

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-I,****U.T. CHANDIGARH**

Consumer Complaint No.	:	CC/614/2021
Date of Institution	:	09/09/2021
Date of Decision	:	06/11/2023

Shruti Garg D/o Hari Krishan Garg, R/o H.No.293, Phase-II, Ramdarbar, Chandigarh.

... Complainant

**V E R S U S**

1. Fire Bolt, C/O Bolt Customer Care Department, 317-Platinum Techno Park, Sector 30, Bhagwan Mahaveer RD, Vashi Navi Mumbai-400703.
2. Fire Bolt, through its Director/authorized representative C/O Bolt Customer Care Department, 317-Platinum Techno Park, Sector 30, Bhagwan Mahaveer RD, Vashi Navi Mumbai-400703.
3. Savex Technologies Pvt. Ltd., Plot No.90, Sector-18, Gurugram, Haryana-122001.
4. Blue Dart Express Ltd., Godown No.1/C, Plot 5, Central Warehousing Corp., Industrial Area, Phase-2, Chandigarh-160002.

... Opposite Parties

**CORAM :**

<b>PAWANJIT SINGH</b>	<b>PRESIDENT</b>
<b>SURJEET KAUR</b>	<b>MEMBER</b>
<b>SURESH KUMAR SARDANA</b>	<b>MEMBER</b>

**ARGUED BY** : Sh.Vijay Kumar Agarwal, Advocate for Complainant.  
: Sh.A.P.S.Rana, Advocate for OP No.1 to 3.  
: OP No.4 ex-parte.

**Per Surjeet kaur, Member**

1. Averments are that the complainant had purchased headphones make Fire Bolt from OP No.3 through online on 23.09.2020 (Annexure C-1). The complainant got warranty for the period of one year from the date of purchase (Annexure C-2). Thereafter, in the month of August, 2021 the headphones stopped working for which the complainant informed OP No.1 via email regarding the problem of headphones in question. It is also stated that the OP No.1 informed the complainant that there is some problem in the jack of the headphones in question which is not covered under warranty. Moreover, the OP No.1 refused to replace headphones in question. Despite of the several efforts made by the complainant no satisfactory response has been received from the side of OP No.1 nor any solution is provided to the complainant till date. Hence, is the present consumer complaint.
2. OP No.1 to 3 contested the consumer complaint, filed their written reply and stated that the main device i.e., headphones are having warranty of 12 months and the accessories like Bluetooth, jack etc., were having warranty of three months only. The warranty guidelines have been clearly & specially mentioned in the warranty policy (Annexure OP-1). It is further stated that the complainant has not attached any document in support of her complaint to show that there is any manufacturing defect of

- any kind in the headphones. Even no report from any authorized expert or any authorized center has been placed on record. Denying all other allegations made in the complaint a prayer for dismissal of the complaint has been made.
3. Notice of the complaint was sent to the OP No.4 seeking its version of the case. However, nobody appeared on behalf of OP No.4 despite following proper procedure, therefore it was proceeded ex-parte on 08.08.2022.
  4. Rejoinder was filed and averments made in the consumer complaint were reiterated.
  5. Parties led evidence by way of affidavits and documents.
  6. We have heard the learned counsel for the parties and gone through the record of the case.
  7. It is evident from Annexure C-1, dated 23.09.2020 annexed at page No.12 of the paper book that complainant paid of Rs.2599/- to the OP No.3 for the purchase of headphones in question. Annexure C-2 at page No.13 of the paper book reveals that the product in question is having 1 year warranty. As per the case of the complainant the headphones stopped functioning in the month of August 2021, but OPs refused to repair or replace the same despite being covered within the warranty period.
  8. The stand taken by OP No.1 to 3 is that the Bluetooth and jack of the headphones in question do not warranty for full one year. It is having warranty period of 3 months only. Hence, the headphones in question being without any manufacturing defect and not being covered under warranty, cannot be replaced.
  9. Significantly, OP No.4 is Blue Dart Express Ltd., who delivered the product at the address of the complainant, did not appear to contest the claim of the complainant and preferred to proceed against ex-parte.
  10. After going through the documents on record, it is evident that the purchase of product in question is of 23.09.2020 and the complainant paid full desired amount of Rs.2599/- for the aforesaid purchase. The complainant has alleged the defect with the product within the warranty period, but the OPs without any cogent evidence on record with respect to problem with Bluetooth or jack has refused to replace/repair the same. As per OPs the product was working efficiently when it was checked but no such opinion/report has been annexed to falsify the allegations of the complainant. Apparently as per annexure C-2, the product is under the warranty period.
  11. In view of the above discussion, the present consumer complaint succeeds and the same is accordingly partly allowed. OP No.1 to 3 are directed as under :-
    - i. To replace the headphones in question with brand new one.
    - ii. to pay an amount of ₹1000/- to the complainant as compensation for causing mental agony and harassment to her.
    - iii. to pay ₹1000/- to the complainant as costs of litigation.
  12. This order be complied with by the OP No.1 to 3 within 45 days from the date of receipt of its certified copy, failing which, they shall make the payment of the amount mentioned at Sr.No.(ii) above, with interest @ 12% per annum from the date of this order, till realization, apart from compliance of direction at Sr.No.(i) & (iii) above.
  13. Since no deficiency in service or unfair trade practice has been proved against OP No.4, therefore, the consumer complaint qua OP No.4 stands dismissed with no order as to costs.
  14. The complainant shall handover the defective headphones to the OPs after compliance of the aforesaid order.
  15. Pending miscellaneous application, if any, also stands disposed of.
  16. Certified copies of this order be sent to the parties free of charge. The file be consigned.

06/11/2023

Ls

Sd/-  
[Pawanjit Singh]  
President

Sd/-  
[Surjeet Kaur]  
Member

Sd/-  
[Suresh Kumar Sardana]  
Member