

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
SISUVIHAR LANE
VAZHUTHACAUD
THIRUVANANTHAPURAM
695010**

**Complaint Case No. CC/393/2023
(Date of Filing : 01 Aug 2023)**

1. Sutantarpal singh
kochuvelli, industrial rea,kochuveli,TvpmComplainant(s)
Versus

1. GM,One plus Ltd
ashok nagar,bengaluruOpp.Party(s)

BEFORE:

**HON'BLE MR. Sri.P.V.JAYARAJAN PRESIDENT
HON'BLE MRS. Preetha .G .Nair MEMBER
HON'BLE MR. Viju V.R MEMBER**

PRESENT:

Dated : 24 Apr 2024

Final Order / Judgement

BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION

VAZHUTHACAUD, THIRUVANANTHAPURAM.

PRESENT

SRI.P.V.JAYARAJAN : PRESIDENT

SMT. PREETHA G. NAIR : MEMBER

SRI. VIJU V.R : MEMBER

C.C. No. 393/2023 Filed on 01/08/2023

ORDER DATED: 24/04/2024

Complainant : Sutanterpal Singh, 32/425 Marion Villa, Kochuveli Indurtrial Area,
Kochuveli, Thiruvananthapuram – 695 021.

Opposite party : (Party in Person)
General Manager, One Plus Ltd., UB City, 24, Vittal Mallya Road,
KG Halli, D'souza Layout, Ashok Nagar, Bengaluru – 560 001,
Karnataka.

(Ex parte)

ORDERSRI. VIJU V.R : MEMBER

The complainant has presented this complaint before this Commission under Section 35 of the Consumer Protection Act 2019. The brief facts of the case is that the complainant purchased an One Plus full HD smart Android TV from flipkart on 24/07/2022. On 18/07/2023 there occurred a problem with the television remote and the complainant lodged a complaint with the opposite party. But after 4 to 5 days it was seen that the service request was unjustly seen as cancelled. As a result of the cancelation the complainant lodged several complaints with the opposite party, but the opposite party has not resolved the problem raised by the complainant. The act of the opposite party amounts to deficiency in service, hence this complaint.

Even though the opposite party received the notice, the opposite party did not appear before this Commission, hence the opposite party was set ex parte.

Issues to be ascertained:

- i. Whether there is any unfair trade practice or deficiency in service from the side of opposite party?
- ii. Whether the complainant is entitled to get the reliefs?

Issues (i) & (ii): Both these issues are considered together for the sake of convenience. The complainant has filed proof affidavit in lieu of chief examination and has produced 4 documents which were marked as Exts.A1 to A4 series. On going through Ext.A1 it can be seen that the complainant has purchased One Plus full HD LED smart Android TV with Dolby Audio on 24/07/2022 and also it can be seen from Ext.A1 that one year warranty was given for the product and one year additional warranty for the panel. As per Ext.A2 to A4 series it can be seen that the complainant has raised so many complaints regarding non functioning of television as well as the remote. As per Ext.A1 the problem occurred within the warranty period. The opposite party did not turn up, hence the deposition of the complainant stands unshaken and there is nothing to rebut the evidence put forth by the complainant. The opposite party is bound to resolve the problem raised by the complainant, but they haven't done that. From the documents produced by the complainant we find that the complainant has succeeded in proving his case and there is deficiency in service from the side of the opposite party, hence the opposite party is liable to compensate the complainant.

In the result the complaint is allowed. The opposite party is directed to pay an amount of Rs.17,286/- (Rupees Seventeen Thousand Two Hundred and Eighty Six Only) to the complainant and can take back the television and pay Rs.5000/- (Rupees Five Thousand Only) as compensation to the complainant for the mental agony suffered by the complainant and Rs.

2,500/- (Rupees Two Thousand Hundred Only) towards the cost of the proceedings within one month from the date of receipt of this order failing which the amount except cost carries interest @ 9% per annum from the date of order till realization.

A copy of this order as per the statutory requirements is forwarded to the parties free of charge and thereafter the file be consigned to the record room.

Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in the Open Forum, this the 24th day of April 2024.

Sd/-

P.V.JAYARAJAN : PRESIDENT

Sd/-

PREETHA G. NAIR : MEMBER

Sd/-

VIJU V.R : MEMBER

C.C.No.393/2023

APPENDIX

I COMPLAINANT'S WITNESS:

PW1 : Sutanterpal Singh

II COMPLAINANT'S DOCUMENTS:

- A1 : Tax invoice.
- A2 : Copy of the complaints number from One Plus Website.
- A3 : Copy of the Whatsapp chat.
- A4 series : Copy of E-mail Conversations.

III OPPOSITE PARTY'S WITNESS:

NIL

IV OPPOSITE PARTY'S DOCUMENTS:

NIL

Sd/-

PRESIDENT

**[HON'BLE MR. Sri.P.V.JAYARAJAN]
PRESIDENT**

**[HON'BLE MRS. Preetha .G .Nair]
MEMBER**

**[HON'BLE MR. Viju V.R]
MEMBER**