

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION, KURUKSHETRA**

Complaint No. 202 of 2020
Date of instt.: 06.07.2020
Date of decision: 22.3.2024

Navneen Kaur aged about 33 years daughter of Late Shri Jagbir Singh resident of House No. 677, Sector-5, U.E. District Kurukshetra.

...Complainant.

Versus

Ankit Kapoor owner of Vmake Visas, 1st Floor, 2L, 59/A, BP, NIT Faridabad, Haryana.

...Opposite party.

**CORAM: DR. NEELIMA SHANGLA, PRESIDENT.
NEELAM, MEMBER.
RAMESH KUMAR, MEMBER.**

**Present: Shri H.S. Handa, Advocate for complainant.
Shri Vishal Saini, Advocate for the OP No.4.
OPs No.1 to 3 given.**

Order:

This is a complaint under Section 35 of the Consumer Protection Act.

2. It is alleged in the complaint that the complainant was desirous to go aboard through permanent residency process for Canada and she was searching any portal or agent for this purpose. Coincidentally, when she was surfing facebook she saw the link of Vmake Visas for P.R in Canada and she has filled the necessary particulars in the link alongwith her mobile number. It is further averred that on the very next day she received a telephonic call from the representative of Vmake Visas namely Mehak Jain who explained

all the process to her for PR in Canada and further asked her to give his qualification details and working experience, so she told him that she is B.Sc Nursing qualified and is doing job as a Nursing Superintendent in Railway Hospital from 2014. It is further averred that thereafter, the opposite party's executive disclosed her that she falls in nursing profile and is eligible in Provenance Nominee Program (PNP) in Quebec State of Canada and said a sum of Rs. 88,500/- shall be incurred on the complete process and she shall get her PR within 6 months. It is further averred that believing the representations of the opposite party to be true she gave a sum of Rs.47,200/- in two installments from the account of her husband the first installment of Rs.30,000/- was made on 08.03.2019 and second installment of Rs.17,200/- was made on 11.03.2019 in the ICICI Bank, having IFSC Code No. ICIC0006294 bearing account No. 629405042809 in the name of Vmake Visas Pvt. Ltd. and the remaining amount of Rs. 41,300/- was to be paid after receiving the Invitation Letter from the Quebec Government.

3. It is further averred that after making the above said amount she keep contacting the opposite party and asked about the status of her PR file but every time the opposite party put the matter on one pretext or the other by making lame excuses. After that the representative of opposite party namely Mehak Jain give her a telephonic call and demanded an amount of Rs. 15,000/- on the

pretext of case expenses but she said that she had to go to Delhi and she will make the said payment to Mehak Jain in the office of opposite party at Delhi. After few days make the said payment of Rs. 15,000/- to Mehak Jain in cash in the presence of Reet Kamal her husband and her husband's friend Mukesh. Thereafter complainant's case manager namely Ankur Aggarwal made a call to her that they had expelled Mehak Jain and whether Mehak Jain had received any payment from her and on 24.12.2019 has also sent an email from his email id stp13@makevisas.com to the email id of the husband of her in this context. She was surprised to know about the said incident and smelled cheated at the hands of opposite party. It is further averred that the opposite party have agreed to provide PR to her within 6 months from the date of making the initial payment. Since, she has made a sum of Rs. 47,200/- in two installments to opposite party but opposite party failed to provide PR to her within the stipulated time as assured by them orally and in this manner of opposite party is found deficient in rendering their service. Hence, this present complaint.

4. On notice, opposite party No.4 appeared and filed their written version raising preliminary objections with regard to maintainability; cause of action; locus standi; jurisdiction and concealment of true and material facts. On merits, complaint was

contested and vehemently denied the allegations of the complaint as made out in the complaint and prayed for dismissal of the complaint.

5. Learned counsel for the complainant has tendered into evidence documents Ex.C-1 to Ex.C-5 and closed the evidence on 19.12.2023 by suffering separate statement.

6. Learned counsel for the opposite party has tendered into evidence document Ex.R-1 and closed the evidence on 05.03.2023 by suffering separate statement.

7. We have heard the learned counsel for both the parties at length and have gone through the record available on the file carefully.

