

**IN THE CONSUMER DISPUTES REDRESSAL FORUM
KANNUR**

**Complaint Case No. CC/393/2023
(Date of Filing : 30 Sep 2023)**

1. UMMER V

SALSABEEL,VELLILODE CHAPPA,POST
SIVAPURAM,VIA MATTANNUR
KANNUR
KERALA

.....Complainant(s)

Versus

1. CEO/DIRECTOR

CEO/DIRECTOR SYSKA LED LIGHTS PVT LTD PLOT
NUMBER-89/90/91, SURVEY NO- 232/1/2, OFF VIP
AIRPORT ROAD, LANE NUMBER-4, SAKORE NAGAR-
VIMAN NAGAR, PUNE - 411014
PUNE
MAHARASHTRA

.....Opp.Party(s)

BEFORE:

**HON'BLE MRS. RAVI SUSHA PRESIDENT
HON'BLE MRS. Moly Kutty Mathew MEMBER
HON'BLE MR. Sajeesh. K.P MEMBER**

PRESENT:

Dated : 29 Dec 2023

Final Order / Judgement

SMT. RAVI SUSHA: PRESIDENT

Complainant has filed this complaint U/s 35 of consumer Protection Act 2019, seeking to get an order directing opposite party to replace the product or rectified the defect of it and return within a reasonable time to the complainant together with Rs.1,000/- towards compensation of the travelling expenses etc. alleging deficiency in service on the part of opposite party.

Brief facts of the case of complainant are that complainant has purchased one Syska Power Bank model no Power pro 200 online on 21/04/2023 from flip kart at a cost of Rs.1,349/-. Warranty of the product is shown as manufactured warranty. It was clearly mentioned in the invoice, warranty Details and also on the back side of original box containing the product. Warranty period is 180 days. It is Syska Led lights Pvt. Ltd., the manufacturer. Received the Power Bank on 25/04/2023. Used for one week. No problem. But on next charging "no power on" Complainant called to customer care No. 1800 102 8787. Customer care required to take it to Kannur service center. But Kannur service center was not attending the work. So he took it to the service center at Kozhikode, ie. 100km away from his locality and given the item there, on 03/06/2023 and complaint registered. But it was returned to complainant after two months in the "no power on" condition and told that there was no response from the company. It was also told to register a fresh complaint so that the company will pick it up directly. Complainant sent on 30/07/2023 a mail to support team. Support team on 03/08/2023 asked to register a fresh complaint. So, he called customer care and registered a fresh complaint on 04/08/2023. Then

told that the item will be picked up within 48 hours. On 05/08/2023 sent mail support team informing that a fresh complaint has been registered. On 10/08/2023 support team required complainant to sent images of the power bank, invoice, different sides of original cover etc. All were uploaded on 11/08/2023. Support team informed that they will be updated soon. Since then, until 26/09/2023, six times they repeatedly replied to the complainant. "We will update you as soon as possible". Meanwhile complainant had sent a registered letter, No. RL777592927IN, to the CEO/Director on 08/09/2023, which received there on 12/09/2023. No response. Still the complaint remains unsolved. The product purchased for a particular use is lying unused for the last five months, without serving the purpose. Hence filed this complaint alleging deficiency in service on the part of OP.

Notice was duly served to the OP, but OP remained absent. OP neither appeared before the commission nor contested the matter. Hence OP was set ex-parte. Complainant has filed his chief affidavit and documents to prove his case. He has been examined as Pw1 and the documents submitted have been marked as Ext.A1 to Ext.A7. Ext.A1 is tax invoice, A2- Warranty details, A3- Original box, A4- Registered letter sent to CEO, A5- Postal receipt, A6- Post delivery note and Ext.A7 is acknowledgment card. The product in dispute is also submitted, marked as MO1. Complainant was heard. Through Ext.A1, complainant has proved that the complainant has purchased Syska 20000 mAh Power Bank, (10w, fast charging), worth Rs.1349/- from OP (manufacturer) on 21/04/2023 through online. Ext.A2 shows that the product has 6 months manufacturer warranty. In warranty card, it is specifically stated that "for any warranty related issues, please call the syska customer support." Ext. A4 is the Registered letter with A/D dated 08/09/2023 within 5 months of its purchase, sent by complainant to OP informing that the product became defective after one week from the purchase date and informed OP many times but till 08/09/2023 there was no positive steps from the side of OP. Ext.A5 is the postal receipt and Ext.A7 is the acknowledgement card.

Thus through Ext.A1 to A7 complainant has proved his case undoubtedly. Through complaint, chief affidavit and documents available and MO1, it is evident that the product became defective within one week of its purchase and there was gross deficiency in service on the part of OP. Since OP has not turned up for settling or contesting the case submitted by the complainant, we are constrained to pass an order against OP. In the event when a product is found to be defective at the very beginning, it is always better to order for the refund of the amount.

In the result, complaint is allowed in part. Opposite party is directed to refund Rs.1,349/- and also Rs.10,000/- towards compensation for the mental agony and a financial loss caused to the complainant due to the deficiency in service on the part of opposite party. Opposite party shall comply the order within one month from the date of receipt of the certified copy of this order, failing which the awarded amount carries interest @ 9% per annum from the date of order till realization. Complainant can execute the order as per provision in Consumer Protection Act 2019.

Exts.

A1- Tax invoice

A2-Warranty details

A3- Original box

A4- Registered letter sent to CEO

A5- Postal receipt

A6-Post delivery note

A7- Acknowledgment card

MO1- Original power bank

Pw1-Complainant

Sd/
Sd/

PRESIDENT
MEMBER

Ravi Susha
Sajeesh K.P

(mnp)

/Forward by order/

Assistant Registrar

Sd/

MEMBER

Molykutty Mathew

**[HON'BLE MRS. RAVI SUSHA]
PRESIDENT**

**[HON'BLE MRS. Moly Kutty Mathew]
MEMBER**

**[HON'BLE MR. Sajeesh. K.P]
MEMBER**