

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-  
VIIDISTRICT - SOUTH-WEST  
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI  
FIRST FLOOR, PANDIT DEEP CHAND SHARMA SHAKAR BHAWAN  
SECTOR-20, DWARKA, NEW DELHI-110077**

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**Case No.CC/268/2020**

**Date of Institution:-21.12.2020  
Order Reserved on :-13.03.2024  
Date of Order :-27.03.2024**

**IN THE MATTER OF:**

**Raj Kumar**  
R/o 223, VII, Age Bagdola,  
SikindarPuriaMohalla,  
Sector-8, Dwarka,  
New Delhi – 110077.

**.....Complainant**

**Versus**

**1. Haldi Ram Product Pvt. Ltd.**  
G-5, G-6, G-7, Plot No.5,  
City Centre, Sector-12,  
Dwarka, New Delhi.

**2. Haldi Ram Product Pvt. Ltd.**  
19-A, Najafgarh Road,  
Moti Nagar, New Delhi – 110015.

**.....Opposite Parties**

## **ORDER**

**Per R. C. YADAV , MEMBER**

1. Briefly stated the facts of the case are that the Complainant has purchased sweets from OP on 12.11.2020 and paid Rs.10520/- to the OP. The sweets were purchased on the occasion of Diwali festival. The complainant has distributed sweets to his friends. The friends of complainant have informed that the distributed sweets had fungus and not worthy to eat. The complainant has taken back sweets from friends and informed the same to the OP. The OP has informed the complainant that only three bags of sweets can be replaced. The complainant has informed to police at 100 number. The police has informed to the complainant that the sweets will be examined in laboratory but no action was taken by the police. The OP has cheated the complainant and has not replaced the sweets, which is deficiency in service and unfair trade practice. Hence, the complainant has prayed for refund of Rs.10520/- (Rupees Ten Thousand Five Hundred Twenty) alongwith Rs.50,000/- (Rupees Fifty Thousand) for mental agony and harassment.
2. Notice of the complaint was issued to OP, who did not appear before this Commission and OP was proceeded Ex-Parte vide order dated 08.07.2022. The complainant has filed his affidavit of Ex-parte evidence.
3. We have heard on 13.03.2024 and the OP was proceeded Ex-Parte. Hence, the case was reserved for order.

4. We have gone through material on record carefully and thoroughly and perused the documents placed on record by the complainant.
5. It is the case of the complainant that he has purchased sweets from OP on 12.11.2020 and paid Rs.10520/- to the OP. The sweets were purchased on the occasion of Diwali festival. The complainant has distributed sweets to his friends. The friends of complainant have informed that the distributed sweets had fungus and not worthy to eat. The complainant has taken back sweets from friends and informed the same to the OP. The OP has informed the complainant that only three bags of sweets can be replaced. The complainant has informed to police at 100 number. The police has informed to the complainant that the sweets will be examined in laboratory but no action was taken by the police. The complainant has paid consideration amount to purchase the sweets and the sweets were not worthy to eat and had fungus on the sweets. The OP was under obligation either to replace the sweets or refunded his amount. This act clearly constitutes deficiency in service and unfair trade practice on the part of OP.
6. The case of complainant does not suffer from any factual or legal defect. The allegations made by the complainant have gone unchallenged, uncontested and as such whatever has been placed on record is believed.
7. Accordingly, we allow the complaint and direct the OP to refund Rs.10520/- (Rupees Ten Thousand Five Hundred Twenty) along with interest @ 6% p.a. from the date of deposit along with Rs.15,000/- (Rupees Fifteen Thousand) as

lumpsum for mental agony within 45 days from the date of receipt of the orders failing which OP shall be liable to pay the amount alongwithinterest @ 9% p.a. till realization.

- Copy of the order be given/sent to the parties as per rule.
- The file be consigned to Record Room.
- Announce in the open Court on 27.03.2024at 3.30 PM.

**(R.C. YADAV)**  
**MEMBER**

**(DR. HARSHALI KAUR)**  
**MEMBER**

**(SURESH KUMAR GUPTA)**  
**PRESIDENT**