

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-VI
(NEW DELHI), 'M' BLOCK, 1STFLOOR, VIKAS BHAWAN,
I.P.ESTATE, NEW DELHI-110002**

Case No.CC-1090/2013

IN THE MATTER OF:

Sh. Vivek Kumar
S/o Shri Sahastrapal,
S2 NDMC Flats Auranzeb Lane,
New Delhi-110011

...Complainant

Versus

DHI Asian Roots
A unit of Spa Yoga Pvt. Ltd.,
B-5/15, Safdarjung Enclave,
New Delhi-110029

...Opposite Party

Quorum:

Ms. Poonam Chaudhry, President
Mr. Bariq Ahmad, Member
Sh. Shekhar Chandra, Member

Date of Institution: 12/12/2013

Date of Order: 22/05/2025

ORDER**BARIQ AHMAD, MEMBER.**

1. The present complaint has been filed under section 12 of the Consumer Protection Act, 1986 (in short CP Act) against Opposite Parties (in short OP) alleging deficiency of services.
2. Briefly stated the facts of the case are that the complainant came to know about the Opposite Party through advertisements in various magazines. The Opposite Party claimed to be the world leader in the treatment of the hair transplant.
3. It is alleged that the complainant was planning to tie the knot by September 2012 he approached the Opposite Party. The doctors of the Opposite Party after through check-up and after calculating the number of hairs to be grafted assured the complainant to give a natural look by transplant of 1621 hairs and told him that for that they would charge Rs. 2,25,000/-from the complainant. Believing the words of the doctors of the Opposite Party and the assurance given by the doctors of the Opposite Party that the complainant was hospitalized in the Hospital of Opposite Party on 26.09.2011 at 10 am. At the time of hospitalization the complainant deposited Rs.100,000/- as an advance and Dr. Urvashi started the surgery. The complainant noticed that all the so called standards explained to the

complainant at the time of consultancy were not followed in letter and spirit and the same were part of trap to extract money from the consumers. The Opposite Party by ignoring the rules of medical ethics stopped the surgery in-between and directed the attendants of the complainant to first deposit the entire amount to enable them to complete the surgery.

4. It is further alleged that the attendants of the complainant requested the doctors of the Opposite Party not to leave the surgery in between as the doctors of the Opposite Party had explained that it can damage the grafts resulting in unsuccessful surgery but they did not paid any heed and complainant were forced to deposit the entire amount in advance. After hair transplant the complainant was told that the surgery was successful and the required number of hairs has been grafted.
5. It is also alleged the complainant duly followed the post surgery instructions issued by the doctors of Opposite Party and after looking at the growth and waiting for 12 months for the results complainant realized that the Opposite Party had deceived him by giving a false assurance and has not transplanted the hairs as per the promise/commitment given at the time of receiving the advance payment (planted hairs were significantly less than claimed numbers 1621 approx). The complainant reported the matter to the Opposite Party and after running from pillar to post and after reporting the matter to

the management the staff of the Opposite Party, OP regretted for their negligence and promised to rectify the defects. On the assurance of the Opposite Party. Complainant again visited the hospital of the Opposite Party on 03.12.2012 and was again operated upon for hair transplant and was assured that all the imperfections has been removed. Before the second session the Opposite Party introduced Mr. Ajay Dubey as the most senior/expert doctor and assured that he will rectify all the defects. The complainant asked the doctors of Opposite Party to do the second session thoroughly. The complainant was helpless and has no other option other than to follow the instructions of the doctors of Opposite Party institute and paid Rs. 2,76,000/-. The Opposite Party again implanted 2022 hairs in the same area again. That even after the second session/surgery the Opposite Party failed to fulfill their promise and the complainant had to again report the matter to the Opposite Party.

6. It is further alleged that the complainant again reported the matter to the Opposite Party and after taking t possible legal action by complainant the Opposite Party agreed to provide free third session of surgery to the complainant and that too after numerous follow-ups. After confirmation of surgery date by opposite party complainant took 2 weeks leaves for proper rest and booked return flight tickets from Bangalore to Delhi. As

complainant wanted to discuss the details of the session before the surgery day hence he went to the hospital one day in advance but no doctor was available to provide details related to what they have planned. Next day when complainant reached the hospital of opposite party the doctor was late for the session and after waiting for almost one hour doctor asked to take the blood sample before the operation can be started for test related to HIV.

