



Govt. of West Bengal
Office of the President
District Consumer Disputes Redressal Commission, Darjeeling
24, M.C. Road, Chota Kak Jhora, Darjeeling
P.O & Dist. Darjeeling. Pin-734101.

Consumer Complaint No. 09/2025

Date of Filing

23.06.2025

Complainant.

- 1.Soloman Lepcha
S/o Tarsingh namphok lepcha
R/o Ant House Bhotey Gaon
41/2, Carmichael Road
Singamari , Dist Darjeeling
Pin- 734101
2. prostshaan Rai
S/o Prakash Rai
R/O Lepcha Gaon
Pulungdung busty,
Pulung Dong
Kashmahal Darjeeling- 734221.

Date of Disposal

18.06.2016

Opposite party

- 1.Amazon Seller Services Private Ltd
Having its office at 8th Floor
Brigade gateway, 26/1
Dr Raj Kumar Road.
Banglore-560055.
2. Clicktech Retail private Ltd
Spaceearth Warehousing GC Two
LLP Prop. Arun Kumar Dwivedi
Ganesh Complex -2,
Mallik Bagan Panchla,
Howrah, Kolkata, W.B-711302

Present:- Sri Tikendra Narayan Pradhan.....Hon'ble President.

Smt. Bhawana Thakuri..... Hon'ble Member(Female).

**Ld. Advocate for the Complainant:- Shri Sunam Sharma, Shri Pallav
Sharma and Shri Suraj Mohanta.**

Ld. Advocate for the O.Ps:- Ex- parte.

Cont/pg2

Member
District Consumer Disputes
Redressal Commission, Darjeeling



::2::

Consumer Complaint No. 09/2025

FINAL ORDER

The Brief fact of the case.

The instant case has been filed on 23/06/2025 U/S 35 of the Consumer Protection Act, 2019 by the complainant ShriSolomanNamphokLepcha against the Amazon Seller Service Private Limited i.e O.P No 1. That the opposite No.1 operates an e-commerce marketplace www.amazon.in and is known worldwide and has its registered address at aforementioned addresses as mentioned in the cause title of the complainant. The O.P No 2 is a company which is a registered seller on Amazon in having its office at the aforesaid mentioned addresses as mentioned in the cause title of the complaint. The complainant has filed this case for deficiency in service and unfair trade practice. The facts of the case is that the complainant ordered digital camera a Fujifilm X-T5 40 M APS-C X-Trans sensor worth Rs 1, 43,000/- through electronic mode by using a platform of O.P No 1 from the retailer O.P No 2. When he received the delivery on 10.02.2025 of goods it was found that the product sent to him was not in accordance with the specification he asked for i.e. FujiFilm X-T5 mirror less camera and the product sent to him was a Fujifilm X-T50 CS WW2 C Model but when he informed the O.Ps they asked the complainant to return the article and they agreed to refund the money. Thereafter the O.P collected the item from the house of the complainant on 15.02.2025 and received by the O.P No 2 on 20.02.2025 However, when checking the refund status on 21.02.2025, it was falsely claimed that the refund could not be processed because the return item was incorrect and that's why money was not refunded. Rather the O.Ps blamed the complainant for not returning the actual product delivered to him and for that they are unwilling to refund the price.

The Complainant again contacted customer support and were falsely informed that an "investigation" had cleared the O.P of any fault, even though no genuine investigation appeared to have been conducted, especially regarding the two conflicting tags visible on the package.

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Redressal Commission, Darjeeling

Cont/Pg 3



On 21.02.2025 an email was received from the email ID do-not-reply@amazon.in, incorrectly flagging the issue as received used and damaged item instead of correctly recognizing it as "wrong item delivered" which has been annexed herewith and marked as **Annexure- D**.

On 26.02.2025 the complainant sent a detailed email to ofm@amazon.in explaining the entire issue and attaching photographic proof of the dual tags and mislabeling. On 28.02.2025 the complainant received an email from do-not-reply @ amazon.in arbitrarily rejecting our refund claim by stating that the returned product was incorrect without assigning any valid reason.

The complainant further submitted that till date, neither has the refund amount of Rs 1, 43,000/- been credited to the complainant nor has returned product been sent back despite the Opposite parties having taken custody of the same on 20.02.2025.

Owing to the inaction and refusal of the Opposite parties the complainant issued a legal notice dated 24.03.2025 through his Advocate to both the parties. The Opposite party No 1 replied to the legal notice on 28.04,2025 denying liability on the ground being an intermediary under the Information Technology Act 2000.

Thereafter a detailed rejoinder dated 05.05.2025 was sent on our behalf refuting the false claims made by the opposite Party No 1 and reiterating our lawful demands. After the filing of the present Consumer Complaint on 23.06.2025 Opposite Party No 1 submitted a further reply dated 22.06.2025 which could not have been addressed by us at the time of filing of the complaint. Accordingly, we filed a written Submission before the Hon'ble Commission.

In the said reply dated 22.07.2025 The Opposite Party No 1 again attempted to deny liability by asserting that it is merely an intermediary under Section 2(1) (w) read with section 79 of the Information Technology Act, 2000. The complainant specifically denied the said defense, in the Written submissions and pointed out therein that O.P No 1 actively facilitates, controls and manages key aspects of the transaction including hosting and controlling listings managing payments, facilitating shipping/ delivery / return logistics and generating order confirmations/ invoices on its platform.

