. Vinayaka Mission University (Formerly known as Vinayaka Mission's Research Foundation Deemed University), Consumer Case No.261 of 2012, decided on 20.01.2020, has held that "*any defect or deficiency or unfair trade practice pertaining to a service provider like 'Coaching Centres' does fall within the jurisdiction of the Consumer Fora.*" Therefore, the complainant, who hired the coaching services of OP is a 'consumer' qua it.

7] In view of the above discussion and findings, the complaint stands allowed with direction to the OP to refund an amount of Rs.10,000/- (Ten Thousand Only) to the complainant along with interest @9% per annum from the date of payment till date of actual repayment.

This order shall be complied with by the OP within a period of 90 days from the date of receipt of its certified copy.

8] The pending application(s) if any, stands disposed off accordingly.

9] Office is directed to return the complaint to the complainant against proper receipt and after retaining its copy.

Certified copy of this order be sent to the complainant, as per rules. After compliance file be consigned to record room.

Announced

02.11.2023

Sd/-

(AMRINDER SINGH SIDHU)

PRESIDENT

Sd/-

(B.M.SHARMA)

MEMBER