

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION,
SOUTH MUMBAI
Puravatha Bhavan, 1st Floor, General Nagesh Marg, Near
Mahatma Gandhi Hospital, Opp. M.D. College, Parel,
Mumbai – 400 012.**

Consumer Complaint No:293/2021

Date of Filing : 30/08/2021

Date of Order: 30/05/2024

**JHEEL NAKUL KANUNGO NEE,
JHEEL SURESH KOTHARI,**
Res-7-C,Pallanji House,2nd floor,
Raja Ram Mohan Roy Road,
Khetwadi,Mumbai-400004.

.....Complainant.

V/S

VLCC HEALTH CARE LTD.

- 1) NKM International House,
Backbay Hall, Babubhai Chen,
Nariman Point,Mumbai..400020.
- 2) M-14,Greater Kailash
II Commercial Complex,
New Delhi-110048.

.....Opposite Party.

**BEFORE: HON'BLE INCHARGE PRESIDENT SHRI.P.G.KADU.
HON'BLE MEMBER SMT. S.A.PETKAR.
HON'BLE MEMBER SMT. G.M.KAPSE.**

ADVOCATE ON RECORD:

Complainant In-person.

For Opposite Party: Lograj Nadar.

J U D G M E N T

(Decided on:-30/05/2024)

HON'BLE MEMBER SMT.S.A.PETKAR.

- 1) This complaint under Section 35(1)(a) of the Consumer Protection Act 2019 is filed by complainant named above

alleging deficiency in service on the part of the Opposite Party. The complaint of Complainant is as under:-

- 2) In or around may 2017 complainant came to know an advertisement of opposite party is providing full body Laser hair removal services for 6 session for a discounted sum of rupees 50,000/- including taxes. This discounted price was available till 15/05/2017. It was also informed to the complainant that for a discounted sum of rupees 50,000/- excluding taxes, she will be entitled of 6 hair removal session for her entire body including full face, full back, full hands, full legs, under arms, bikini area, abdomen and front side, and for the best result first three Laser hair removal session shall be conducted within a gap of 30 days and later session shall be conducted depending on the hair growth and effect of the Laser hair removal treatment on body also it was explained to the Complainant that "in 6 Laser hair removal session the complainant would see huge hair growth reduction up to 98% also it was confirmed by the opposite party that they have best technology and machine and all their staff are well trained to conduct Laser hair removal treatment'. As per that on 15/05/2017 the complainant paid rupees 57,500/-.
- 3) On 31/05/2017 complainant had her first Laser hair removal session for her entire body including face at Marine Lines centre. On 25/06/2017 second Laser hair removal session. The second Laser hair removal session was below mark and she got burn during the treatment, said session was conducted by doctor Sandhya who was in hurry and not interested in conducting session, instead of focusing on quality of the session she was only interested in finishing the session. As the complainant was a working professional she was promised that she will get Sundays appointment but she was facing difficulty, after second session it was informed to the Complainant that, the hair removal laser machine would be only available for 15 days at VLCC Marine Line Branch there is shortage of staff, due to which her appointment where cancelled on several occasion. Thereafter as per email dated

02/09/2017 the opposite party response and given appointment for 3rd session, as on 05/09/2017, but at the time of procedure they informed to the complainant that she did not have much hair on her cheek area and side area of her face, hence, the opposite party did not conduct hair laser removal on cheek area, side area of the face and only conducted hair laser removal treatment on the upper lips and Chin area of the face.

- 4) Thereafter on 06/11/2017 the complainant had her 4th Laser hair removal session for her entire body and for her upper lips and Chin Area on her face. The opposite party on several occasions cancelled the appointment of the complainant due to unavailability of Laser hair removal machine, unavailability of the staff which is highly unprofessional, as the Complainant cancelled all her other commitments and spend money on travelling all the way to whole Marine Line Branch, but after lots of efforts and more than 3 month later, on 19 February 2018 the complainant got of 5th appointment for entire body, upper lips and Chin Area on her face. After lots of efforts, finally the complainant got appointment for laser hair removal session on 29/07/2018, but suddenly she was informed that her appointment was shifted to 3:00 p.m. and she had her 6th session for half body because of shortage of time but after that she tried to take appointment for balance body part but she could not get any appointment. On 07/10/2018 at 12:00 p.m. she got her 7th final appointment but suddenly it was shifted to 1:00 p.m. which was not possible for the complainant and was cancelled after that on several occasion the complainant tried to take a last Laser hair removal treatment but not received any call from the opposite party.
- 5) After the abovesaid process the complainant noticed that the hair growth even at places where she did not have hair earlier. After initial 2 session the opposite party shaved only upper lips and Chin area and not entire face due to which started huge hair growth on entire face including cheek and chin. Because of Huge time gap for

treating her face and hence treatment was ineffective on her face and there was huge hair growth on her face.