7. It is further alleged that the opposite party have failed to perform their duty towards their customers/consumers and particularly the complainant such acts as opposite party amounts to deficiency in services and unfair trade practices. It is, prayed that this Hon'ble Forum may graciously be pleased to:

- a) OP be directed to refund Rs.5, 01,000/- charged by Opposite Party.
- b) and be further directed to pay Rs.5,00,000/- as compensation to the complainant.
- c). Opposite party be also directed to pay sum of Rs. 11,969/- as cost of tickets from Bangalore to Delhi (3rd August 2013) and back (19th August 2013)
- d) and sum of Rs.4,5027/- as cost of loss of pay occurred for duration of stay form 3rd August 2013 to 19th August 2013 in Delhi and away from work.
- e) OP be further directed to pay a sum of Rs.20,000/- as cost and litigation expenses.

8. Notice of the complaint was issued to OP to pursuant to which OP appeared and filed written statement denying all the allegations.

9. It is alleged that the Opposite Party (OP), a company incorporated under the laws of Cyprus, is engaged in providing hair restoration services using specialized technology and procedures. The complainant approached DHI (Direct Hair Implant), *Asian Roots*, a unit of SPA Yoga Pvt. Ltd., for a hair transplant and was thoroughly informed about the procedure, expected results, and potential variations. It was made clear that individual results may vary and no specific outcome could be guaranteed.
10. It is also alleged that on 26.09.2011, despite the policy requiring full advance payment of ₹2,25,000, the OP initiated treatment based on the complainant's assurance that his father would deposit the remaining balance shortly. A full scalp analysis and hairline design were completed, and the procedure was carried out as per the complainant's request, even in areas beyond the medically recommended zone.
11. It is alleged by the OP that the complainant signed and acknowledged multiple consent and guarantee documents, including a clause on potential side effects. Clause 10, concerning photo use for educational purposes, was removed at the complainant's request.
12. It is further alleged that the first session was completed with the implantation of 1,621 hairs, and the complainant was offered the opportunity to count the grafts. Satisfied with the initial results, he returned for a second

session on 03.12.2012, targeting a different area of the scalp. Again, a fresh analysis and consultation were conducted, and the procedure was performed by a certified M.D. Dermatologist using the DHI method.

13. It is alleged that the Post-surgery, the complainant signed the feedback and guarantee forms. However, despite being informed that results may take up to 18 months to fully manifest, the complainant began pressuring the OP's staff within a month for results and made threats when unrealistic expectations were not immediately met. The OP contends that all procedures were conducted professionally and in accordance with medical standards, and the complainant's dissatisfaction stems from impatience and disregard for medical advice. Hence the complaint of the Complainant is liable to be dismissed with heavy and exemplary costs.
14. The complainant have filed rejoinder to the written statement of opposite party, wherein he has denied each and every averment unless and until expressly admitted by them. He has reiterated all the facts narrated by him in his complaint.
15. Both the parties have filed their evidence by way of affidavit, wherein they have reproduced all the facts, which are mentioned in their complaint and are not discussed here in order to avoid repetition. The complainant has filed copies of DHI/OP Procedure Guarantee dated 26.09.2011, Copy of Brochure

(six Pages) copy of receipts/bills, copy of DHI Pre Procedure Instructions, Post Procedure Instructions Medical Certificate dated 27.09.2011 issued by Dr, Arihant Surana and OP have filed affidavit in evidence of evidence of Arun Arora S/o Mr. Mohan Lal Arora, Director & Authorised Representative of OP company and filed copies of patient consent form, health questionnaire, Hair line Design addendum to patient Consent Form and Procedure Guarantee Form for three session as Annexures B to E. Copy of Patient feedback from dated 04.12.2012 as Annexure F.,

16. We have gone through the written submissions filed by the complainant as well as the opposite parties.
17. The facts revealed that the complainant approached DHI Asian Roots, a unit of SPA Yoga Pvt. Ltd., for a hair transplant in September 2012. Following consultation, OP's doctors assured him of a natural look through the grafting of 1,621 hairs for ₹2,25,000/- which can provide 100% perfect treatment to hair treatment problems. He was admitted on 26.09.2011 and paid an advance of ₹1,00,000. Despite the policy requiring full advance payment, the OP commenced the procedure based on the complainant's assurance that the balance would be paid shortly. A scalp analysis and hairline design were completed, and the implant was performed as per the complainant's request, including areas beyond the recommended zone. The first session was

successfully completed with the implantation of 1,621 hairs, which the complainant verified and approved. Satisfied, he returned for a second session on 03.12.2012 for a different scalp area. A fresh analysis was conducted, and the procedure, using the DHI method, was performed by a certified M.D. Dermatologist. The complainant paid ₹2,76,000 for this session, during which 2,022 hairs were implanted. As the desired results were not achieved, the OP offered a third corrective session free of charge. Post-surgery, the complainant signed the feedback and guarantee forms. Although informed that results could take up to 18 months, he began pressuring the OP's staff within a month. The OP asserts that all procedures were conducted professionally and in line with medical standards, and attributes the complainant's dissatisfaction to impatience and non-compliance with medical advice.

