

- reason, that the record of sale for the product is not available with them therefore they cannot false any repair or change the same. The complainant sent a legal notice to the OP No.1 & 2. The OP No.1 & 2 failed to send a reply to the said legal notice (Annexure C-2). Despite of the several efforts made by the complainant no satisfactory response has been received from the side of OPs nor any solution is provided to the complainant till date. Hence, is the present consumer complaint.
2. OP No.1 & 2 contested the consumer complaint, filed their written reply and stated that the actual seller of the product is a third-party seller (which is not impleaded as a party), it is further submitted that the grievance of the complainant is with respect to the alleged defects in the goods and after sale services provided by the manufacturer (who is not impleaded as a party) and/or the service centre engaged by the manufacturer(who is not impleaded as a party) under the manufacturer's warranty clause not the answering OP herein. It is also submitted that the alleged defect is a manufacturing defect. The answering OP is not involved in the entire transaction except for providing the online platform for the transaction(s) and the concerned contracts of sale and purchase is between the seller and the buyer only. On these lines, the case is sought to be defended by OP No.1 & 2.
 3. Notice of the complaint was sent to OP No.3 seeking its version of the case. However, nobody appeared on behalf of OP No.3 despite service, therefore, it was proceeded ex-parte on 28.03.2023.
 4. OP No.4 contested the consumer complaint, filed its written reply and stated that as per the records of the answering OP, the complainant has not registered any complaint to the service center of answering OP. The Samsung Electronics Co. Ltd. has an online system to enter all claims/complaints in each and every case but in the present complaint as per limited details mentioned in the complaint, no complaint no./job sheet, or no valid contact number has been provided by complainant and for the reason, no details found in the online system of the company which means that complainant has never registered any complaint with any of the service centre of the answering OP. On these lines, the case is sought to be defended by OP No.4.
 5. Replication was filed and averments made in the consumer complaint were reiterated.
 6. Parties led evidence by way of affidavits and documents.
 7. We have heard the learned counsel for the parties and gone through the record of the case.
 8. The main grievance of the complainant is that the AC of OP No.4, purchased through the online platform of OP No.1 & 2 has been giving problems since its purchase and wanted the AC to be replaced with new one.
 9. On perusal of the complaint, it is observed that the complainant has agitated the issue with regard to non-functioning of AC, with the OP No.1 & 2, from/through whom the AC was purchased & also filed the complaint within warranty period. The OP No.1 & 2, were duty bound to advise the complainant that he should take up the matter with the OP No.3 & OP No.4 for necessary repairs or should have taken up matter with OP No.3 & OP No.4. Also since during the proceedings and on per advise of OP No.1 & 2, the complainant has impleaded the OP No.3 & 4 (manufacturing of AC) as a party, the OP No.3 & 4 should have resolved the problem of the complainant treating it with in the warranty period as the complaint has been filed with in one year from the date of purchase of the AC. Hence, in view of the above, the complaint is disposed of with direction to the OP No.3 & OP No.4 to attend to the problems with regard to malfunctioning AC as faced by the complainant as mentioned in his complaint within a period of 30 days, failing which the OP No.3 & OP No.4, shall pay a lumpsum amount of Rs.5000/- for causing mental agony & harassment.
 10. Pending miscellaneous application, if any, also stands disposed of.
 11. Certified copies of this order be sent to the parties free of charge. The file be consigned.

14/03/2024

Ls

Sd/-
[Pawanjit Singh]

President

Sd/-
[Suresh Kumar Sardana]
Member