Cont pg-4

Sd/-
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Redressal Commission



Pg.4

The Opposite Party NO 1 in the said reply dated 22.07.2025 sought to justify its stand by relying upon alleged "tamper- proof packaging emails and OTP delivery confirmation. In the Written Version submitted by the complainant they stated that the such reliance is wholly misplaced because the core grievance is wrong product delivery (X- T50 delivered instead of X-T5), evident from dual labeling on the package (one tag stating "X- T50" and another smaller sticker showing X-T5") and therefore , as stated in the Written submission ,OTP/ tamper- proof assertions are irrelevant to the issue of mis-identification/ Wrong delivery.

Further, in the written submission submitted by the Complainant despite our strict compliance with the platform procedure and return of the wrongly delivered item we were unjustly denied refund and the returned product was retained without refund, which as stated in our Written Submission amounts to unfair trade practice and deficiency in service.

The Opposite Party No 1 also raised allegations regarding the complainants "account history" and the previous returns. It is stated in the Written Submission that the allegation is unsubstantiated irrelevant to the present transactions and is an attempt at deflection and that as stated in our Written Submissions, the O.P cannot unilaterally brand a consumer as abusive and refuse legitimate redressal.

The Complainant further submitted that O.P No 2 despite being the seller and recipient of the returned product has never replied or taken any steps to resolve the grievance.

Further it is stated that the Opposite Parties are guilty of deficiency in service, unfair trade practice and gross negligence as pleaded in the Consumer Complaint.

The cause of action arose on 10.02.2025 when the complainant received a wrong product i.e., Fujifilm X-T50 instead of Fujifilm X-T5, and again on 20.02.2025 when the returned product was received by the O.P No 2 but was neither refunded nor returned and continues till date.

SA
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Cont.Pg 5



Pg-5

The complainant prayed for the following relief.

1. Direct the Opposite Party to pay the amount of Rs 1, 43,000/- only to the complainant along with the interest @ 24% per annum from 07.02.2025 till date of payment.
2. Direct the Opposite Party to pay a sum of Rs 5, 00,000/- only for the immense mental harassment and agony caused to the complainant for a long tenure.
3. Direct the Opposite Party to pay a sum of Rs 5, 00,000/-only as compensation for negligence and deficiency in service.
4. Direct the Opposite Party to pay litigation cost to the complainant the tune of Rs 50,000/- only.

The list of documents filed by the complainant is as follows:

1. The Photocopy and Aadhaar card of the complainant.
2. Printed copy of the tax Invoice bearing invoices no CCX2- 487506.
3. Photographs of the delivered products and its packaging.
4. Printed copy of email dated 21.02.2025 received by the complainant from do-not – reply@amazon.in.
5. Printed copy of email dated 26.02.2025 sent by the complainant to ofm@amazon.in.
6. Printed copy of email dated 28.02.2025 received by the complainant from do-not-reply@amazon.in.
7. Photocopy of the legal notice dated 24.03.2025 along with postal receipt and its tracking report.
8. Photocopy of the response dated 28.04.2025 to the legal notice dated 28.04.2025 issued by the Counsels for Amazon Seller Services Pvt Ltd.
9. Photocopy of the rejoinder dated 05.05.2025 to the said response dated 28.04.2025 along with postal receipt and its tracking report.

SQ

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Cont – Pg 6



Pg.6

In this instant case the Opposite parties even after due service of notice did not appear nor they have filed any Written Version against the petition of the complainant. Therefore the case proceeds ex- parte against them.

The complainant had adduced evidence-in- Chief supported by an Affidavit they have also filed the BNA along with the list of original documents relied upon them.

Failure of the O.Ps to appear and contest the case has rendered the case of the complainant uncontroverted. We have peruse the petition of complaint the evidence adduced by the complainant and the documents filed There is nothing to disbelieve the unchallenged testimony of the complainant. There is also nothing to disbelieve the documents filed by the complainant has those documents remained unchallenged.

We are of the view that the complainants have been able to made out there case against the O.Ps and they are entitled to get the relief as prayed for.

The fees a paid is sufficient it is therefore ordered that the Opposite parties to pay amount of Rs ,1,43,000/- the cost of the ordered camera within 45 days from the date of the order.

The O.ps are also directed to pay a sum of Rs2,00,000/- for mental harassment and agony and further the sum of Rs1,00,000 for negligence and deficiency of service and Rs 25,000/- for litigation cost within 45 days from the date of this order.

All the above sum awarded shall carry interest @ 9% from the date of filing of the case till realization.

Failure on part of the O.Ps to comply the above direction within the stipulated time the complainant is at liberty to put it into Execution following the due process of law.

Judgment signed sealed and delivered in open court on this day the 18/06/2026 at Darjeeling.

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MEMBER
D.C.D.R.C.,
DARJEELING

Member

District Consumer Disputes

Redressal Commission, Darjeeling

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PRESIDENT
D.C.D.R.C.,
DARJEELING

President

District Consumer Disputes
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