## U.T. CHANDIGARH

| Consumer Complaint No. | $:$ | CC/484/2023 |
| :--- | :--- | ---: |
| Date of Institution | $:$ | $6 / 10 / 2023$ |
| Date of Decision | $:$ | $5 / 03 / 2024$ |

Sahil Dawar S/o Ashok Kumar, R/o House no 1263, Sector-34/C, Chandigarh.
Complainant
Versus

1. Van Hussen, No. 415, Mehrauli Gurugram Road, Ambience Island, DLF phase -3 Ghitorni, New Delhi, 110030 Through Its Manager, Proprietor, Authorized Signatory.
2. Aditya Birla Fashion and Retail Limited, Piramal Agastya Corporate Park, Building 'A' 4 and 5th floor, Unit no. 401, 403, 501, 502, L.B.S. Road, Kurl, Mumbai, Maharashtra-400070 Through its Manager, Proprietor, Authorized Signatory.

Opposite Parties

## CORAM :

## SHRI PAWANJIT SINGH

SHRI SURESH KUMAR SARDANA

## PRESIDENT

## MEMBER

. Sh. Ankit Aggarwal alongwith Sh. Gautam Bhardwaj, Advocates for complainant
: OPs ex-parte.

## Per Pawanjit Singh, President

1. The present consumer complaint has been filed by the complainant under Section 35 of the Consumer Protection Act 2019 against the opposite parties (hereinafter referred to as the OPs). The brief facts of the case are as under :-
a. It transpires from the averments as projected in the consumer complaint that the complainant visited the shopping store of OP No. 1 at Delhi and found that the offer was given by OPs that on purchase of one article two articles of the same value or less value will be given free. Accordingly the complainant purchased articles/ clothes from the OP No. 1 worth Rs.899/- alonwith other two articles which were of same price. The price tag of the articles annexed as Exhibit C-1 whereas the bill issued by OP No. 1 is Exhibit C-2. However, the complainant shocked to see that instead of charging Rs.899/- against the said articles, the OPs had charged Rs.949/- i.e. Rs.50/- in excess to the actual price as shown on the tag Exhibit C-1 and by overcharging an amount of Rs.50/- in excess against the actual price, the OPs are deficient in providing service and indulged in unfair service since the OPs were misleading the complainant and other gullible consumers by overcharging them. The complainant resisted the aforesaid act of the OPs but nothing was done by the OPs. The aforesaid act amounts to deficiency in service and unfair trade practice on the part of OPs. OPs were requested several times to admit the claim, but, with no result. Hence, the present consumer complaint.
b. OPs were properly served and when OPs did not turn up before this Commission, despite proper service, they were proceeded against ex-parte on 7.12.2023.
2. In order to prove his case, complainant has tendered/proved his evidence by way of affidavit and supporting documents.
3. We have heard the learned counsel for the complainant and also gone through the file carefully.
i. At the very outset, it may be observed that when it is an admitted case of the complainant that he had purchased articles/clothes from the OPs who had made offer on purchase of one article to get two articles of the same value or less value free and charged Rs.949/- vide invoice Exhibit C-2 from the complainant against the actual price of Rs.899/-, the case is reduced to a narrow compass as it is to be determined if there is deficiency in service on the part of the OPs and the complainant is entitled for the relief as prayed for and for that purpose the evidence led by the complainant is required to be scanned carefully.
ii. Perusal of Exhibit C-1 the price tag of the sold products reveals that the Maximum Retail Price of the subject product is Rs.899/- inclusive of all taxes. However, the bill Exhibit C-2 issued by OPs clearly indicates that the OPs had charged an amount of Rs.949/- despite of the fact that the tag of the product Exhibit C-1 clearly indicates that the Maximum Retail Price of the product is Rs.899/- inclusive of all taxes, hence, it stands proved on record that the OPs have overcharged an amount of Rs.50/- from the complainant while selling the subject product by adding taxes which were otherwise already included with the MRP and the aforesaid act of the OPs amounts to deficiency in service and unfair trade practice.
4. In the light of the aforesaid discussion, the present consumer complaint succeeds, the same is hereby partly allowed and OPs are directed as under :-
i. to refund ₹50/- to the complainant alongwith interest @ $9 \%$ per annum from the date of institution of the present consumer complaint till onwards.
ii. to pay an amount of ₹ $1500 /$ - to the complainant(s) as compensation for causing mental agony and harassment to him;
iii. to pay ₹ $2000 /$ - to the complainant as costs of litigation.
5. This order be complied with by the OPs within 45 days from the date of receipt of its certified copy, failing which, they shall make the payment of the amounts mentioned at Sr.No.(i) \& (ii) above, with interest @ $12 \%$ per annum from the date of this order, till realization, apart from compliance of direction at Sr.No.(iii) above.
6. Pending miscellaneous application(s), if any, also stands disposed off.
7. Certified copies of this order be sent to the parties free of charge. The file be consigned.

Announced
5/03/2024
[Pawanjit Singh]
$m p$
President

Sd/-
[Suresh Kumar Sardana]
Member

