

Date of Filing:26.10.2023  
Date of Order: 14.06.2024

**BEFORE THE BANGALORE I ADDITIONAL DISTRICT  
CONSUMER DISPUTES REDRESSAL COMMISSION  
SHANTHINAGAR BANGALORE - 27.**

**CONSUMER COMPLAINT NO. 301/2023 (Online)**

**DATED ON THIS THE 14<sup>TH</sup> JUNE 2024**

**PRESENT**

**Sri.B. Narayanappa, M.A., LL.B. - PRESIDENT  
Smt.Jyothi N, B.A, LL.B. L.L.M. MEMBER  
Smt.Sharavathi S.M, B.A, LL.B., MEMBER**

**COMPLAINANT :**

**Muhammad Musharaf K,  
Kayora HO, Memunda PO,  
Vadakara Via.,  
Kozhikode,  
Kerala 673104**


**Party In Person  
Vs**

**OPPOSITE PARTY No: 1**

**Apple Inc.  
19<sup>th</sup> Floor, Concorde Tower C,  
UB City, No.24,  
Vittal Mallya Road,  
Bangalore-560001.**

**Adv: Nandakumar R**

<b>Nature of complaint</b>	<b>Deficiency in service</b>
<b>Date of filing of complaint</b>	<b>26.10.2023</b>
<b>Date of Issue of Notice</b>	<b>08.12.2023</b>
<b>Date of Order</b>	<b>14.06.2024</b>
<b>Duration of Proceeding</b>	<b>07 Months 20 Days</b>

  
14.6.24

**ORDERS PASSED BY SRI B.NARAYANAPPA, PRESIDENT**

1. The complainant Muhammad Musharaf K, has filed this complaint on online against the OP under the provision of Consumer Protection Act, 2019 and alleged the deficiency in service against the OP and prays to direct the OP to resolve the issues found in his iPhone 13 Pro but not sought for any reliefs for payment of compensation and cost.

2. **The brief facts are that:-**

The complainant has filed the present complaint with regard to issues like rapid battery drain and continuous battery health degradation with his I Phone 13 Pro and noticed substantial and rapid decrease in battery life, even under the normal usage conditions and the rapid battery life plummeted to under 5 hours necessitating frequent recharging. As such, he reported the issues to Apple support on 07.10.2023 seeking assistance and a solution to rectify this problem and also raised issue that continuous battery health degradation following iOS 17 update and observed his iPhone 13 Pro battery health percentage is declined daily and within a month the battery health could deteriorate significantly. Due to which, he doubt about how long the percentage of battery stands at 92% will be sustained and his iPhone

*Bu*  
14.6.24

13 Pro still under warranty and he initiated contact with Apple support on 07.10.2023 with regard to battery related problem. However, Carlo's behavior was unprofessional and displayed lack of understanding and thereby leaving him feeling unheard and dismissed. Therefore, he left with frustrated and dissatisfied with the attitude of OP. Hence, this complaint.

**3.** After registration of this complaint, notice was ordered to be issued to OP. In response to the notice OP appeared through their counsel and filed version contending that the complainant has not mentioned either the IMEI No./Serial No. of the iPhone 13 Pro. It is not possible for the OP to trace out the repair history of the said device and details of the customer on whose name said iPhone is registered etc. Complainant has not at all furnished the relevant documents to the OP. The complainant has made Apple inc as OP it is a legal entity based in USA and OP engaged in the business of selling and offering for sale of Apple branded products, which inter alia includes iPhones, iPads, and Mac Books, through a network of independent resellers and service providers respectively. The Apple iPhone 13 Pro sold in India by the OP through their dealers/resellers are known for their cutting edge technology and utmost

*By*  
14.6.24

customer satisfaction and the Apple products undergo strict quality tests to maintain high standards. And further, contended that the complainant is not a consumer under the CP Act, 2019. Since, he has nowhere averred in his complaint that he purchased the said iPhone 13 Pro by paying a proper consideration from the OP and not even mentioned the date of purchase of the said device. Therefore, the complainant cannot be consumer as per Section 2(7) of CP Act. The complainant has not produced any cogent evidence stating that he has purchased the said iPhone 13 Pro and further contended that the complaint is incomplete. Since, the complainant has neither sought for the relief nor established the cause of action and fail to provide vital information of the product i.e., iPhone 13 pro and failed to prove alleged deficiency in service against the OP. For all these reasons the OP prays to dismiss the complaint.

