

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-I,****U.T. CHANDIGARH**

Consumer Complaint No.	:	CC/121/2022
Date of Institution	:	25/01/2022
Date of Decision	:	01/09/2023

Parshant Sethi son of Sh. Rajender Parkash Sethi having office address at #3143, Sector 22-D, Chandigarh.

... Complainant

V E R S U S

GAZB 26 @ Royal Dhaba, SCO-2, Sector 26, Chandigarh.

Also at : SCO No.55, 1<sup>st</sup> Floor, Sector 26, Chandigarh.

... Opposite Party

**CORAM :**

**SHRI PAWANJIT SINGH  
MRS. SURJEET KAUR**

**PRESIDENT  
MEMBER**

**ARGUED BY** : Sh. Brajesh Kumar, Advocate, Proxy for Sh. Atul Goyal, Advocate for complainant  
: OP ex-parte

### **Per Pawanjit Singh, President**

1. The present consumer complaint has been filed by Parshant Sethi, complainant against the aforesaid opposite party (hereinafter referred to as the OP). The brief facts of the case are as under :-
  - a. It transpires from the allegations as projected in the consumer complaint that on 19.1.2022, complainant alongwith his friends visited the OP Dhaba for having food and drinks. The complainant had ordered selected food items from the menu for an amount of ₹465/- and the original invoice issued by the OP to that effect is Annexure C-1. In order to make the payment, complainant had given his debit card to the OP and instead of deducting an amount of ₹465/- from the account of the complainant, the OP had deducted an amount of ₹4,650/-, which fact is also clear from the receipt (Annexure C-2). Thereafter the complainant had raised objection with the OP for the refund of the excess amount of ₹4,185/-, but, the OP refused to do the same. Even after that, complainant approached the OP several times with the request to refund the aforesaid excess amount, but, with no result. In this manner, the aforesaid act of the OP amounts to deficiency in service and unfair trade practice on its part. OP was requested several times to admit the claim, but, with no result. Hence, the present consumer complaint.

- b. OP did not turn up before this Commission, despite proper service, hence it was proceeded against ex-parte vide order dated 7.2.2023.
2. In order to prove his case, complainant tendered/proved evidence by way of affidavit and supporting documents.
3. We have heard the learned counsel for the complainant and also gone through the file carefully.
- At the very outset, it may be observed that when it is an admitted case of the complainant that on 19.1.2022 he alongwith his friends had gone to the OP dhaba and had ordered selected food items and thereafter the OP had raised bill for the sum of ₹465/- which fact is also evident from Annexure C-1 and as the OP had deducted an amount of ₹4,650/- instead of ₹465/- from the account of the complainant through the debit card of the complainant and despite of repeated requests of the complainant as the OP has not refunded the excess amount of ₹4,185/-, till date, the case is reduced to a narrow compass as it is to be determined if the said act amounts to deficiency in service and unfair trade practice on the part of the OP and the consumer complaint deserves to succeed, as is the case of the complainant.
  - Perusal of Annexure C-1 clearly indicates that the OP had issued invoice for the amount of ₹465/-. It is further evident from the receipt (Annexure C-2) that an amount of ₹4,650/- was debited from the account of the complainant on the same day. Thus, one thing is clear on record that in fact the OP had raised bill of ₹465/-, but, an amount of ₹4,650/- has been debited from the account of complainant at the time of making the payment through the debit card by the complainant and since the complainant has come with the plea that the OP has not refunded the excess amount of ₹4,185/- despite of his repeated requests, the aforesaid act of the OP amounts to deficiency in service and unfair trade practice, especially when the entire evidence led by the complainant is unrebutted by the OP.
  - In view of the aforesaid discussion, it is safe to hold that the complainant has successfully proved the cause of action set up in the consumer complaint and the present consumer complaint deserves to succeed.
4. In the light of the aforesaid discussion, the present consumer complaint succeeds, the same is hereby partly allowed and OP is directed as under :-
- to refund the amount of ₹4,185/- to the complainant alongwith interest @ 9% per annum w.e.f. the date of payment i.e. 19.1.2022 onwards.
  - to pay an amount of ₹3,000/- to the complainant as compensation for causing mental agony and harassment to him.
  - to pay ₹3,000/- to the complainant as costs of litigation.
5. This order be complied with by the OP within thirty days from the date of receipt of its certified copy, failing which, it shall make the payment of the amounts mentioned at Sr.No.(i) & (ii) above, with interest @ 12% per annum from the date of this order, till realization, apart from compliance of direction at Sr.No.(iii) above.
6. Pending miscellaneous application(s), if any, also stands disposed of accordingly.
7. Certified copies of this order be sent to the parties free of charge. The file be consigned.

Announced

01/09/2023

hg

Sd/-

[Pawanjit Singh]

President

Sd/-

[Surjeet Kaur]

Member