

**BEFORE THE DISTRICT COMMISSION-II  
AT VISAKHAPATNAM**

Date of Registration of the Complaint: 14.08.2020

Date of Final hearing: 15.02.2023

Date of Pronouncement: 15.03.2023

**CONSUMER CASE No. 106/ 2020**

**In the Matter of:**

The Consumer Rights Organization (CRO)/ Upbhokta Adhikar Sangthan, represented by its President, Vikas Pandey S/o late Sri Mohan Pandey, Hindu, aged 40 years, office situated at D.No.2-69, Rajeev Nagar, Visakhapatnam – 530040.

(Through: Sri Palakurthi Srinivasa Apparao)

...Complainant

**Versus:**

Krishna Suppliers & Catering, represented by its Proprietor Sri A.Krishna Reddy, Hindu, aged about 52 years, D.No.34-50-119/1, Seethammadhara North Extension, Saibaba Temple Street, Visakhapatnam.

(Opposite party called absent)

**CORAM:**

Smt. G Venkateswari, M.Sc, LLB., President, Smt. P Vijaya Durga, B.Com, B.L., Women Member., Sri Karaka Ramana Babu, M.Com, M.B.A., LL.B., Member

**P r e s e n t:**

1. Smt. G Venkateswari, M. Sc, LLB.,  
President
2. Smt. P Vijaya Durga, B. Com, B.L.,  
Women Member
3. Sri Karaka Ramana Babu, M. Com, M.B.A., LL.B.,  
Member

**JUDGEMENT**

**(As per Smt. P Vijaya Durga, Honourable Women Member, on behalf of the Bench)**

I. The present complaint is filed by the complainant to direct the opposite party praying this commission:

- i. To refund Rs. 70,000/- (Rupees seventy thousand only) along with interest at 24 % p.a. from 13-03-2020 till the date of realization
- ii. To pay Rs. 1,00,000/- (Rupees one lakh only) towards compensation for mental agony;
- iii. To pay Rs. 1,00,000/- (Rupees one lakh only) towards compensation for deficiency in service;
- iv. To pay costs of Rs. 10,000/- (Rupees ten thousand only) and such other relief or reliefs.

*P.V. Durga*

## **II. Facts of the case:**

1. The complainant is Consumer Rights organization, represented by its president Dr. Vikas Pandey. The defacto complainant is Sri Putta Ganesh resident of M.Koduru in V.Madugula Mandal, Visakhapatnam. The opposite party is doing suppliers and catering service, having office in Seethammadara of Visakhapatnam.

2. The defacto complainant performed his son marriage on 18-03-2020 and gave reception for his friends and relatives on 22-03-2020 in M.Koduru. For the reception the defacto complainant has contacted the opposite party and placed the order to get the item catered by the opposite party on 22-03-2020 for breakfast, lunch at the house and dinner at the reception venue as per the requirement list at the cost of Rs. 2,20,000/- (Rupees two lakhs twenty thousand only), the defacto complainant paid a sum of Rs. 20,000/- (Rupees twenty thousand only) towards advance, Rs.40,000/- (Rupees forty thousand only) and 10,000/- (Rupees ten thousand only) to his bank account to opposite party's through Google pay. The opposite party collected total amount Rs.70,000/- (Rupees seventy thousand only) from defacto complainant.

3. The defacto complainant could not perform the reception on 22-03-2020 as lockdown was declared by the Government due to Covid-19 pandemic, under such circumstances the opposite party did not arrange and supply of food to defacto complainant. Immediately the defacto complainant contacted the opposite party and asked to refund this advance amount of Rs. 70,000/- (Rupees seventy thousand only) paid by him, for which opposite party agreed and promised to refund the amount. After relaxation of the lockdown the defacto complainant moved around the opposite party and requested for the refund of the said amount. The opposite party postponing the payment on some pretext or other, so far no payment made by the opposite party. The opposite party retain the amount with him this caused mental agony to defacto complainant. Hence complainant.

III. The complainant filed evidence affidavit and got the documents marked as Ex A1 to A6.

The complainant filed written arguments on behalf of the defacto complainant.

