

BEFORE THE HON'BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION/FORUM AT HYDERABAD.

COMPLAINT UNDER CONSUMER PROTECTION ACT, 1986.

IN THE MATTER OF : Mr. Rahul Amaram

<Full Address of Complainant> **COMPLAINANT**

VERSUS

Managing Director,
Hewlett-Packard India Sales Pvt. Ltd.
24, Salarpuria Arena,
Adugodi,
Hosur Road,
Bangalore - 560 030 **OPPOSITE PARTY 1**

Arun Computers,
29, 30, 43 & 44, Chenoy Trade Centre
Shop#116, Ground Floor,
Parklane,
Secunderabad – 500 003 **OPPOSITE PARTY 2**

INTRODUCTION:

This complaint is being filed by Rahul Amaram, a software engineer, residing at <full address of complainant>, referred hereafter as Complainant.

The Opposite Party 1, Hewlett-Packard (HP) India Sales Pvt. Ltd., having its office at 24, Salarpuria Arena, Adugodi, Hosur Road, Bangalore - 560 030, is a Company incorporated under the Indian Companies Act 1956, and is engaged in several business ventures, once such, being manufacturing Printers, Personal Computers, Laptops, etc.

The Opposite Party 2, Arun Computers, having its shop at 29, 30, 43 & 44, Chenoy Trade Centre, Shop#116, Ground Floor, Parklane, Secunderabad – 500 003, is a dealer of the products of Opposite Party 1.

RESPECTFULLY SHOWETH:

1. That the Complainant purchased a HP Photosmart C6388 printer (serial#MY9349D01D) on August 14, 2009 for Rs.12,500 from Opposite Party 2 (See Annexure 1 for photocopy of the invoice).
2. That the Opposite Party 1 provided a warranty on the product, which extended from the date of purchase till November 12, 2010. The warranty covered getting any manufacturing defects in the product resolved before its expiry. (See Annexure 2 for warranty details).
3. That the Complainant found out in May 2010 that a new set of ink cartridges, which he had purchased two months back in March 2010 (See Annexure 3 for photocopy of the invoice), were all empty after printing only about 100 pages. The pages printed had moderate context of text and no images, and yet all the cartridges were empty. The cost of each set of cartridges is about Rs.2500-Rs.3000 which means the cost per page is Rs.25-30 which is extremely unreasonable. Further, it is mentioned on each of the cartridges that the average yield is about 250-300 pages.
4. That on May 19, 2010, realizing that there was some problem with either the ink cartridges purchased or the printer, the Complainant raised the first service ticket (#8038823475) with Opposite Party 1 Support. A service person from Opposite Party 1 replaced the exhausted cartridges with a new set of ink cartridges. The cartridges were again empty after only printing a small number of pages. This confirmed that the problem was with the printer, and not with the cartridges.
5. That on August 4, 2010, a new ticket (#8041281812) had been raised informing about the same issue, and requesting for a replacement printer. A new replacement printer (new

serial#MY96N9F1M1) was delivered (See Annexure 4 for replacement printer details). Unfortunately the problem of high consumption of the ink by the printer persisted.

