

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-II,

U.T. CHANDIGARH

Consumer Complaint No : 780/2021
Date of Institution : 02.11.2021
Date of Decision : 18.12.2023

Parul D/o Sh. Rajinder Kumar Gupta R/o House No. 3448, Sector 38-D, Chandigarh.

.....Complainant.

Versus

1. Myntra Designs Pvt. Ltd., through its Authorized Signatory/Manager, Corporate Office: Building Alyssa Begonia and Clover situated in Embassy Tech Village, Outer Ring Road, Devarabeesanahalli, Village, Varthurhobli, Bengaluru-560103.

Myntra Designs Pvt. Ltd., through its Authorized Signatory/Manager, Corporate Office: Bellandur, Railway Station Road, Kadubeesanahalli, Bengaluru, Karnataka-560103

2. Titan Company Limited, through Its Authorized Signatory, Corporate Office, Plot No. 21 & 22 Sipcot Industrial Complex, Hosur, Tamil Nadu-635109.

Second Address:

Drive India Enterprise Solutions Ltd., Bengluru, Karnataka-560010.

..... Opposite Parties

BEFORE MS. SURJEET KAUR, PRESIDING MEMBER.

MR. B.M. SHARMA, MEMBER

Present :

Sh. Sahil Singla, Adv. for the Complainant.

OP No. 1 ex-parte

Sh. Bipin Kalappa, Adv. for OP No. 2 along with Mr.Badhan Singh.

PER B.M.SHARMA, MEMBER.

1. Brief facts of the case are that on 20.09.2021, the complainant placed the order for Men Watch make Tommy Hilfiger White Dial bearing Model No.NTH1790514-D through the website of OP No.1 by paying Rs.8,500/- through her brother credit card and the same was delivered on 26.09.2021 and after its delivery, she was shocked because the watch was not the same which she ordered. The complainant immediately raised the return request with OP No.1 in order to return/refund of the said purchase order and the said request was confirmed by vide email dated 26.09.2021(Annexure C-5). Vide email dated 04.10.2021, OP No.1 rejected the said request without giving any valid reason. Hence, this complaint seeking refund of Rs. 8500/- along with interest, compensation and litigation costs.
2. Despite due service, OP No.1 did not appear and suffered ex-parte proceedings.
3. OP No.2 filed its written version inter alia stating therein that as per the agreement between the OPs, OP No. 2 displayed its products for the sales in the platform/website of OP No.1 i.e. Myntra. Com. It has been admitted that the Complainant had placed order for Men Watch Tommy Hilfiger Men white Dial Watch Model No.NTH1790514-D for Rs.8500/ and upon receiving of the information from OP No.1, they had passed on the information to its warehouse to pack the product and the packing done under the CCTV surveillance and thereafter OP No.1 instructed its Logistic Service provider to collect the product from OP No.2. It has further been stated that the role of OP No.2 will end upon handing over the product to the Logistic Service provider personnel of OP No.1 and it was the duty of the Logistic Service provider to ensure the proper delivery of the product to the customer. The remaining allegations have been denied being false and lastly prayed for the dismissal of the complainant with costs.
4. Replication has also been filed by the complainant thereby controverting the assertions of OP-2 made in its written version reiterating his own stand in the Complaint.
5. Parties led evidence in support of their contentions.
6. We have heard the Counsel for the contesting parties and have gone through the record available on file.
7. From the perusal of the documentary evidence on record, it is established that the complainant placed the order of Men Watch make Tommy Hilfiger White Dial bearing Model No.NTH1790514-D through OP No. 1 for Rs.8,500/- and being dissatisfied with the product, the complainant immediately made the return request with OP No.1 and the said request was confirmed by OP No.1 vide e-mail dated 23.10.2021. However, instead of collecting the said product from the complainant, the OPs have cancelled the said request without assigning any valid reason. Since, the complainant was not satisfied with the product and the return request was made immediately after the delivery of the same and as such the rejection of such request without assigning any valid reason thereof certainly amounts to unfair trade practice on the part of OPs. Moreover, OP No.1 did not appear to contest the case and preferred to proceed against ex-parte. Non-appearance of OP No.1 shows that they have nothing to say in their defence against the allegations made by the complainants. Therefore, the assertions of the complainant go unrebutted & un-controverted.
8. In view of the above discussion, the present complaint deserves to be partly allowed and the same is accordingly partly allowed. The OPs are directed to refund Rs.8,500/- to the complainant along with interest @ 9% p.a. from the date of its purchase till the date of its actual realization. The OPs are also directed to pay Rs.7,000/- to the complainant towards the mental agony and physical harassment as well as litigation expenses. The OPs are at liberty to collect the watch from the complainant after payment of the awarded amount.
9. This order be complied with by the OPs within 60 days from the date of receipt of its certified copy.
10. The pending application(s) if any, stands disposed of accordingly.
11. Certified copy of this order be sent to the parties, as per rules. After compliance file be consigned to record room.

Announced

18/12/2023

Sd/-

(SURJEET KAUR)

PRESIDING MEMBER

Sd/-

(B.M.SHARMA)

MEMBER