

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION,
AMBALA.**

Complaint case no. : 113 of 2022
Date of Institution : 07.04.2022
Date of decision : 19.03.2024

Arvind Dubey, S/o Late Sh. Jaiprakash Dubey, House no.167, Laxmi Nagar, Ambala City,
through itself.

..... Complainant.

Versus

Google India Pvt. Ltd , 8th and 9th Floors, Tower C Building No.8 DLF Cyber City Gurgaon
India 122002 Phone: [+91-124-4512900](tel:+91-124-4512900)

..... Opposite party

Before: Smt. Neena Sandhu, President.

Smt. Ruby Sharma, Member,

Shri Vinod Kumar Sharma, Member.

Present: Complainant in person.

Shri Rahul Chotani, Advocate, counsel for the OP.

Order: Smt. Neena Sandhu, President.

Complainant has filed this complaint under Section 35 of the Consumer Protection Act, 2019 (hereinafter referred to as 'the Act') against the Opposite Party (hereinafter referred to as 'OP') praying for issuance of following directions to it:-

- i. To pay a sum of Rs.4.40 lacs as compensation for mental agony & harassment.
- ii. To pay cost of litigation to the tune of Rs.50,000/-.
- iii. Grant any other relief which this Hon'ble Commission may deems fit.

2. Brief facts of the case are that the official email ID of the complainant i.e. (arvind.dubey@fenesta.com) got full, as its storage capacity was full and required

additional storage. On the email ID of the complainant, it showed a link for purchase of additional storage from google team, and as such, the complainant clicked and went into the said link and processed further as per instruction given by google One. The complainant processed multiple times but he failed to purchase additional storage by using that link yet during process for purchasing this additional storage, payment of Rs.3900/- was debited from his bank account ([50100018525223](#)) but storage was not provided. The said payment was debited from the account of complainant on 14.10.2021. The complainant sent email to the OP to refund the said amount, yet, out of Rs.3900/- only an amount of Rs.1300/- stood refunded and the remaining amount of Rs.2600/- has been retained by the OP. Hence this complaint.

3. Upon notice, the OP appeared and filed written version wherein it raised preliminary objections to the effect that Google India Private Limited ("Google India")/OP is incorporated under the provisions of the Companies Act, 1956 having its registered office at No. 3 RMZ Infinity, Tower E, 4th Floor, and Old Madras Road, Bangalore, Karnataka 560016; there is no cause of action to file this complaint against the OP; the present complaint is nothing but an abuse of the process of law; the present complaint ought to be dismissed outrightly by this Commission; the averment made by the complainant is contradictory as at the one hand he is alleging that he has not been heard for the last 6 months and on the other hand he is alleging that his complaint has been transferred from department to the another thus such statements are sufficient to show the malafide intentions of the complainant to mislead this Commission in order to get the favorable orders etc. On merits, it has been stated that the complainant has alleged that he subscribed an additional storage for his email id from entity Google One and now the additional storage has not been provided by the company and he has not received proper response on his grievance. The complainant has filed the present complaint against Google India under the impression and belief that the services of Google One are provided by Google India. The present complaint as against Google India is entirely misplaced, baseless and devoid of any merit inter alia by reason that the complaint has been filed on the erroneous view that Google India provides the services of Google One Storage. Google India is a separate and distinct legal entity from Google LLC and provides limited services of selling advertising space, marketing, research and development of software solutions/programs in India. Further Google India does not deal with storage of Google Account and the OP provides limited services as mentioned hereinabove. Google One services are provided by Google LLC" earlier known as "Google Inc." a company whose principal place of business is at 1600 Amphitheatre Parkway, Mountain View, CA 94043, United States, and not by Google India. This is also evident from a bare perusal of the publicly available Google terms of service, which clearly state that the said services are provided by Google LLC. GIPL is a separate juristic entity which does not provide, control or operate services on [www.one.google.com](#) and is therefore neither a necessary nor proper party to the present complaint. Google India is a wholly owned subsidiary of Google LLC and has only been appointed as a non- exclusive distributor of the Google 'Ads' program in India, which is entirely distinct and independent from the Google LLC. Further, Google India has not been appointed as an 'agent' of Google LLC in India or otherwise. The complainant has not provided any documents /information regarding alleged transactions and purchase of

storage space so the OP reserves its right to file additional reply. The complainant has failed to clearly mention the entity of support team to which the complainant contacted regarding the information of subscription of additional storage. Further the complainant has not even attached the proof of purchase of alleged space for which the present complaint has been filed. In the first para itself the complainant has mentioned my official id (Arvind.dubey@fenesta.com) which means that the alleged space has been purchased for commerce which mean complainant is not a consumer. Rest of the averments of the complainant were denied by the OP and prayed for dismissal of the present complaint with costs.

