

**Date of Filing:04.03.2024**  
**Date of Order:20.06.2024**

**BEFORE THE BANGALORE I ADDITIONAL DISTRICT**  
**CONSUMER DISPUTES REDRESSAL COMMISSION**  
**SHANTHINAGAR BANGALORE - 27.**  
**CONSUMER COMPLAINT NO.90/2024**

**DATED ON THIS THE 20<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 :**           **Nidhi Singh,**  
D/o Ram Pravesh Singh,  
Aged about 30 years,  
Resident of:  
Flat No.405, Yuva Arcade,  
Kada Agrahara Road, Sompura,  
Bengaluru – 560 125

**Adv: Lavanya A Udupi**

**Vs**

**OPPOSITE PARTY:**       **The Authorized Signatory,**  
Make O Toothsi Skin  
Experience Centre,  
The Authorized Signatory,  
Parkwood Elite,  
Next to Dominos Pizza,  
Sri. Nivasa Reddy Layout,  
Kundalahalli, Brookefield,  
Bengaluru – 560 037

**Exparte**

*Sharavathi S.M.*  
*20.6.24.*

<b>Nature of complaint</b>	<b>Deficiency in service</b>
<b>Date of filing of complaint</b>	<b>04.03.2024</b>
<b>Date of Issue notice</b>	<b>13.03.2024</b>
<b>Date of Order</b>	<b>20.06.2024</b>
<b>Duration of Proceeding</b>	<b>03 Months 16 Days</b>

**ORDERS PASSED BY SMT.SHARAVATHI S.M MEMBER**

1. This is the complaint filed by the complainant Under Section 35 of Consumer Protection Act 2019 against the Opposite Party (herein referred in short as Op) alleging the deficiency in service in not providing treatment for laser hair removal treatment and to direct the OP to return sum of Rs.36,000/- and pay sum Rs.1,00000/- for the mental harassment caused and for litigation expenses and grant such other reliefs as this Commission deems fit to grant under the facts and circumstances of this case.

2. The brief facts are that:- The Op is a clinical beauty platform running two brands called "Toothsi" and "Skinnsi" that provide products and treatments for teeth and skin. The complainant visited the OP for the purpose for a laser hair removal treatment. After the enquiry the OP's representative harassing

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the complainant with continued calls and asked the multiple benefits of this to get treatment. The complainant decided take treatment and also paid sum of Rs.499/- for the trail sessions on 21/1/2023. At the time of service session the complainant impressed by the OP and booked a full body laser hair removal treatment and paid sum of Rs.36,000/- on 03/07/2023. The OP before booking they have confirmed that they would provide home service even if there was a change of location. The first session at home done on 19/07/2023 it was highly disappointed by the quality of service provided and results were not satisfactory. The second session commenced after 45 days the complainant location changed and also informed their makeO App to the OP. The OP App informed the complainant that the new area is not serviceable as of now. The complainant went to OP for second session to avoid affecting the leaser treatment and 3<sup>rd</sup> session booked by the complainant on 18/12/2023 the complainant met Op centre on the scheduled time the OP informed the complainant that no therapist was available and asked to wait some time. In centre no

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body was there. The OP closed the all tickets raised by the complainant one by one without any resolution. Hence the complainant sent legal notice on 15/01/2024 demanding to refund the amount. The promise given by the OP was fraudulently induced the complainant to make payment thereby OP committed unfair trade practice and deficiency in service. Hence this complaint.

3. Upon the service of notice OP not appeared before the Commission hence placed Ex-Party.

4. In order to prove the case the complaint has filed his affidavit evidence by the way of chief examination, the same was taken as PW-1 and got marked EX-P1 to EX-P6. The complainant said argument heard.

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

1. Whether the complainant has proved deficiency in service on the part of the OP?

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**2. Whether the complainant is entitled to the relief prayed for in the complainant?**

6. Our findings on the aforesaid points are as under:

**Point No 1: Partly in the Affirmative**

**Point No 2: As per final order**

**For the following**

**REASONS**

7. Point No 1: On perusing the complaint, documents produced by the complainant it is clear that complainant opted the treatment to be given by the OP for Laser hair removal treatment. She was also paid sum of Rs.36,000/- as per the EX-P3. The complainant booked for full body 6 sessions the treatment proceed for total 6 sessions, the first session held on 19/07/2023 but the treatment given by the OP at home the complainant disappointed by the quality of service. After 45 days at the time of 2<sup>nd</sup> session the complainant requested to the OP well before in time and also informed as per the Ex-P4 change

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the location of the complainant the OP informed the complainant that the new area not serviceable.

**8.** As per the document EX-P5 clearly admitted by the OP that we apologize for the first session incomplete. The complainant went to OP for the second session to avoid that affecting the leaser treatment, 3<sup>rd</sup> session booked by the complainant in MakeO app on 18/12/2023 that date the complainant visited the OP centre at the time no therapist was available and she was asked to wait some hours but session not conducted. The complainant when raised the complaint the OP closed all tickets without resolution. The complainant suffered lot of harassment not giving proper treatment. Hence OP denying the service in changed location when at the time of receiving booking total amount sum of Rs.36,000/-at the time OP had promised to provide proper service after unreasonable period wait so many times. It clearly shows that the OP completely unprofessional. The OP collecting the Payment and not solved the problem. Hence it is nothing but deficiency of

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service but also unfair trade practice on the part of the OP. The OP caused not only the financial loss also mental agony to the complainant. **Hence, the POINT NO 1 Partly in the Affirmative.**

9. Point No 2: For the reasons, we proceed to pass the following:

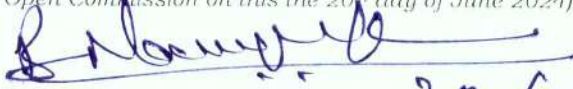
#### ORDER

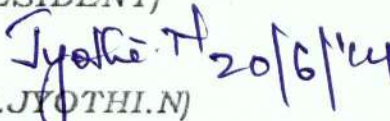
1. The complaint is allowed in part with cost.
2. The OP The Authorized Signatory is hereby directed to refund sum of Rs.36,000/- to the complainant along with interest at 10% per annum from the date of respective payment to till the date of realization.
3. Further OP hereby directed to pay sum of Rs.3,000/- towards cost of litigation expenses and Rs.5,000/- towards of mental agony.


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4. The OP is hereby directed to comply the above order at within 30 days from the date of receipt of this order and submit the compliance report to this Commission within 15 days thereafter.
5. Send a copy of this order to both parties free of cost.

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

  
(SRI.B NARAYANAPPA) 20.6.2024  
PRESIDENT)

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

  
(SMT.SHARAVATHI.S.M) 20.06.2024  
MEMBER