

**From:** Sunil R. J. Gonsalves sunilrufus@icai.org

**Subject:** Delivery of Defective X1

**Date:** 6 August 2014 6:53 am

**To:** rachappa warad rachappa.warad@bmw-navnitmotors.in, gopinath subramanian gopinath.subramanian@bmw-navnitmotors.in, contact.india@bmw.in

**Cc:** Rajith Madankollan Rajith.Madankollan@bmw-navnitmotors.in, khader musheer Khader.musheer@bmw-navnitmotors.in, Laxmi.Khatri@bmw-navnitmotors.in

**Bcc:** Venkatesh Rao rvmanagement@newairtelmail.onmicrosoft.com, Shanidh Shadh shanidh.shadh@gmail.com



To,  
Navnit Motors Pvt. Ltd  
Kannur, padil  
Mangalore

Sir,

In spite of delivering me a vehicle that does not conform to 'NEW' vehicle specifications of the Manufacturer, as well as humiliating me and causing mental stress and agony during the Purchase Process, you have not come forward even with an apology for Humiliation and Stress caused, or for the the absence of the Service Manager and Sales manager during the delivery Process and Tardy PDI where I the customer had to point out the tar Spots, the Dirt under the door rubbers and internal door Frames, and the scratches and chipping on the alloy wheels; rusting of the underbody and Wheel rotors

The Chipping of the Alloy wheels rims, rusting of the underbody, multiple scratches on the Rear Hatch Glass, and Poor PDI wherein tar spots had not been removed and the vehicle not cleaned Properly have been pointed out before delivery of the Vehicle and duly noted on the delivery note, gate pass and other documents. you with an intention to dump the defective Vehicle on me have hurriedly paid the Road tax to the RTO at 13:53:03 Hrs, on 4th August 2014. further you have not given me the documents relating to BSI Ultimate Package.

As a dealer and seller, you on behalf of BMW had warranted that the car would be in a 'NEW' condition as per the Manufacturers specifications. By Delivering a Car in a condition that is contrary to the specifications of the Manufacturer, you have not only committed a fraud, there has also been a criminal conspiracy with an intention to cheat; which comes under the purview of the Criminal Laws of the Country.

further you have warranted on behalf of the Manufacturer that the car would be a 'New' One but have gone back on the contract, and delivered a car with inherent defects; in contravention of the laws relating to Contracts, Sale of Goods etc and caused breach of Trust.

further i have been advised by my counsel that the matter also comes under the purview of the Consumer protection Act, which i can pursue separately and independently of the legislations referred to herein above.

in view of the judgements in the case of Jose Philip Mampillil V/s Premier Automobiles and Another, Bharat Kariya v/s KSM Motors and Volkswagen Passenger Cars India (June 2014, MUM), Veena Amlani V/s Maruti udyog Ltd, (July 2014, DEL), Viney Sagar Sahgal V/s Skoda Auto India (December 2012 DEL) i call upon you to provide a resolution that is acceptable to me, within 3 days of the receipt of this Mail failing which i shall be constrained to Proceed against you as well as your Principal in the appropriate Fora for redressal of my grievances and Issues; independently and separately under the relevant laws of the country.

yours faithfully

CA. Sunil R.J. Gonsalves

Sunil R.J. Gonsalves, [B.Com](#), F.C.A.  
Chartered Accountant,  
15-6-268/2, "Symphony"  
Arya Samaj Road,  
Balmatta, Mangalore - 575003  
Ph: 0824-4280566  
email: [sunilrufus@icai.org](mailto:sunilrufus@icai.org), [sunilrufus@gmail.com](mailto:sunilrufus@gmail.com)

Office:  
Gonsalves & Nayak, Chartered Accountants  
13-12-1431, Codialbail Church Buildings,  
Kodialbail, Mangalore - 575003  
Ph: 0824-2441170  
Mo: 97 31 61 91 91

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