**Before The Hon'ble Hp State Consumer Redressal Commission At Shimla**

Appeal No.:\_\_\_\_\_ of 2004

Memo of Parties

                                                             Appellant

                                       Versus

                                                           Respondents

Appeal under Sections 15 & 17 (a) (ii) of the Consumer Protection Act, 1986 against the order dated \_\_\_\_\_ of Ld. District Consumer Redressal Forum \_\_\_\_\_ , in case titled as \_\_\_\_

Shimla                                                                                      Appellant

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

GROUNDS OF APPEAL:

Respectfully Sheweth:

1.    That briefly stated the complainant has filed complaint before the Ld. District Forum, \_\_\_\_\_ Complaint No. \_\_\_\_\_ titled as \_\_\_\_\_ Vs \_\_\_\_ for the claim as under:-

\_\_

2.    That however, the Ld. District Forum below has passed orders for payment of the claim as under:-

|  |  |  |
| --- | --- | --- |
| Complaint No.  | Name of the Complaint  | Amount to be  wef to be refunded |
|    |   |   |

3.   That the above order of the Ld. District Forum below has resulted in huge financial loss to the complainant in as much as the complainant was entitled to the maturity amount to the tune of Rs. \_\_\_\_\_ and interest @ 18% after maturity date till payment and damages and cost, whereas the Ld. District Forum below has passed order allowing only the amount deposited with interest @ 12% pa thereon and therefore, it is amply evident that the Ld. District Forum has acted in exercise of its jurisdiction illegally and with material illegality.  Hence, this Appeal before this Hon'ble Commission.

GROUNDS

4.   That the humble Appellant is invoking the jurisdiction of this Hon'ble Commission and seeking indulgence on the following grounds amongst others each one of which is without prejudice to and independent of other :-

(a)   That the learned Forum below has acted with serious illegality in the exercise of jurisdiction vested in it by law.

(b)  That there has been mis-appreciation of evidence and mis-application of the provisions of law by the Ld. Forum below.

(c)    That the Ld. Forum below could not have reduced the interest rate from the agreed rate of interest till the date of maturity and thereafter it was incumbent upon the Ld. Forum below to grant higher rate of interest alongwith heavy damages and cost as the deficiency and unfair trade practice on the part of the respondents have been duly proved by the appellant.

(d)    That procedures that were required to be observed in connection with the making  of the decision were not observed and there has been material irregularity in exercise of the powers vested with the Ld. forum below.

(e)   That the Ld. Forum below has not exercised judicious discretion vested in it in accordance with law in passing the impugned order.

4.   That no similar Appeal has been filed by the Appellant on the similar grounds.

5. That this appeal is within limitation after deducting the time spent on preparing/obtaining the copy.

6.   It is, therefore, most respectfully prayed that this Hon'ble Commission may be pleased to:-

(a)   Send for the records of the case;

(b)   After examining the legality of the proceedings, may be pleased to modify the orders of the Ld. Forum below dated \_\_\_\_\_ passed in case titled as \_\_\_\_\_ by allowing the full claim of the complainant alongwith interest interest thereon @ 18% wef date of its maturity till its payment as well as a sum of Rs. 10,000/- by way of damages and Rs. 1500/- as cost of the case;

(c)    Such other orders may also please be passed as deemed fit and proper in the facts and circumstances of the case in favour of the Appellant.

Shimla                                                                                      Appellant

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

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Appeal No.: \_\_\_\_\_ of 2004

                                                            Appellant

                                       Versus

                                                           Respondents

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Shimla                                                                                      Appellant

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