

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
KOLKATA UNIT - II (CENTRAL)
8-B, NELLIE SENGUPTA SARANI, 7TH FLOOR,
KOLKATA-700087.**

**Complaint Case No. CC/132/2020
(Date of Filing : 28 Aug 2020)**

1. Miss Priyal Jain

D/O Mr. Pradip Kumar Jain 40/10, Ballygunge Circular Road,
Kolkata-700019.

.....Complainant(s)

Versus

1. Principal national Academy of Media and Events

Minto Park, The Regency, 4th Floor, 6, Hungerford Street, P.S.
Shakespeare Sarani, Kolkata-700017.

2. Payel Roy, Academic Councilor

National Academy of Media and Photography Events. Monto
Park, The Regency, 4th Floor, 6, Hungerford Street, P.S.
Shakespeare Sarani, Kolkata-700017.

3. Ekta Jha, The Faculty

national Academy of Media and Photography Events. Minto Park,
The Regency, 6, Hungerford Street, P.S. Shakespeare Sarani,
Kolkata-700017.

.....Opp.Party(s)

BEFORE:

**HON'BLE MRS. Sukla Sengupta PRESIDENT
HON'BLE MRS. Sahana Ahmed Basu MEMBER
HON'BLE MR. Reyazuddin Khan MEMBER**

PRESENT: Paroma Sengupta, Advocate for the Complainant 1

Dated : 29 Aug 2023

Final Order / Judgement
FINAL ORDER/JUDGEMENT

Smt. SAHANA AHMED BASU, Member,

The fact of the case, in a nutshell, is that the Complainant has enrolled herself with the OPs for obtaining a six month diploma course in photography on 04.11.2019 by paying an amount of Rs.20,000/- for admission and Rs.500/- for the Admission form. The said course was to start from 1st week of November and to end within April, 2020. But despite of assurance, Ops failed to start the within scheduled time. The Complainant tried all means to communicate with the OP2 on 19.11.2019 but no reply came from the end of the OP2. On 06.12.2019 OP3 sent a message to the

Complainant for attending meeting in their Institution on 11.12.2019. But in that meeting an event management programme was held and there was no discussion regarding commercial photography classes. Around 1st week of January, the Complainant again tried to communicate and contact with the OPs to know the status of the said diploma course in photography but no response came from them. Therefore the Complainant sent text message to the OP3 for refund back her paid up amount and in reply OP3 texted that accounts Department will get back the Complainant. But nothing happened. Finding no other option the Complainant filed this instant case seeking relief/reliefs.

OPs have contested the case and filed WV inter alia that the instant case is not maintainable both law and in facts and is liable to be dismissed and also bad for non-joinder and misjoinder of parties. Specific case of the OPs is that, the instant application is mala fide and made with ulterior motive and there is no cogent explanation for the reliefs claimed. The Complainant has tried to create pressure upon the OPs and unnecessarily protracting the litigation thereby trying to give rise to controversies and the OPs are severely harassed by the same. Allegations made in the Complaint Petition have got no merit at all. Therefore the same is liable to be dismissed.

Ld. Advocate for the Complainant has advanced the case by adducing relevant evidences and documents. Per contra, OPs did not rely upon any documents. We have gone through all the evidences and documents on record and gave a thoughtful consideration to the entire fact.

Evidently the Complainant got admitted in the **6 months Diploma Photography Course** at OPs' Institution by paying **Rs.20,000/-** for first installment out of total consideration of **Rs.55,000/-** and **Rs.500/-** for Admission Form on **04/10/2019**. Ld. Advocate for the Complainant alleged that the said course was to start from **November, 2019** and despite giving assurance the OPs have failed to start the class within scheduled time. On scrutiny of the record it is also found that the Complainant made several communications with the OPs to know the status of the said course through **WhatsApp** chats but no confirmation or concrete information was made on the part of the OPs. It is also observed that on demanding the refund of the deposited amount OPs asked the Complainant to speak with the **Accounts Department** and also stated that they are not responsible for the refund. Photocopies of the **WhatsApp** chats also reveal that OPs have denied to provide **Contact Number** of the **Accounts Department**. We have also noticed that in the WV OPs have denied all allegations but we could not find any piece of documents in the entire case record which can support such submission of the OPs. Moreover there is no clear statement at all in respect of the allegations made in the Complaint Petition and no evidence/annexure is adduced with the WV. OPs have failed to file Evidence in Chief and did not bother appear before this Commission on **Hearing of Argument** although they have got several opportunities.

Therefore, gesture of the OPs appeared as gross negligence and deficiency of service on their part. OPs have undoubtedly adopted unfair means of trade. Complainant cannot wait indefinitely for the said course to start.

Based on the abovementioned discussion the Complaint Petition is allowed on contest against the OPs with following directions:

1. OPs are jointly and severally directed to refund the deposited amount of Rs.20,000/- to the Complainant along with litigation cost of Rs.10,000/-.
2. OPs are also jointly and severally directed to pay an amount of Rs.20,000/- to the Complainant as compensation for causing mental agony and harassment.
3. Aforesaid payment should be made within 30 days from the date of passing this order failing which the deposited amount shall attract the interest @12% p.a.

Liberty be given to the complainant to put the order in execution, if the OP transgress to comply the order.

Copy of the Judgement be supplied to the parties as per rules.

Judgement be uploaded on the website of this Commission forthwith for perusal of the parties.

[HON'BLE MRS. Sukla Sengupta]
PRESIDENT

[HON'BLE MRS. Sahana Ahmed Basu]
MEMBER

[HON'BLE MR. Reyazuddin Khan]
MEMBER