

Date of Filing:21.04.2022**Date of Order: 17.11.2023**

**BEFORE THE BANGALORE I ADDITIONAL DISTRICT
CONSUMER DISPUTES REDRESSAL COMMISSION
SHANTHINAGAR BANGALORE - 27.**

CONSUMER COMPLAINT NO.114/2022 ONLINE

DATED ON THIS THE 17TH NOVEMBER 2023

PRESENT

Sri.B. Narayanappa, M.A., LL.B. - PRESIDENT

Smt.Jyothi N, B.A, LL.B. L.L.M. MEMBER

Smt.Sharavathi S.M, B.A, LL.B., MEMBER

COMPLAINANT :1

Vishnu S S,
Sathanivas Poonthuvilakom,
Kulathoor Po Trivandrum,
Thiruvananthapuram.
Kerala

Adv: Party In Person

Vs

OPPOSITE PARTY-1

Flipkart,
Flipkart Internet Private Limited,
Buildings,
Alyssa, Outer Ring Road,
Devarabeesanahalli Village,
Bangalore- 560103.

Exparte

Sharavathi S.M,

17.11.2023

Nature of complaint	Deficiency in service
Date of filing of complaint	21.04.2022
Date of Issue notice	24.06.2022
Date of Order	17.11.2023
Duration of Proceeding	1 Year 6 Months 27 Days

ORDERS PASSED BY SMT.SHARAVATHI S.M MEMBER

1. This is the Online Complaint filed by the Complainant Under Section 35 of the Consumer Protection Act 2019, against the Opposite party (herein referred in short as op) alleging deficiency in service in not refunding amount sum of Rs.2995/- being the value of the cancelling goods and to grant such other relief as this Commission deems fit to grant under the facts and circumstances.

2. The brief facts of the complaint are that:- The complainant on 14/10/2021 placed an order on the web portal of OP for purchase of the Casio analog men watch worth Rs.2995/- said amount transferred through account of complainant. After shipping the item OP sent a message that your like order was cancelled and also reason that product price error. Hence OP cannot deliver the said product. The complainant ordered the same item for same price for the second time it was also cancelled and sent a message that they are ready to give a refund. He gave a

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complaint on National Consumer Helpline Docket No 3005472. After filing the complaint on NCH their resolution shows the new order its cost sum of Rs.15,000/- and order ID 123016759479818000. Hence not receiving any order said amounts to deficiency in service on the part of OP and hence this complaint.

3. Upon the service of notice OP appeared before the Commission through their counsel and not filed version.

4. In order to prove the case complainant not filed their affidavit except the complaint and produced documents not addressed arguments. The following points arise for our consideration.

1. Whether there is deficiency in service on the part of Opposite party?

2. Whether the complainant is entitled to the relief prayed for in the complaint?

5. Our answers to the above points are:-

POINT NO 1:- In the Affirmative.

POINT NO 2:- Partly in the

Affirmative for the

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Following.**REASONS**

6. POINT NO 1:-On perusal of the documents produced by the complainant, though he not given any affidavit evidence, the produced documents may be taken in to consideration it becomes clear that the complainant on 04/10/2021 booked online on Flipkart website the CASIO Analog Watch worth Rs.2,995/- on the same day OP has cancelled order due to unforeseen reasons. After second time ordered same item they also cancelled and also shows cost of Rs.15,000/-. Op has not refunded the amount. OP did not appear before this Commission to make its stand clear, as to why it cannot refund the amount received from the complainant. It is bounden duty of the OP to refund the amount, otherwise it amounts to unfair trade practice for having cancelled the product.

7. For the reasons best know to OP, it remained absent and has not put its defense and has not refuted the allegations made in their regard, **hence, we answer point no 1 IN THE AFFIRMATIVE.**

8. POINT NO 2:- As pointed above the documents produced by the complainant clearly shows that he has paid Rs.2,995/- to purchase watch booked on line

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dated 04/10/2021. And OP cancelled order of same product for two times. The OP received said product amount but did not refund the same. OP remained absent and did not respond, did not filed his defence version and has also not refunded the amount which made the complainant to approach this Commission. Hence we are of the opinion that OP is to be directed to refund Rs.2,995/- along with interest at 12% p.a. from 04/10/2021, to the complainant and to pay Rs,1000/- as damages for causing mental agony and stress to the complainant and Rs.1000/- towards litigation expenses for making the complainant to approach this Commission by spending his time, money and energy, **hence we answer POINT NO 2 PARTLT IN THE AFFIRMATIVE.**

ORDER

- 1. The complaint is hereby allowed in part with cost.**
- 2. OP is hereby directed to pay sum of Rs.2,995/- to the complainant along with interest of 12% per annum from 04/10/2021 till payment of the entire amount.**
- 3. The OP is further directed to pay a sum of Rs.1,000/- towards damages and**

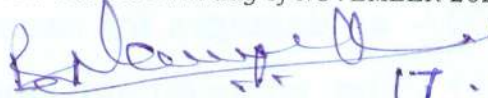
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Rs,1,000/- towards cost of litigation expenses.

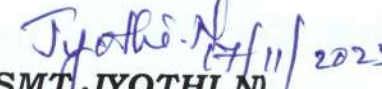
4. The OP is further directed to comply the above order at within 30 days from the compliance report and this Commission within 15 days thereafter.

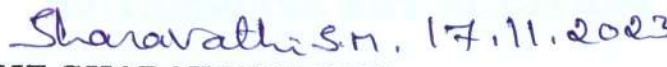
5. Send a copy of this order both parties free of cost.

Dictated to the Stenographer transcribed, typed by her, corrected by us and then pronounced in Open Commission on this the 17th day of NOVEMBER 2023


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**(SRI.B NARAYANAPPA)
PRESIDENT)**


17/11/2023
**(SMT.JYOTHI.N)
MEMBER**


17.11.2023
**(SMT.SHARAVATHI.S.M)
MEMBER**