

Date of Filing:09.02.2024
Date of Order: 20.06.2024

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

CONSUMER COMPLAINT NO.52/2024 (ONLINE)

DATED ON THIS THE 20TH 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 :

Mr. Ashok Kumar Rangaswami,
S/o late Mr. A. Rangaswami,
Aged about 67 years,
Residing at Flat H-434,
Cedar Block, Brigade Orchards,
Hoskotte Main Road,
Rayasandra Village,
Devanahalli Taluk,
Bengaluru Rural – 562110

Party In Person

Vs

OPPOSITE PARTY/S:

M/s. Eureka Forbes Limited,
No.24, 2nd Floor,
Priyadharshni Layout,
Chikkaveerasandra Main Road,
KR Puram,
Bengaluru – 560 036

Exparte

Handwritten signature and date: 20.6.2024

Nature of complaint	Deficiency in service
Date of filing of complaint	09.02.2024
Date of Issue of Notice	16.02.2024
Date of Order	20.06.2024
Duration of Proceeding	04 Months 12 Days

ORDERS PASSED BY SRI B.NARAYANAPPA, PRESIDENT

1. The complainant Mr. Ashok Kumar Rangaswami, resident at Rayasandra Village, Devanahalli Taluk, Bengaluru Rural has filed this complaint U/s.35 of the Consumer Protection Act, 2019 against the OP M/s Eureka Frobes Limited, Bengaluru praying to direct the OP to refund Rs.14,790/- paid by the complainant for the purchase of Vacuum Cleaner from the OP with interest at 12% per annum and to pay compensation of Rs.1,50,000/- and grant such other reliefs as this Commission deems fit to grant under the facts and circumstances of this case.

THE BRIEF FACTS ARE THAT:-

2. On 02.05.2023 the complainant has purchased new Vacuum Cleaner Model Forbes Select WD X2


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under purchase order No.SO3175585 from the OP and the same was delivered on 03.05.2023. The sales representative of OP has recommended the usage of the said equipment as the complainant spouse ailing from liver and kidney diseases, requires very high level of hygiene at home and the said Vacuum Cleaner was under the warranty. Since 05.11.2023 the said Vacuum Cleaner is not operating he raised service request with OP on 05.11.2023 the OP visited the house of the complainant on 06.11.2023 and assured to service the same but no response from the OP side. Thereafter, the complainant raised the issue for more than 5 times during the month of November 2023 and on 01.12.2023 but the OP fail to rectify the defects found in the equipment nor refund the amount paid for the purchase of the said equipment. Hence, it is alleged deficiency in service on the part of OP. Hence, this complaint.


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3. After registration of this complaint, notice was ordered to be issued to OP. In spite of service of notice upon OP, OP doesn't turn up and remained absent. Hence, OP was placed, ex parte.

4. The complainant has filed his affidavit by way of examination in chief, the same was taken as PW-1 and got marked Ex.P-1 to Ex.P-5. In spite of giving sufficient opportunities the complainant does not turn up and not addressed arguments. Hence, this case was posted for orders.

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?

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

Point No.1: Partly in affirmative.

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


::REASONS::

7. Point No.1.:- It is the specific case of the complainant that on 02.05.2023 he has purchased new Vacuum Cleaner Model Forbes Select WD X2 under purchase order No.SO3175585 from the OP on payment of Rs.14,790/- and the same was delivered on 03.05.2023 and the OP has extended the warranty for the said equipment and it is further specific contention of the complainant that the representative of OP has recommended for the usage of the said equipment since the complainant spouse ailing from liver and kidney diseases, which requires very high level of hygiene at home evident but the said equipment after usage for 4-5 months due to defects in the equipment it has stopped working on 05.11.2023.


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Complainant raised complaint with OP that the OP technicians visited the house of the complainant and assured to rectify the mistake found in the equipment but failed. The complainant raised several complaints on more than 5 occasions during the month of November 2023 and on 01.12.2023 but no response from the OP side and OP failed to rectify the defects found in the equipment.

8. The complainant got marked Ex.P1 the tax invoice dated 02.05.2023 issued by the OP for having purchased new Vacuum Cleaner by the complainant from the OP on payment of Rs.14,790/- by extending the warranty so from Ex.P1 it is crystal clear that the complainant has purchased the said equipment from the OP but according to the complainant the new Vacuum Cleaner purchased from the OP has stopped working during the warranty period and the efforts made by the complainant with OP to rectify the defects found in the equipment went in vain.


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Since, the OP not responded to the complaints raised by the complainant.

9. Complainant has contended that the representative of OP recommended for the use of Vacuum Cleaner since, the complainant spouse ailing from liver and kidney diseases, as such she requires very high level of hygiene at home. To substantiate the said reason the complainant got marked Ex.P2 the discharge summary issued by the Aster CMI Hospital for having treated the wife of the complainant namely Mrs. Shanthi Ashok Kumar. From the Ex.P2 it is the crystal clear that the wife of the complainant discharged with Post liver transplant recipient and she was very much required for high level hygiene condition in the home. Therefore, as suggested by the representative of OP the complainant has purchased the said Vacuum Cleaner to maintain hygiene condition in his house but it has failed to function and the OP not responded to the complaints raised by the complainant to rectify the mistake found in the equipment. Therefore, it


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is crystal clear that the OP has committed deficiency in service on its part in not attending the complaints raised by the complainant to rectify the mistake found in the Vacuum Cleaner purchased by the complainant from the OP. Therefore, we are of the considered view and set considering the defects noticed in the equipment and not attending the same by the OP to rectify the mistake and considering the value of the equipment at Rs.14,790/-. We are of the considered view that it is just and proper to direct the OP to refund the value of the equipment of Rs.14,790/- to the complainant with simple interest and compensation. Hence, we answer ***Point No.1 Partly in the Affirmative.***

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

:: ORDER ::


1. The complaint of the complainant is hereby allowed in part.
2. The OP is hereby directed to refund Rs.14,790/- to the complainant with


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interest at 6% per annum which is the value of the Vacuum Cleaner within two months from the date of this order.

3. Further OP is liable to pay compensation of Rs.3,000/- and cost of litigation of Rs.2,000/- within two months from the date of this order, failing which the said amount carries interest at 6% p.a. till payment.
4. Furnish the copy of order to both parties free of cost.

(Dictated to the Stenographer transcribed, typed by her, corrected by us and then pronounced in Open Commission on this the 20th day of June 2024)


(SRI.B NARAYANAPPA)
PRESIDENT) 20.6.2024


(SMT.JYOTHI.N)
MEMBER 20/6/24

Sharavathi.S.M. 20.06.2024
(SMT.SHARAVATHI.S.M)
MEMBER

