**Before The District Consumer Dispute Redressal Forum At Shimla**

Complaint No:\_\_\_\_\_\_ of 2004

Complainant

Versus

Respondents

Complaint Under Sec 12 of  the Consumer Protection Act 1986

Respectfully Sheweth:

1.   That the relevant facts and the facts  leading to filing of present complaint are given in brief hereunder in chronological order for the convenience of your honour :-

Date\_\_\_\_\_\_

Events  \_\_\_\_\_\_

2. That the complainant hereinabove has deposited money as under with the Opposite Parties :-

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Date ofDeposit | Amount maturity | Amount on Deposited | Amount on Maturity | Interest | Remarks |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

3.   That the opposite parties have issued advance dated cheques to the complainant in assurance of security of their deposits with the promise that when on the maturity these cheques will be presented before the bankers the same will be honoured.  The details of cheques issued are as under:-

|  |  |  |  |
| --- | --- | --- | --- |
| Cheque No.     | Date | Amount | Name of Bank |
|   |   |   |   |

4.  That when on \_\_\_\_\_\_ the complainant presented the cheque before the banker \_\_\_\_\_\_  at \_\_\_\_\_\_ the same was not honoured by the bankers because of insufficient funds in the account of the respondent. Thereafter, the complainant has again approached and apprised the respondent to do the needful but the respondent paid no heed.  In this connection the complainant has to pay many visits to the office of the opposite parties but without any fruitful results. The complainant has also demanded the pre-mature withdrawal of their deposits under the given facts and circumstances of the case.  Hence this complaint.

GROUNDS

5.  That the above being the background of the case, the complainant is entitled to maintain and file the present complaint before this Hon'ble Forum on the following grounds amongst others, each one of which is without prejudice to others, and seeks the indulgence of this Hon'ble Forum to issue directions or orders to the opposite parties deemed appropriate :-

(a)    That such an act and omission on the part of the opposite parties amounts to deficiency in service, restrictive trade practice and unfair trade practice under the purview of the Consumers Protection Act.

(b)  That the opposite party has already failed to pay the amount deposited by various other investors on its maturity. As such the complainant has reasonable apprehensions that his money will also not be paid on maturity.  Moreover, the opposite parties have closed their office here at Shimla without any intimation to the investors.

(c)  That the complainant has suffered lot of avoidable mental agonies, physical harassment and financial loss, irreparable loss and injury at the hands of the opposite parties for which the complainant deserves to be amply and suitably compensated in terms of money in the interest of justice.

(d)   That the opposite parties deserves to be saddled with heavy and extra-ordinary costs so that the opposite parties can be deterred from adopting such mal-practice in future.

(e)   That the complainant herein deserves to be amply compensated in terms of money for the inconvenience, traveling expenses, for mental agonies, damages, delayed service/no service, interest, and loss suffered due to negligence and dereliction of duties by the opposite parties.

4.   That the complaint is within the period of limitation.

5.   That this Hon'ble Forum has a jurisdiction to entertain and to try the complaint as the headquarters of both the complainants and the opposite parties are with in the jurisdiction of this Hon'ble Forum and the cause of action has arisen at Shimla.

6.   It is, therefore, prayed that this Hon'ble Forum may be pleased to pass the following orders, directions and grant the following reliefs in favour of The complainants in the interest of justice :-

(a)   Direct the opposite parties to pay the full maturity amount as well as the amount not yet matured to the complainant alongwith interest @ 24% from the date of deposit;

(b)   Saddle the opposite parties with special and extra-ordinary costs as deemed fit so as to deter them from adopting such malpractice in future and also award damages to the complainant to the tune of Rs. 25,000/- as a special case in the background of given facts and circumstances of the case;

(c)   Allow the cost of this complaint;

(d)   Pass such other orders in favour of the complaints as deemed fit and proper in the facts and circumstances of the case.

Shimla                                                                                      Complainant

\_\_\_\_\_\_                                                                                    Through, Advocate

**BEFORE THE DISTRICT CONSUMER DISPUTE REDRESSAL FORUM AT SHIMLA**

Complaint No: \_\_\_\_\_ of 2004

Complainant

Versus

Respondents

Affidavit in support of complaint under Sec 12 of the Consumer Protection Act 1986

I, \_\_\_\_\_\_, do hereby solemnly affirm and declare as under :

1.  That the accompanying complaint has been prepared under my instructions.

2.  That the contents of paras 1 to \_\_\_\_\_\_ of the complaint are correct and true to the best of my knowledge.

3.   That I further solemnly affirm and declare that this affidavit of mine is correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

          Affirmed at Shimla this the \_\_\_\_\_\_.

Deponent