4. The complainant has not at all filed his affidavit in support of his case inspite of giving sufficient opportunities and not produced any documents. On the other hand, OP has filed affidavit by way of examination in chief, the same was taken as RW-1 and got marked Ex.R-1 to R-4. The complainant not appeared before this

14.6.24

commission and not addressed arguments. Heard the arguments of OP counsel and he also filed written arguments.

5. The point that would arise for our consideration are as under:-

*1. Whether the complainant proves that the alleged deficiency in service on the part of the OP and thereby he is entitled to the reliefs as sought for?*

*2. What order?*

6. Our finding on the aforesaid points are as follows:

*Point No.1: In Negative.*


*Point No.2: As per final order  
for the following*

**::REASONS::**

7. **Point No.1.**:- It is the case of the complainant that he raised issues such as rapid battery drain and continuous battery health degradation in respect of his iPhone 13 Pro and sought assistance of Apple support on


*Bu*  
*14.6.24*

07.10.2023 to rectify the problem and he suspected that his iPhone 13 Pro battery health stands at present at 92% how long this percentage will be sustained. But no resolution on the part of OP with regard to the issues. Therefore, he frustrated with the act of the OP and sought resolution in respect of the issues. But the complainant in support of his case has not at all produced any documents to show that he has purchased Apple iPhone 13 Pro from the OP on such and such date on payment of such and such amount and it is warranty period and in whose name the said iPhone 13 Pro has been purchased and it is service details and he has also not at all produced its IMEI No./Serial No. of the iPhone 13 Pro and it is pertinent to mention here that the complainant has not at all filed his affidavit which shows that the complainant has failed to prove his case with regard to alleged issues in his iPhone 13 Pro and it is important to note here that the complainant has failed to prove that he has purchased Apple iPhone 13 pro from the OP. Since, he has not at all produced tax invoice bill to show that he has purchased the iPhone 13 Pro from the OP on payment of such and such amount. Since, he has failed to prove the purchase of alleged iPhone 13 Pro from the OP on payment of such and such amounts. It is

  
14.6.24

crystal clear that, complainant does not come under the definitions clause Section 2(7) of CP Act, 2019.

8. On the other hand, it is clear contention of the OP that the complainant has not mentioned either the IMEI No./Serial No. of the iPhone 13 Pro. Therefore, it is not possible for the OP to trace out the repair history of the said device and details of the customer in whose name said iPhone is registered etc. Under such circumstances, it is crystal clear that whatever the issues raised by the complainant appears to be vague. Since, he has failed to produce tax invoice showing purchase of Apple iPhone 13 Pro from the OP on such and such date and on payment of such and such amount and in the absence of production of IMEI No./Serial No. of the iPhone 13 Pro. The OP was unable to trace out the repair history of the said device and details of the customer in whose name said iPhone is registered. Under such circumstances, the issues alleged to have raised by the complainant such as rapid battery drain and continuous battery health degradation cannot be believed and accepted. Therefore, we are of the opinion that complainant has failed to prove the alleged deficiency in service on the part of OP. Hence, we answer **Point No.1 In Negative.**


  
14.6.24

**9. Point No.2:-** For the aforesaid reasons, We proceed to pass the following:


**::ORDER::**

- 1. The complaint of the complainant is hereby dismissed. No order as to cost.**
- 2. Furnish the copy of the order to both parties free of cost.**

*(Dictated to the Stenographer transcribed, typed by him, corrected by us and then pronounced in Open Commission on this the 14<sup>th</sup> day of June 2024)*

  
(SRI.B NARAYANAPPA) 14.6.2024  
PRESIDENT)

  
(SMT.JYOTHI.N) 14/6/24  
MEMBER

  
(SMT.SHARAVATHI.S.M) 14.06.2024  
MEMBER