

**BEFORE HON'BLE DISTRICT CONSUMER DISPUTES
REDRESSAL FORUM
AT PORVORIM-GOA**

Consumer Complaint No...../2019.

Mrs. Isabel DennisComplainant

V/s

1. IFB industries Ltd.

2. M/s Shetye Sales Syndicate Pvt. LtdOpponents

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Date: 06/05/2019

Place: Panaji- Goa

(Anusha Almeida)
Agent for Complainant

**BEFORE HON'BLE DISTRICT CONSUMER DISPUTES
REDRESSAL FORUM
AT PORVORIM-GOA**

Consumer Complaint No...../2019.

Mrs. Isabel Dennis,Complainant
Saudades de Diniz,
Vaiguinim Valley, Machado Cove,
Donopaula, Goa. 403002

V/s
TheManager,
IFB Industries Ltd,
Plot No. 36, 37, 38,
Corlim Industrial Estate,
Corlim, Ilhas, Goa -403110

The Manager,
M/S Shetye Sales Syndicate Pvt. Ltd
After St. Anthony High School,
Karaswada, Mapusa,
Goa. 403512

..... Opponents

**COMPLAINT UNDER SEC. 12 OF
THE CONSUMER PROTECTION ACT OF 1986**

MAY IT PLEASE YOUR HONOUR:-

The undersigned Complainant most respectfully states and submits as follows:-

1. The Complainant states that she is a resident of ‘Saudades de Diniz’, Plot No. 146, Vaiguinim Valley, Machado Cove, Donapaula, Goa.
2. The Complainant states that she had purchased **IFB washing machine, Senorita VX 6 kg 800 RPM**, from Shetye Sales Pvt. Ltd, St Inez, Goa on 9th May 2012. (**Exhibit.1**)
3. The Complainant states that within two months of purchasing the washing machine, the door of the washing machine started giving trouble and she sent a letter of Complaint to Opposite Party 2, regarding the same on 30 July 2012. (**Exhibit.2**)
4. The Complainant further states that within a year of purchasing the washing machine, she faced the following problems
 - a) Smoke started to emanate from the machine while it was running
 - b) The drum had to also be replaced since it was in a bad shape
 - c) The door started giving problems and it wouldn’t close properly
 - d) The clothes got flung out from the machine. This happened twice

It must be noted that the machine was under warranty for a period of four years from 7 April 2012 to 6 April 2016. (**Exhibit.3**)

5. The Complainant stated that although the technician visited, it must be noted that not a single service report was provided to her stating that the machine was under warranty. (**Exhibit.4**) Although the technicians visited many times, they would repeatedly say that the machine was in a good condition.
6. The technicians also promised that the machine would be replaced as it was under warranty. However, the same was not replaced.
7. The Complainant states that the machine is lying inoperative since March 2014. (**Exhibit.5**)The machine is supposed to be automatic and does not require a physical presence to watch over it. However, the Complainant feared using the machine due to being unable to remain physically present to watch over it.
8. The Complainant wrote emails to the Opposite Parties on 10 June 2015 and 28 July 2015 but failed to get any positive response. (**Exhibit.6 and 7**)
9. As a result, the Complainant had approached the Consumer Conciliation Committee on 12 November 2015 to resolve her complaint
10. The hearings were held on 18/02/2016, 17/03/2016, 21/04/2016, 19/05/2016, 16/06/2016, 21/07/2016, 18/08/2016, 15/09/2016, 20/10/2016, 17/11/2016, 15/12/2016, 16/03/2017 and 20/04/2017.
11. The Opposite Party 2 was initially represented and later the Opposite Party 1 was represented by the Customer Service

Manager. The Opposite Party replied to the complaint through a written reply, dated 18 May 2016. (**Exhibit.8**)

12. Further, the Complainant replied to the letter through a written reply dated 13 June 2016. (**Exhibit.9**)

13. While the Complainant attended hearings, the Opposite Party 1 failed to respond to the reply of the Complainant and did not attend the subsequent hearings till 20 April 2017.

14. Considering that there had been no meaningful progress in the matter, the case was closed on 20 April 2017. (**Exhibit.10**)

15. Complainant is now lodging this complaint before this Consumer Dispute Redressal Forum to resolve her complaint.

16. Complainant being the purchaser of the washing machine for her own, she comes within the meaning ‘**Consumer**’ as per **Sec. 2 (d)** of the Consumer Protection act, 1986. **User of the goods** is a consumer as per this Act.

