

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION: MEDAK AT SANGAREDDY**

PRESENT:Smt. P. Kasthuri,..... President
Sri Gajjala Venkateswarlu.... Member
Sri Makyam Vijay Kumar.... Member

Monday, the 24th day of July, 2023

CC.No.27 of 2023

Between:

D.N.Srikanth Verma
Q.No.B-206,
BDL Township,
Bhanur – 502 305.
Ph.No.9490976434.

... Complainant

And

TAXILA BUSINESS SCHOOL,
Rep.by its Authorized Signatory,
Sector -9, Mandir Marg,
Mansarovar, Jaipur India – 302 020.
Call – 8404040404
Mobile- 9314487772
Email: info@taxila.in

...Opposite party

Counsel for the Complainant: None (Party-in-person)
Counsel for the Opposite party: None

This case came up for final hearing before us on 12.07.2023, in the presence of Sri D.N.Srikanth Verma, Party-in-person for the complainant and the opposite party called absent; upon perusing the material papers on the record, upon hearing and having stood over for consideration till this day, this Commission passed the following:

ORDER

(Per se Sri Gajjala Venkateswarlu, Member)

This Complaint is filed U/S-35 (1)of the Consumer Protection Act,2019, praying the Commission to direct the opposite party to return back the admission fee of Rs.50,000/- along with interest and to pay compensation of Rs.50,000/- towards mental agony and trauma.

The Case of the complainant in brief: -

1. It is alleged that the complainant has paid Rs.50,000/- to the opposite party through online on 18.2.2021 towards admission Fee to get admission in the business school. But, he could not joined in the said college within the stipulated period due to got major surgery to his left

knee. Consequently, the complainant has cancelled his admission in the said college and applied for refund of the admission fee on 8.3.2021. Accordingly, the college management asked Bank Account details of the complainant on 14.8.2021 to refund his admission Fee. Immediately on 15.8.2021 the complainant furnished his Bank Account details through mail. But the Business school management did not refund the admission Fee till today and playing unrelated reasons for the calls and chats of the complainant and giving communications with false promises. Hence the Complaint.

2) The opposite party inspite of receiving notice from this Commission did not choose to contest the case, as such the opposite party is remained absent throughout the proceedings.

3) The complainant has filed his evidence affidavit and examined himself as PW.1 and got marked his documents as Ex.A.1 to Ex.A.6 on his behalf.

4) The Complainant has filed a memo stating that his evidence affidavit may be treated as written arguments and made oral submissions.

5) Now the points for consideration are: -

(a) Whether there is any deficiency in service/unfair trade practice on the part of the opposite party?

(b) Whether the complainant is entitled for the relief Claimed?

(c) If so, to what relief?

6). Point No. (a) & (b) : -

It is an undisputed fact that the complainant has paid Rs.50,000/- to the opposite party through online mode on 18.2.2021 as part of the admission fee to get admission for studying PGDM in the TAXILA Business School, Jaipur and the said money receipt is marked as Ex.A.1. But the complainant was not joined in the said college within the stipulated period due to got major surgery to his left knee, consequently the complainant has cancelled his admission in the said business school and applied for refund of the admission fee on 08.03.2021 and the same request for refund of admission fee is marked as Ex.A.2. Accordingly the college management asked Bank account details of the complainant on 14.08.2021 for refund of his admission fee and the said E-mail is marked as Ex.A3. Immediately on 15.08.2021, the complainant had furnished his Bank Account details through E-mail are marked as Ex.A.4. But the

college management was not responding properly and not refunded the admission fee of the complainant by showing various unrelated reasons and finally the opposite party college management was not responding to the phone calls and chats of the complainant and the same Whats-App chat screenshots of the complainant and the management of the business school management is marked as Ex.A.6. The opposite party school management misguided the complainant by giving false communications and false promises and the same is evidenced in the chats of the complainant and the management of the business school. The complainant had sent seven remainder e-mails dated 08.09.2021, 20.09.2021, 04.10.2021, 07.10.2021, 08.12.2021 and 27.2.2022 to the management of the business school and the same reminder E-mails of the complainant is marked as Ex.A5, but till now there is no response from the opposite party and not refunded the admission fee of the complaint. The Opposite Party intentionally avoiding to refund of the admission fee sine 2021 onwards. Due to the gross negligence and irresponsible behavior of the management of the business School, the complainant is put to serious inconvenience, hardship and mental agony apart from irreparable financial loss, such an action on the part of the opposite party not only amounts to deficiency in service but also amounts to unfair trade practice.

Therefore in view of the above facts and circumstances of the case, we are of the opinion that there is deficiency in service/unfair trade practice on the part of the opposite party and the complainant is entitled to refund of the admission fee of Rs.50,000/- (Rupees Fifty thousand only) along with interest from the date of cancellation of his admission i.e., 08.03.2021 from the opposite party and also entitled for compensation for the mental agony and trauma and the costs of the litigation. The point No (a) and (b) are answered accordingly.

7) Point No.C: **In the result:** the complaint of the complainant is partly allowed and direct the Opposite Party: -

1) to refund the admission fee of Rs.50,000/- (Rupees Fifty thousand only) to the complainant along with interest @ 12% p.a from the date of cancellation of his admission i.e., 08.03.2021 till the date of realization.

2) to pay an amount of Rs.10,000/- (Rupees Ten thousand Only) towards compensation for the mental agony and trauma undergone by the complainant.

3) to pay an amount of Rs.5,000/- (Rupees Five thousand only) towards the costs of the litigation.

Time for compliance (45) days from the date of receipt of a copy of this order.

Typed to dictation, Corrected, and pronounced by us in the open Court, on this the 24th day of July, 2023.

Sd/-
MEMBER

Sd/-
MEMBER

Sd/-
PRESIDENT

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For complainant:

For opposite parties: -

PW.1 – D.N.Srikanth Verma S/o
D.V.Sivajee Raju (Affidavit filed)

-None-

DOCUMENTS MARKED

For Complainant:

Ex.A1/dt.18.2.2021	-Photostat copy of admission fee receipt of Rs.50,000/-.
Ex.A2/dt.08.03.2021	Photostat copy of Request for refund of admission fee.
Ex.A3/dt.14.08.2021	Photostat copy of E-mail from Taxila.
Ex.A4/dt.15.08.2021	-Photostat copy of E-mail account details to TAXILA.
Ex.A5/dt.Nil.	-Photostat copy of remainder E-mails (7).
Ex.A6/dt.Nil	-Photostat copy of whatsapp chat messages.

For Opposite Party :- Nil

Sd/-
MEMBER

Sd/-
MEMBER

Sd/-
PRESIDENT