IV. Commission issued notice to the opposite party and was returned as such the complainant filed steps petition against opposite party the same was allowed, complainant filed paper publication in Justice Today. The opposite party called absent. No representation, it is deemed that the opposite party admitted the facts of the complaint.

## **V. Points for determination:**

- i. Is there is any deficiency in service on the part of the opposite party?
- ii. Is the complainant entitled to any relief asked for?

## **VI. Discussion:**

1. Ex A1 is a incorporation of certificate; Ex A2 is letter from the defacto complainant on 01-07-2020; Ex A3 is a list of items to be supplied and Rs. 20,000/- paid as advance to

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the opposite party. Ex A4 & EX A5 are the payments through google pay. Ex A6 is a wedding invitation.

2. Having perusal of the exhibits this commission opines that the defacto complainant paid Rs. 40,000/- and Rs. 10,000/- only (Ex A4 & A5) to the opposite party. In spite of repeated requests and demands the opposite party did not refund the said amount to the defacto complainant is amounts to deficiency in service under Sec 2 (ii) C.P. Act. Hence the commission is inclined to refund an amount of Rs. 50,000/- to the defacto complainant on account of deficiency of service.

3. The complainant did not filed the documents of authorization as per regulation 16 of the C.P.R. 2020. However this Act itself is an Act for social welfare and which does not have to adhere to strict procedures. With the intention that the defacto complainant will be at loss if the complaint is not consider for the technical reason, this commission is of the view that he entitled to refund the amount which the defacto complainant paid.

4. Due to Covid restrictions the opposite party might have also been restricted by the then rules. Therefore the opposite party cannot be completed in such situation to compensate the defacto complainant.

5. As per the law the Evidence affidavit has to be signed by the deponent / Defacto complainant here in or the person who has got full knowledge about the transaction and circumstances of the case and who is a party in the said transaction. But here the evidence affidavit is signed by the complainant though he is not involved in the transaction in the subject case but considering that the defacto complainant should not be at loss, evidence affidavit is accepted along with the documents on the file of the commission taking the principles of Natural Justice into consideration.

**VII. Result:**

In the result, the complaint is allowed partly. The opposite party is directed to refund an amount of Rs. 50,000/- (Rupees fifty thousand only) to defacto complainant along with interest @ 6% p.a. from the date of filing of the complaint i.e., 07-08-2020 to till the realization; and the opposite party is further directed to pay an amount of Rs.5,000/- (Rupees five thousand only) towards costs of litigation to the complainant. Time for compliance is 45 days from the date of receipt of this order. Rest of the claim is dismissed.

VIII. Applications pending, if any, stand disposed off in terms of the aforesaid judgement.

IX. A copy of this judgement be provided to all the parties free of cost as mandated by the Consumer protection Act 1986/2019. The judgement be uploaded forthwith on the website of the Commission for the perusal of the parties.

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X. File be consigned to record room along with a copy of this judgement.

Dictated to the Stenographer, and transcribed by her, corrected and pronounced by us in the Open Commission, the 15<sup>th</sup> day of March, 2023.

P.V. Durga  
15.3.23  
Smt. P Vijaya Durga

Pronounced on: 15/03/2023

Women Member

### Appendix of Evidence

#### For the Complainant:

No.	Date	Description of Documents	Remarks
Ex A-1	---	Incorporation certificate of the complainant	Attested Copy
Ex A-2	01-07-2020	Letter from the defacto complainant	Original
Ex A-3	27-02-2020	List of items to be supplied for reception and acknowledgement of payment of Rs. 20,000/- as advance thereunder	Original
Ex A-4	13-03-2020	On line receipt for payment of part amount of Rs. 40,000/- to the OP through Google Pay	Downloaded Attested copy
Ex A-5	13-03-2020	On line receipt for payment of part amount of Rs. 10,000/- to the Assistant of OP through Google Pay	Downloaded Attested copy
Ex A-6	18-03-2020	Wedding Invitation	Original

For the opposite party: Nil

  
15/3/23  
President

  
15/3/23  
Member

P.V. Durga  
15.3.23  
W. Member