4. Complainant tendered his affidavit as Annexure C-A alongwith documents as Annexure C-1 to C-9 and closed the evidence of the complainant. On the other hand, learned counsel for the OP tendered affidavit of Geetanjali Duggal, authorized signatory of Google India Private Limited as Annexure OP/A alongwith document Annexure OP-1 (colly) and closed the evidence on behalf of OP.
5. We have heard the complainant and learned counsel for the OP and have also carefully gone through the case file.
6. Complainant submitted that by not refunding the entire amount, despite the fact that the email ID storage was not provided by the OP and on the other hand, retaining the amount of Rs.2600/- illegally, the OP is deficient in providing service.
7. On the other hand, learned counsel for the OP submitted that the OP-Google India Pvt. Ltd. is totally a different legal entity and has no concern, whatsoever with the Google One from which the complainant carried out the said transaction as such, the OP being a separate juristic entity has a role to play in storage services aforesaid.
8. Since the OP has disputed that it has no concern, whatsoever with the Google One/LLC i.e. the company with which the complainant has made transaction for purchase of additional storage for its email-Id, therefore, the moot question which falls for consideration is whether the OP is justified in taking the said stand to avoid its liability or not. It may be stated here that during pendency of this complaint, the complainant in order to prove that the OP has direct relation with Google Inc and Google One/LLC also, has placed on record sufficient documents alongwith replication on 27.09.2022. In FORM NO. MGT-7 Pursuant to sub-Section(1) of section 92 of the Companies Act, 2013 and sub-rule (1) of rule 11 of the Companies (Management and Administration) Rules, 2014] for Annual Return (other than OPCs and Small Companies) it is clearly mentioned that Google India Pvt. Ltd. is SUBSIDIARY AND ASSOCIATE COMPANIES of Google International LLC. It is also evident from this form that they are operating from single corporate office in Gurgaon city. The said address of corporate office is found mentioned in Google LLC Wikipedia placed on record by the complainant. Furthermore, as per FORM CFSS-2020 Normal Fees charged under CFSS, 2020 is paid from Delhi by Mr. Sanjay who is related to Google India Pvt. Ltd Gurgaon. According to MEMORANDUM OF ASSOCIATION at serial no.20 it is clearly mentioned that the OP will give guarantees or counter guarantees for payment or performance of any debts, contracts, obligations, or become sureties for any person, firm, company or any association of persons for any purpose whatsoever. According to List of share holders, debenture holders:-29122021 placed on record by the complainant, the address of Gurgaon office is found mentioned, which makes it clear that

OP has direct relation with Google LLC. According to Copy(s) of resolution(s) along with copy of explanatory statement under section [173-28102021](#) is again given by GILP Haryana on their letter head. Thus, from the documents referred to above, it has been proved that the OP is a part of GILP ROC Bangalore and has direct relation, whatsoever with Google LLC with which the complainant has carried out the transaction in question. All these documents have not been rebutted by the OP. Under these circumstances, it is held that since no services have been provided to the complainant by the OP, yet, his amount of Rs.2600/- stood illegally retained by it, as such, the OP is liable to refund the same alongwith interest, compensation and litigation expenses.

9. In view of the aforesaid discussion, we hereby partly allow the present complaint and direct the OP, in the following manner:-
- i. To pay/refund the amount of Rs.2600/-, to the complainant.
 - ii. To pay lumpsum amount of Rs.2,000/- as compensation for the mental agony and physical harassment suffered by the complainant and also litigation expenses.

The OP is further directed to comply with the aforesaid directions within the period of 45 days, from the date of receipt of the certified copy of the order, failing which the OP shall pay interest @ 8% per annum on the awarded amount, from the date of default, till realization. Certified copy of this order be supplied to the parties concerned, forthwith, free of cost as permissible under Rules. File be indexed and consigned to the Record Room.

Announced:- 19.03.2024

(Vinod Kumar Sharma)
Member

(Ruby Sharma)
Member

(Neena Sandhu)
President