6. That on September 18, 2010, a mail was sent to esc.helpdesk@hp.com escalating the issue. Ms. Nalini Anand from Opposite Party 1 customer support responded initially asking the Complainant to try if some modified settings in the printer resolved the issue. The modified settings did not resolve the issue, and further queries by the Complainant received no response from Ms. Nalini Anand (See Annexure 5, 6, 7, 8, 9, 10 for copy of the emails).
7. That on November 12, 2010, the complainant spoke to Deepak, technical supervisor at Opposite Party 1. Upon his suggestion, another mail was sent to esc.helpdesk@hp.com. Sania Tanuja from Opposite Party 1 Sales responded initially asking for a copy of the invoice, but later did not respond to the Complainant (See Annexure 11, 12, 13, 14, 15 for copy of the emails).
8. That on February 17, 2011, the Complainant spoke to Opposite Party 1 Senior Support Person, Luv Sharma, who promised to get back reg. the issue but never responded thereafter.
9. The cause of action arose on May 19, 2010, when the Complainant realized that the set of cartridges which he had purchased recently were all empty after only a few pages being printed.
10. The Complainant avers that though the printer is currently out of warranty, he had informed the Opposite Party 1 several times about the problem (via phone and email) before the warranty expired, and that the steps taken by the Opposite Party 1 to address the problem never resolved the real issue, which is high consumption of ink by the printer.
11. The Complainant also avers that a warranty extension was assured by the Opposite Party 1 which had not been given (See Annexure 6 and Annexure 11 for copy of the emails discussing about warranty extension)
12. The Complainant further believes that this problem of high ink consumption is prevalent among HP printers of the model C6388 because:
 1. Replacement of the complainant's printer with the same model did not resolve the problem of High Ink Consumption
 2. Reviews of other users of same models of this printer shows them facing similar issues of high ink consumption as well (See reviews 3, 5, 6, 8, 14 in Annexure 16).
13. The Complainant made more than 20 phone calls to Opposite Party 1 support between 19-May-2010 and 08-Mar-2011 in trying to have this issue resolved (See Annexure 17 for details of the calls made).
14. The Complainant sent 11 mails to the Opposite Party 1 Support requesting for resolution of the problem. Only 2 responses were received, for both of which, there was no further follow up from the Opposite party 1 (See Annexures 5-15 for copy of the emails exchanged between the Complainant and the Opposite Party 1).

NATURE OF COMPLAINT:

1. Not resolving the deficiency in the product
2. Delay in responding to the Complainant
3. Deficiency in providing support

OTHER EVIDENCES OF SUPPORT OF COMPLAINT:

Annexure 1 - Copy of the purchased printer invoice

Annexure 2 - Warranty Details

Annexure 3 - Copy of the purchased cartridges invoice

Annexure 4 - Details about the new replacement printer

Annexure 5 to 15 – Copy of the emails exchanged between the Complainant and the Opposite Party 1

Annexure 16 – Reviews of users using same models of the printer as owned by the Complainant

Annexure 17 – Details of calls made by the Complainant to the Opposite Party 1 Support

Annexure 18 – Notice sent by the Complainant to the Opposite Party 1 before filing the consumer complaint

Annexure 19 – Letter sent by the Opposite Party 1 in response to the notice refuting the Complainant

JURISDICTION:

As the total amount involved is less than Rupees 20 lakhs, the complaint is being filed with the Hon'ble District Consumer Disputes Redressal Forum.

PRAYER:

In view of the submissions contained in the proceeding paragraphs, the complainant most respectfully prays to the Hon'ble Forum to direct the Opposite Party 1 to:

1. Refund the Complainant the full amount of the product (Rs.12500/-) with interest (Rs.2250/-) = Rs.14750/-.
2. Pay a sum of Rs.10000 toward the physical strain and mental agony suffered by the complainant (compensation) and
3. Pay a sum of Rs.1000/- towards the cost of this petition.

[OR]

1. Replace this printer with a different model which is reputed for consuming low ink and has similar features as the printer owned by the Complainant currently (such as HP K510 or K209)
2. Give a 6 months warranty on the replaced printer to ensure that it is free of defects
3. Refund of the difference in the costs of the new printer and old printer or equivalent sets of cartridges

for which act of kindness, the complainant, shall, as is duty bound, ever pray.

PLACE :

Signature :

DATED :

NAME OF THE COMPLAINANT : Rahul Amaram

VERIFICATION

I, Rahul Amaram, resident of <full address of complainant> hereby declare that I have not misrepresented any facts nor have tried to hide any information in my above complaint. All the facts mentioned herein are true to the best of my knowledge.

Name & signature of the complainant