

## **Form of appeal to the National Commission.**

Before the National Consumer Disputes Redressal Commission at New Delhi (Appellate Jurisdiction]

Appeal No.....of 2010

Appellants

Versus Respondent

**M/** s.....

Sri .....

Appeal under Section 19 of the Consumer Protection Act, 1986 against the order of the State Consumer Disputes Redressal Commission, UP. at Lucknow.

This memorandum of appeal is presented against the order dated 7.2.2010 passed in appeal No. 673 of 2008 by the State Consumer Disputes Redressal Commission, Uttar Pradesh Lucknow on the following amongst other grounds :

1. That the order appealed against was served on the appellants on 27.1.2010 so this appeal is within time.
2. That the appellants are carrying on business at the address aforementioned dealing in electrical goods. Respondent purchased a Table fan for Rs. 730/- on 16.3.2008 and the appellants had issued cash memo No. 4663 dated 16.3.2008 and also delivered a warranty card along with the cash memo. After eight months on 20.11.2008 the respondent approached the appellant and complained that the motor of the said fan had been burnt and asked for replacement of the said fan. The appellants got the said fan checked by competent electrical engineers who opined that the said fan burnt due to heavy voltage on the respondent's electric supply line. A copy of certificate issued by the said electrical engineers marked 'A'. The respondent lodged a complaint with the District Consumer Disputes Redressal Forum Allahabad which decided the complaint against the appellant. The appellant filed an appeal against the order of the District Consumer Disputes Redressal Forum before the State Consumer Disputes Redressal Commission Uttar Pradesh Lucknow which has rejected the appeal *exparte* and this is how the appellants have come to this Hon\*ble Commission in appeal.
3. That the order of the Hon'ble State Commission is bad in law and facts.
4. That the order is against the principles of natural justice.

5. That no reasonable opportunity of being heard has been given to the appellants by the first appellate authority.

6. That the dispute was related with technical issue and the opinion of expert in the matter *i.e.* the electrical engineer should have been considered.

7. That the complaint filed by the respondent was not entertainable by the Hon'ble District Forum.

8. That the Hon'ble District Forum and also the Hon'ble State Commission has not recorded a finding that the motor of the Table fan burnt on account of any manufacturing defect or use of any inferior quality of parts and accessories.

9. That the warranty card very clearly stipulated that the fan was to be used on electric line carrying voltage at 220 to 240 alone.

10. That in any view of the matter the orders of the authorities below are not sustainable in law.

11. That the authorities below have not considered all the points raised against the complaint by the appellants.

12. It is therefore respectfully prayed that the appeal be kindly allowed, the orders of the State Commissioner be kindly set aside and the appellants be kindly declared not liable to pay any sum of money to the respondent in connection with the complaint.

Any other relief deemed fit in the circumstances of the appellants case be also granted.

Signature of the appellants

Verification

I.....partner of the firm M/s. Ram Manoj Pandya do hereby verify that the contents of this memorandum of appeal are true to the best of my knowledge and belief.

Dated 11.2.2010

Signature of the appellants