- 6) Instead of less hair and light hair the complainant has dark and coarse hair all over her body, abdomen, hand, legs, under arms and even on her face. Due to which due to which the complainant had to spend huge money for treatment to rectify this harm cause to her body and remove excessive unwanted coarse facial and body hair from her body.
- 7) April 2018 the complainant got married but it was very embarrassing for her to attend social gathering as so much hair on her face due to which her self esteem has got very low. The opposite party was only interested in money and not was providing efficient services, recently the opposite party published advertisement on website which showing that the opposite party is providing 6 Laser hair removal session for enter body for Rs 49,999/- After that on 31/12/2018 the complainant informed to the opposite party about her grievance, they assured to resolve but till date never receive any call back from opposite party to resolve her grievance, the complainant sent on 17/05/2019 legal notice to the opposite party but no any revert from opposite party.
- 8) In the circumstances, the Complainant left with no other alternate and efficacious remedy, than to approach this Hon'ble Commission. Therefore present complaint filed and prayed the Opposite Party be directed:-
 - a) To grant sum of rupees 57,500/- to the complainant.
 - b) To pay the Compensation of rupees 10,00,000/-
 - c) To pay the Legal Expenses of rupees 50,000/-to the complainant.
 - d) Any other order and/or direction be given as the nature and circumstances of the case may require in the spirit of justice, equity and good conscience
- 9) The complainant has filed a attested copy of documents as per a list of document of the complaint.

10) After the complaint was admitted, a notice was issued by the Commission to the opposite party. As per that the opposite party appeared and filed his written version as under.

- a) The complainant is herself responsible for the delay in treatment or session. The complainant after availing discounted services, herself wanted the session on the weekends/Sundays which was not assured by the opposite party. As per special requirement of complainant for availing the sessions on weekends sometime not possible due to shortage of staff or other reason.
- b) The complainant has availed all the sessions as per her availability on weekends/Sundays, thereby the opposite party discharge all its obligation, if the complainant could not be benefited from such session then the opposite party cannot be make liable for the same.

11) In order to prove their side the complainant has filed affidavit of evidence, written arguments, Heard oral argument of the complainant. The opposite party has not filed his affidavit of evidence, written arguments and remain absent for oral argument.

12) In the light of averment filed on record, following points arise for consideration. We have recorded our finding thereon for the reason stated below.

Sr.No.	POINTS	FINDINGS
1.	Whether the complainant is entitled for relief sought?No.....

2.	What Order?	As per Final Order.
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REASON FOR FINDINGS

POINT NO-1 AND 2

- 13) Heard oral argument of complainant, perused documents on record.
- 14) The complainant had booked services of opposite party of **6 session of "Laser hair removal treatment"** on dated 15/05/2017 for entire body and full face, for which the complainant paid Rs. 57,500/- the receipt given by the opposite party is on record and this is not disputed point between both the parties.
- 15) The complainant argued that, the opposite party has given five and half session to the complainant but that services was not proper and was not beneficial to the complainant.
- 16) The **Exhibit-B** E-mail dated 02/09/2017, reflects that, the complainant was asking appointment for the treatment only on Saturday and Sunday, and it also reflects that the staff and machine was unavailable on those days, and for that reason treatment gets delayed.
- 17) It is observed that, the complainant was working professional lady and she only wants appointment on Saturday and Sunday, but this term was not decided between both the parties, also the opposite party was not agreed on that term and was not approved. Not a single evidence produced by the complainant which shows that the opposite party had promised to give appointment on Saturday and Sunday itself.

- 18) It comes to the knowledge from the pleadings of both the parties that, there was huge gap between each session, and every session was not conducted continuously and with proportionate gap. Which will clear from following chart.....

1)	1 st session	On dated 31/05/2017
2)	2 st session	On dated 25/06/2017
3)	3 rd session	On dated 05/09/2017
4)	4 th session	On dated 06/11/2017
5)	5 th session	On dated 19/02/2018
6)	6 th session	On dated 29/07/2018

- 19) The abovesaid chart reflects that there was not consistency between every session and for that treatment the opposite party took more than 1 year, but from the email dated 02/09/2017, **Exhibit- B**, it comes to the knowledge that this gap happened due to complainant special requirement of Saturday and Sunday but it was not promised by the opposite party, therefore it can't be consideration.

- 20) The complainant has raised others grievance but failed to file evidence with that regard. As per contention of the complainant that in last session the opposite party had not given complete treatment, regarding the same she has not produce any evidence on record. As per **Exhibit-C**, the E-mail dated 17/07/2018 send by the complainant to the opposite party, last 6th session conducted on 29/07/2018, but the Complainant failed to produce evidence regarding that 6th session was incomplete. As per record, we are of the view that, the opposite party has been given all six session but the complainant failed to prove that there was deficient service of

the opposite party. **Hence we proceed to allow the consumer complaint with the following order.**

FINAL ORDER

- 1) The **Consumer Case No. 293/2021** is hereby dismissed.
- 2) No order as to the cost.
- 3) The copy of order be send to both the party with free of cost.

Place- South Mumbai

Date – 30/05/2024

(SMT. S. A. PETKAR) (SMT. G. M. KAPSE) (SHRI.P. G. KADU)
MEMBER MEMBER IN-CHARGE PRESIDENT
DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION,
SOUTH MUMBAI