17. Purchasing of washing machine falls within the purview goods as per **Sec. 2 (o)** and there is a defect in the washing machine and the Service Centre fail to rectify the defect in goods and failed to provide appropriate service leads to deficiency in service comes under **Sec. 2 (f)**, and the consumer is a complainant as per **Sec. 2 (b) of the Consumer Protection Act, 1986**. Hence, the complaint is maintainable under the Consumer Protection Act, 1986.

18. The Complainant herein has not filed any application of a similar nature before any other Hon'ble Court at present for the similar reliefs prayed in the present application.

19. Under the above circumstances, it is therefore prayed that:-

I. That this Hon'ble Forum may be pleased to direct the Opponent/ its agents/ representatives or any other person acting through them to replace and to provide a **new washing machine** to the complainant.

II. And or refund **amount of money** paid to purchase the **washing machine Rs, 28,990**, with interest of 12% from the date of complaint.

III. That this Hon'ble Court may be pleased to direct the Opposite Parties to pay the **cost** to the tune of **Rs. 5000**, as compensation for all the suffering caused to the Complainant due to hardship, inconvenience caused, mental distress/no peace of mind, financial loss/ interest suffered.

IV. For exemplary costs.

V. Any other relief to the Complainant as this Hon'ble Forum deems fit and proper.

Place: Panaji

Date: 06.05.2019.

Complainant

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List of Documents

<u>Sr. No.</u>	<u>Documents</u>	<u>Remark</u>
1	Bill dated 25/01/2012	
2	First Letter of complaint dated 30/07/2012	
3	Warranty card	
4	Service Record	
5	Image of the drum of the washing machine lying inoperative	
6	Email sent by the Complainant to the Opposite Parties dated 10.06.2015	
7	Email sent by the Complainant to the Opposite Parties dated 28.07.2015	
9	Reply by Opposite parties to Complainant's complaint, dated 18.05.2016	
10	Complainant's reply to letter dated 18.05.2016, dated 13.06.2016	
11	Judgement order of the Consumer Conciliation Committee, dated 27.11.2017	

Any other document with the permission of the Court.

Date: 06.05.2019

Place: Panjim-Goa

Agent for the Complainant

AFFIDAVIT

I, Mrs. Isabel Dennis, age years, married, Indian national, residing at Saudades de Dini at Vaiguinim Valley, Machado Cove, Donapaula-Goa, on solemn affirmation states that:

1. That I am the complainant in the abovementioned matter.
2. I say that the contents of this complaint from para 1 to para 19 are true to my knowledge and belief and based on legal advice.

Solemnly affirmed at Panjim-Goa on 5th of May 2019.

Deponent

Letter Of Authority

Mrs. Isabel Dennis,
Saudades de Diniz,
Vaiguinim Valley,
Machado Cove,
Donapaula, Goa. 403002

To
The In charge
Consumer Clinic
V M Salgaocar College of Law, Miramar,
Panaji.

Sub: Authorising the Consumer Clinic of V M Salgaocar College of Law, Miramar, to represent my complaint relating to washing machine problem

Respected Sir,

I Mrs. Isabel Dennis, authorizing the Consumer Clinic of V M Salgaocar College of Law, Miramar, to represent my complaint in relating to washing machine problem filed before your Hon'ble Consumer Dispute Redressal Forum, North Goa, Porvorim. I request you authorise your clinic members to take up the issue and do the needful.

Thanking you.

Yours truly,

Mrs. Isabel Dennis,
Vaiguinim Valley, Machado Cove
Donapaula, Goa

Date: 06.05.2019

Place: Panaji-Goa.

From
The In charge
Consumer Clinic
V M Salgaocar College of Law, Miramar,
Panaji.

To
The Chairman,
Consumer Dispute Redressal Forum,
North Goa, Porvorim, Panaji

Sub: Authorising the students of consumer clinic as agents to represent the complaint file by Mrs. Isabel Dennis in relating to replacing of a defective washing machine with cost.

Dear Sir,

I am authorising the following students who are members of Consumer Clinic at VMS College of Law, Miramar, Panaji. They are authorised to represent the complaint lodged by me before you in relation to washing machine

Name of the student

1. Ms. Anusha Almeida
2. Ms. Malavika Thampi
3. Ms. Shamita Nadkarni
4. Mr. Nandagopal P

Thanking you.

Yours truly,

(Dr. G. Shaber Ali)
Director,
Consumer Clinic,
V M Salgaocar College of Law,
Miramar, Panaji.
Date: 06.05.2019