

**BEFORE THE BENGALURU RURAL AND URBAN I ADDITIONAL
DISTRICT CONSUMER DISPUTES REDRESSAL FORUM, I FLOOR, BMTc, B BLOCK
TTMC BUILDING, K.H.ROAD, SHANTHI NAGAR, BENGALURU-27**

**Complaint Case No. CC/423/2021
(Date of Filing : 25 Oct 2021)**

1. Madhusudhana B

.....Complainant(s)

Versus

1. Think and Learn Pvt Ltd

BYJU S, 2nd floor, Tower D, IBC Knowledge Park, 4/1,
Bannerghatta Main Road, Bengaluru-560029. Represented
by Managing Director

.....Opp.Party(s)

BEFORE:

**HON'BLE MR. H.R.SRINIVAS, B.Sc. LL.B., PRESIDENT
HON'BLE MR. Y.S. Thammanna, B.Sc. LLB. MEMBER
HON'BLE MRS. Sharavathi S.M.,B.A. L.L.B MEMBER**

PRESENT:

Dated : 10 May 2022

Final Order / Judgement

Date of Filing:25.10.20

Date of Order:10.05.20

**BEFORE THE BANGALORE I ADDITIONAL DISTRICT CONSUMER DISPUTES
REDRESSAL COMMISSION SHANTHINAGAR BANGALORE - 27.**

Dated: 10th DAY OF MAY 2022

PRESENT

SRI. H.R. SRINIVAS, B.Sc., LL.B. Rtd. Prl. District & Sessions Judge And PRESIDENT

SRI. Y.S. THAMMANNA, B.Sc, LL.B., MEMBER

SMT.SHARAVATHI S.M, B.A, LL.B., MEMBER

COMPLAINT NO.423/2021

COMPLAINANTS :

Sri MADHUSUDHANA B

1 S/o Byrappa &

Sri MANJU R

S/o Ramappa,

2

(Complainants : In person)

Vs

OPPOSITE PARTY:

THINK & LEARN PVT. LTD.,

BYJU'S, 2nd Floor, TowerD

IBC Knowledge Park

No.4/1, Bannerghatta Main Road

Bengaluru 560 029

Represented by

Managing Director

Reptd by: Managing Director

AjayDahiya Byjus

(OP: Exparte)

ORDER

SMT.SHARAVATHI S.M. MEMBER

1. This is the complaint filed by the Complainant against the opposite party (herein referred to as OP) under section 35 of the Consumer Protection Act, 2019 for the deficiency of service in not providing proper learning app for students and for refund of Rs.99,000/- and interest on the said amount and compensation of Rs.50,000/- for causing harassment and wasting his time and cost of Rs.1,50,000/- and for other reliefs as the Hon'ble District Commission deems fit.
1. The brief facts of the complaint are that: OP working online for providing learning app for students under name and style BYJU'S learning app. Authorized person of OP namely, Mr. Ajay Dahiya on 25/07/2021 and the representative of OP's Ms. Samrudhi Gowda and E. Akshatha Bangera visited complainant's house and approached to purchase the BYJU'S learning app. He agreed and purchased the said app. The offer of the course was to pay sum of Rs.99,000/- through credit card. At the time of payment through credit, OP informed that payment will be converted into EMI. As per the instruction, he received link from OP and he made the payment of sum of Rs.99,000/- on 25/07/2021 from his Axis credit card. After the credit of the amount to the OP account, the same was not converted into EMI. At the time of office the OP assured that they will provide two Samsung tabs worth of Rs.25,000/- each. But they gave Lenovo M8 and M10, worth of Rs.10,000/- each. Complainant wanted to cancel the course and demanded refund of the complete amount of Rs.99,000/- paid to the credit card directly. He was not satisfied with the learning on the BYJU'S learning app. But OP did not respond to the email's letter dated 19/08/2021 addressed to OP, and confirmed that it will get resolved within 24 hours, but after several months still it is not resolved.
1. The Complainant requested to cancel the same and return the total amount paid to him. The complainant has suffered a lot of mental agony and harassment due to the deficient service and behaviour of OP. Hence this complaint.

1. Despite service of notice, OP did not appear before this Commission and hence the commission proceeded against it ex parte vide order dated 10/12/2021.

