

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION,
GURGAON-122001**

Consumer Complaint No: 106/2021

Date of Institution: 05.02.2021

Date of Decision: 05.04.2024

Dikshansh Raghav son of Shri Navneet Raghav, resident of V.P.O Daulah, Sohna, District Gurugram, through his natural guardian/father/next friend Mr. Navneet Raghav.

.....Complainant

Versus

Principal, Asian Public School, Daula, Harchandpur Road, Sohna, Gurgaon (Haryana).

.....Opposite party

Complaint under Section 35 of Consumer Protection Act, 2019.

**BEFORE: SHRI SANJEEV JINDAL, PRESIDENT.
 MS. JYOTI SIWACH, MEMBER.
 MS. KHUSHWINDER KAUR, MEMBER.**

Present: Shri Vinay Partap, Advocate for the complainant.
 Sh. Janak Raj Poswal, Advocate for the opposite party.

ORDER SANJEEV JINDAL, PRESIDENT.

 Heard on the complaint in question in the light of the pleadings of the parties coupled with the evidence adduced by them in support thereof. The arguments and the rival contentions raised by the counsel for the parties also stand appraised.

2. Shorn of unnecessary details, briefly stated, it is the case of the complainant that the OP intentionally and deliberately and with malafide intention, had mentioned the date of his son's admission in its school as 26.11.2020 with date of withdrawal as 26.12.2020 i.e. prior to the issuance of

School Leaving Certificate, and, thus, the OP had illegally charged the tuition fee to the amount of Rs.19,500/- from the complainant for the period from April, 2020 to January, 2021.

The aforesaid submissions/assertions/averments made by the complainant stand duly proved from the accurate, brief and concise documentary evidence placed on the record of this file by the complainant including the documents i.e. **Ex.C-1** which is an application dated 28.02.2020 depicting that the complainant had applied to the OP-school as far back as in the month of February, 2020 for the issuance of the requisite School Leaving Certificate and **Ex. C-7** which is a School Leaving Certificate for the Academic Year 2020-2021 issued on 26.12.2020, wherein, the date of the admission of the complainant's son has been shown as 26.11.2020 with date of withdrawal as 26.12.2020.

3. In this respect, the perusal of **Ex.C-4** also clearly shows that the complainant had also preferred a complaint to the Block Education Officer (BEO), Sohna, Gurugram, Haryana on 09.12.2020, pursuant to which, vide letter **Ex.C-6** dated 24.12.2020, the BEO, Sohna, Gurugram had written to the OP No.1 for issuing the School Leaving Certificate in question to the complainant within two days. It was in compliance of the aforesaid letter of the Block Education Officer **Ex.C-6** dated 24.12.2020 that the OP-school vide **Ex.C-7** had issued the requisite School Leaving Certificate for the Academic year 2020-2021 with date of issuance as 26.12.2020 in favour of the complainant's son, thereby, depicting the date of admission of the complainant's son as 26.11.2020 with the date of withdrawal as 26.12.2020.

As discussed above, since the complainant had already applied to the OP's school for issuing the requisite School Leaving Certificate as far back as in the month of February, 2020 i.e. 10 months prior to the date of issue of the School Leaving Certificate vide his application dated 28.02.2020 **Ex.C-1**, so, the averments and submissions made by the complainant are evidently proved beyond any shadow of doubt to the effect that the OP intentionally & deliberately and with malafide intention, had charged the tuition fee from the complainant from April, 2020 to January, 2021 to the amount of Rs.19,500/- by wrongly mentioning the date of complainant son's admission as 26.11.2020 with date of withdrawal as 26.12.2020.

4. Thus, in view of our aforesaid discussion, the OP is hereby held guilty of providing severe deficiency in service to the complainant. That being so, the present complaint is accepted with costs. Accordingly, the OP is hereby directed to pay Rs.19,500/-, i.e. the fee which had to be deposited by the complainant in the OP's school, along-with interest @ 9% p.a. from the date of deposit i.e. w.e.f. 26.12.2020 till realization. The complainant is also hereby held entitled to compensation, for suffering harassment and mental agony at the hands of the OP, to the tune of Rs.15,000/- as well as litigation expenses of Rs.11,000/-. The opposite party is directed to pay the aforesaid amount within 45 days from the date of uploading of this order after the expiry of 24 hours (one day) therefrom, failing which the amount will attract interest @ 12% per annum, for the same period, till actual realization.

5. If the order of this Commission is not complied with, then the complainant shall also be entitled to file the execution petition under

Section 71(1) of the Consumer Protection Act, 2019 and in that eventuality, the OP may also be held liable for prosecution under Section 72 of the said act which envisages punishment 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 Rs.25,000/-, but which may extend to Rs.1,00,000/-, or with both. The copy of the order be supplied to the parties free of cost as per the rules. The Order be promptly uploaded on the website of this Commission. File be consigned to the record room, after due compliance.

Announced.
05.04.2024

(Jyoti Siwach)
Member

(Khushwinder Kaur)
Member

(Sanjeev Jindal)
President,
District Consumer Disputes
Redressal Commission, Gurgaon