8. Sh.H.S.Handa, Id. Counsel for complainant has argued that the complainant was desirous to go aboard through permanent residency process for Canada and she was searching any portal or agent for this purpose. Coincidentally, when she was surfing facebook she saw the link of Vmake Visas for P.R in Canada and she has filled the necessary particulars in the link alongwith her mobile number. Id. Counsel for complainant further argued that on the very next day she received a telephonic call from the representative of Vmake Visas namely Mehak Jain who explained all the process to her for PR in Canada and further asked her to give his qualification details and working experience, so she told him that she is B.Sc Nursing qualified and is doing job as a Nursing Superintendent in Railway

Hospital from 2014. Id. Counsel for complainant has argued that thereafter, the opposite party's executive disclosed her that she falls in nursing profile and is eligible in Provenance Nominee Program (PNP) in Quebec State of Canada and said a sum of Rs. 88,500/- shall be incurred on the complete process and she shall get her PR within 6 months. It is further averred that believing the representations of the opposite party to be true she gave a sum of Rs.47,200/- in two installments from the account of her husband the first installment of Rs.30,000/- was made on 08.03.2019 and second installment of Rs.17,200/- was made on 11.03.2019 in the ICICI Bank, having IFSC Code No. ICIC0006294 bearing account No. 629405042809 in the name of Vmake Visas Pvt. Ltd. and the remaining amount of Rs. 41,300/- was to be paid after receiving the Invitation Letter from the Quebec Government. Id. Counsel for complainant has argued that after making the above said amount she keep contacting the opposite party and asked about the status of her PR file but every time the opposite party put the matter on one pretext or the other by making lame excuses. After that the representative of opposite party namely Mehak Jain give her a telephonic call and demanded an amount of Rs. 15,000/- on the pretext of case expenses but she said that she had to go to Delhi and she will make the said payment to Mehak Jain in the office of opposite party at Delhi. After few days make the said payment of Rs. 15,000/- to Mehak Jain in cash in the presence of Reet Kamal her

husband and her husband's friend Mukesh. Thereafter complainant's case manager namely Ankur Aggarwal made a call to her that they had expelled Mehak Jain and whether Mehak Jain had received any payment from her and on 24.12.2019 has also sent an email from his email id stp13@makevisas.com to the email id of the husband of her in this context. She was surprised to know about the said incident and smelled cheated at the hands of opposite party. Id. Counsel for complainant has argued that the opposite party have agreed to provide PR to her within six months from the date of making the initial payment. Since, she has made a sum of Rs. 47,200/- in two installments to opposite party but opposite party failed to provide PR to her within the stipulated time as assured by them orally and in this manner of opposite party is found deficient in rendering their service.

9. Sh.H.S.Handa, Id. Counsel for complainant has argued that complainant has given Rs.62,200/-in total to Sh.Ankit owner of Vmake Visas through RTGS as well as through cash, but opposite parties not made any visas for Navneen Kaur complainant till so far.

10. Sh.Vishal Saini, Id. Counsel for Opposite party has stated that opposite parties No.1 to 3 also members in the company namely Vmake visas.

11. Opposite party No.4 had admitted that Naveen Kaur had not been made payment till so far although Rs.62,200/- have been

received by the complainant, but Ex.C-5 is that document vide which Ankit Kapoor has admitted that Rs.47,000/- have been paid by the complainant to the company, out of which Rs.7,000/- was GST. Ankit Kapoor has agreed that he can issue 50% of 40K(Rs.40,000/-) as refund. Ex.C-5 is significant document in which opposite party Ankit Kapoor has admitted that he has received Rs.47,000/- and he is ready to refund Rs.50% of the amount.

12. Sh.Ankit Kapoor respondent can not laid down his terms and conditions at his own. He has received Rs.62,200/- for making visas of Navneen Kaur. Hence, he has refund the entire amount. He has not made any visas Naveen Kaur till so far.

13. In view of the aforesaid discussion, opposite party Ankit Kapoor is directed to refund Rs.62,200/- alongwith 9% penal interest to the complainant, within 45 days, from the date of filing of complaint to its realization. Alongwith compensation of Rs.50,000/- for causing mental harassment an agony to the complainant. Hence, the present complaint is accepted with cost, which is assessed Rs.11,000/-, which will be paid by the opposite party, to the complainant.

14. In default of compliance of this order, proceedings shall be initiated under Section 72 of Consumer Protection Act, 2019, as non-compliance of court order shall be punishable with imprisonment for a term which **shall not be less than one month, but which**

may extend to three years, or with fine, which shall not be less than twenty five thousand rupees, but which may extend to one lakh rupees, or with both. A copy of this order be sent to the parties free of cost. File be consigned to the record room after due compliance.

Announced in open Commission:

Dated: 22.3.2024

(Dr. Neelima Shangla)
President,
DCDRC, Kurukshetra.

(Neelam)
Member

(Ramesh Kumar)
Member