

**Alok Kumar Roy Vs. Head of the Sales and Service (Lap Top Computer)
Hewlett Packard India Sales Pvt. Ltd. and Another**

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Court : National Consumer Disputes Redressal Commission NCDRC

Decided On : Aug-01-2013

Judge : J.M. Malik, Presiding Member & the Honourable Dr. S.M. Kantikar,
Member

Appeal No. : Revision Petition No. 2809 of 2012

Appellant : Alok Kumar Roy

Respondent : Head of the Sales and Service (Lap Top Computer) Hewlett
Packard India Sales Pvt. Ltd. and Another

Judgement :

Dr. S.M. Kantikar, Member

1. The Revision Petition is filed against the impugned order of Maharashtra State Commission Disputes Redressal Commission, Mumbai (in short, State Commission, Maharashtra) in First Appeal No. A/12/285 against the Consumer Complaint No. CC/09/618 of Consumer Disputes Redressal Forum, Mumbai "Sub-District (in short District Consumer Forum).

2. Facts in Brief:

The complainant purchased a Lap Top from the OP-2 for Rs. 56,500/- which was manufactured by OP-1 with warrantee of one year from 05.06.2007. It went frequently out of order and for which repairs were undertaken by the OP-2 even after warrantee. The complainant had spent Rs. 1400/- for repairing the said Lap Top and hence it was the negligence of OP-2 which incurred loss to the complainant. The complainant is an Engineer and he was expecting job in U.S. Due to break-down of Lap Top, he was unable to contact the U.S. Company in time and hence lost the opportunity. The complainant also requested the OP-2 to replace the Lap Top. But OP-2 had not paid any heed to his request, therefore, the complainant filed a complaint before the District Forum for the compensation, mental agony and the price of Lap Top totaling an amount of Rs. 9,73,436/-.

3. The OP denied the allegations about the faulty Lap Top. Also they have stated that the defects were promptly repaired and the defect was in DVD writer which they have replaced hence there is no deficiency of service. The District Forum partly allowed this complaint and directed the OP-1 to pay Rs. 30,000/- to the complainant within six weeks, failing which, the amount will carry interest @ 9% per annum.

4. Aggrieved by this order of the District Forum, the complainant filed an Appeal No. 12/285 before the State Commission for enhancement of amount of compensation.

5. The State Commission heard the complainant and perused the documents on record. The main contention of the complainant before the State Commission was that the unfair trade practices were adopted by the OP. They sold the defective Lap Top. The State Commission dismissed the appeal on the ground that the complainant has not produced any expert evidence to prove that his Lap Top was defected and the OP has repaired the Lap Top and removed the defects properly within warranty period. Therefore, the State Commission dismissed the appeal. Against the order of the State Commission, the complainant/petitioner filed this revision petition before us.

6. We have heard the petitioner and perused the documents, bills and evidence on record. We find that the OP has repaired the Lap Top, done the servicing during

the warranty period. He has replaced the defective DVD drive. On perusal of the email communications we do not find any corroborated evidence from the complainant about his confirmed job or lost job opportunity at U.S. Even otherwise, if his Lap Top goes out of order, for a short period he had other alternatives for internet access through various internet/cyber cafes. Therefore, the Complainants claim for Rs.9,73,436/- appears to be unjust enrichment. The award of Consumer Court is not a jackpot or a lottery. Hence, the contention of the Complainant is quite surprising and mischievous.

7. The award of Rs.30,000/- by the District Forum is just and proper. We endorse the view taken by both the Fora below in disposing the Complainants case. Hence, this Revision Petition is dismissed. No orders as to cost.

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