1. In order to prove the case the complainant-1 tendered in his evidence by filing affidavit and produced and got marked documents as per Ex-P1 to P4. Arguments Heard. The following points arise for our consideration:-

1. *Whether the complainants have proved deficiency in service on the part of the opposite party?*

1. *Whether the complainants are entitled to the relief prayed for in the complaint?*

6. Our answers to the above points are:-

POINT NO.1 & 2: PARTLY IN THE AFFIRMATIVE

for the following:-

REASONS

POINT NO 1 & 2:-

1. Upon the perusing the entire documents, complainant's purchased the Byjus's learning app through the representative of OP who ensured that in case the student is not fully satisfied with the working or learning app, in that event of default the entire amount shall be returned without any deduction. After purchasing the app, OP was to provide a tab. It is further the case of the complainant that the complainant started learning on the above said app with the help of tab, but he was not satisfied with the method and as such the complainant requested cancellation of the same and to return the total amount paid by him as assured by the op. Thereafter again on 19/08/2021, requested for refund but all in vain. The above said act of OP in not providing proper app not providing the tab as assured amounts to deficiency .

1. In support of their case, complainants have placed on record copy of the receipt an amount of Rs.99,000/- which was paid by the complainants through credit card. Statement of credit card at Ex-P2 and on perusal of the same, it reveals that an amount of Rs.99,000/- along with the credit card fine for 1st month Rs.12,000/-, and second month Rs.12,720/-, and for third month Rs.19,280/- has been paid. The complainant has requested OP for cancellation of the package. Despite proper service, OP neither appeared before this commission nor filed any reply, therefore the averments made by the complainant have gone un-rebutted and un- challenged. In view of the aforesaid discussion, we are of the considered opinion that the complainant has be

able to prove deficiency on the part of the op in rendering service to them. For the best known reasons to the OP, OP did not refund the money which forced the complainants to file this complaint and also put the complainants under mental agony, harassment and hardship for which we direct op to pay a sum of Rs.25,000/- as damages, and for 5,000/- towards litigation expenses, and to refund of Rs,99,000/- along with interest at 12% per annum from the date of receipt of the amount. Hence we answer **POINT NO. 1 and 2 PARTLY IN THE AFFIRMATIVE** and pass the following:-

ORDER

1. The complaint is hereby allowed in part with cost.
2. OP i.e. Think & Learn Pvt. Ltd., represented by its Managing Director/Authorized Signatory is hereby directed to refund the amount of sum of Rs.99,000/- to the complainants along with interest at 12% per annum from the date of receipt of the said amount till payment of the entire amount.
3. OP is further directed to pay sum of Rs.25,000/- towards damages and Rs.5,000/- towards litigation expenses.
4. Upon receipt of the sum as ordered in para No.2 and 3 as above complainant to return the Tab. they have received from OP.
5. OP is hereby directed to comply the above order at within 30 days from the date of receipt of this order and submit the compliance report to this commission within 15 days thereafter.
6. Send a copy of this order to both parties free of cost.

Note: You are hereby directed to take back the extra copies of the Complaints/version, documents and records filed by you within one month from the date of receipt of this order .

(Dictated to the Stenographer over the computer, typed by him, corrected and then pronounced by us in the Open Forum on this day the 10th day of MAY 2022)

MEMBER

MEMBER

PRESIDENT

ANNEXURES

1. **Witness examined on behalf of the Complainant/s by way of affidavit:**

CW-1 Mr.Madhusudhana B of the complainant-1.

Copies of Documents produced on behalf of Complainant/s:

Ex P1: Copy of the receipt of payment

Ex P2: Copy of the credit card statement

Ex P3: Copy of the payment link and success report message.

Ex P4: Copy of the email conversations

2. Witness examined on behalf of the Opposite party/s by way of affidavit:

RW-1: - Nil-

Copies of Documents produced on behalf of Opposite Party/s

- Nil-

MEMBER MEMBER PRESIDENT

RAK*

**[HON'BLE MR. H.R.SRINIVAS, B.Sc. LL.B
PRESIDENT**

**[HON'BLE MR. Y.S. Thammanna, B.Sc. LL.B
MEMBER**

**[HON'BLE MRS. Sharavathi S.M.,B.A. LL.B
MEMBER**