18. The complainant's counsel argues that ₹ 5,01,000/- was paid for a hair transplant procedure that failed to deliver the promised results. As per the brochure (Annexure "Z", Page 1), OP/DHI guaranteed full hair growth or replacement in consultation with expert doctors. It is further contended that the complainant was made to sign a blank consent form, rendering it invalid. Allegations include lack of professional treatment, absence of proper registration under the Private Medical Establishment Act, employment of

unqualified personnel, and operation without necessary licenses. It is the complainant's case that the OP, in connivance with OP/DHI-Asian Roots (a unit of SPA Yoga Pvt. Ltd.), engaged in unfair medical trade practices and cheated the complainant, depriving him of ₹ 5,01,000/-.

19. The first contention raised by the Opposite Party (OP) is that, following the repeal of the Consumer Protection Act, 1986, the Legislature intended to exclude 'healthcare' services from the definition of 'services' under Section 2(42) of the newly enacted Consumer Protection Act, 2019. In this regard, the complainant has placed reliance on the judgment of the Hon'ble State Commission, New Delhi, in **FA/15/2022, Dr. Monica Gogia & Anr. v. Goldy Sahni, decided on 09.01.2023**, wherein it was held that *"the healthcare services were not excluded from the definition of 'services' under the Consumer Protection Act, 2019, and therefore, this contention of the Appellant is devoid of any merit and is dismissed."* It is further noted that **no explanation was provided by the OP for the failure in hair growth experienced by the Respondent despite undergoing four PRP sessions and one hair nourishment session.**
20. The counsel for OP/clinic argued that the complainant was informed about the procedure's limitations. A scalp analysis and hairline design were completed, and the implant was performed as per the complainant's

request. All the pros and cons of the surgery were duly explained to complainant and he thereafter gave his consent after understanding the same. However the case of the complainant is that after completion of three sittings the complainant did not find 1% difference in his hair problems. The case of the OP is that the complainant was given professional treatment and the chances of success were duly explained to the complainant. Now the question is: Whose version is worth reliance? The key lies in the allegations made in paragraph 3 & 4 (three and Four) of the complaint wherein the complainant alleged that despite 3 sittings he did not find 1% difference in his hair problems. In reply to this allegation in written statement and affidavit of evidence the OP only stated that during the treatment the complainant did not complain, even once. They have nowhere explained as to why there, was no difference in the hair problem of the complainant. There is no firm assertion on the part of the OP as to why as to why the complainant did not find any different despite the treatment. They have nowhere explained as to whether the treatment was successful or not and what is the logic behind it. In the absence of firm assertion on the part of OP, the version of the complainant appears to be reasonable and worth reliance.

21. What was required before the treatment of the complainant apart from the qualifications of doctors treating the patient was that they must have been

armed with declaration from the Government that they were practicing in specialized modern scientific medical treatment of surgical intervention of the scalp so as to grow hairs thereon in bald areas as per prevalent rules framed under the Drugs and Cosmetics Act.

22. The OP/DHI-Asian Roots, a unit of SPA Yoga Pvt. Ltd., B-5/15, Safdarjung Enclave, New Delhi-110029, along with SPA Yoga Pvt. Ltd., failed to produce any document showing authorization or license to perform modern scientific hair implantation procedures. They also lacked government approval to engage doctors such as Dr. Urvashi Chandra and Dr. Arihant Surana for such treatments. The procedure conducted amounted to an unfair medical trade practice, carried out without the requisite licenses or specialized expertise, and appeared motivated solely by financial gain. As a result, the complainant suffered monetary loss of approximately ₹ 5,01,000/- along with physical and mental distress.
23. The complainant has sufficiently substantiated his claim for compensation by leading the cogent evidence. Thus, Analysing facts, circumstances and keeping in view the evidence placed on file by the parties, this Commission is of the considered opinion that there is negligence/deficiency in service on the part of the opposite parties in not providing proper treatment to the complainant despite charging for the same. This is a case where opposite

parties transplanted the hairs to cover Bald area and created another Bald area by over harvesting the donor area. Hence, complainant is entitled to payment of said amount in addition to some amount of compensation for physical and mental harassment which he suffered at the hands of the opposite parties. Medical procedures must be performed by qualified and licensed professionals. Clinics should be properly registered and must adhere strictly to established medical standards. Patients must be fully informed about the procedure, including its risks, limitations, and expected outcomes. The complainant went through depression, trauma, and anxiety

24. Accordingly we are satisfied that there was deficiency on the part of the OP in giving her treatment to the complainant. Accordingly, we allow the complaint and direct the OP to refund the amount of ₹ 5,01,000/- (Rupees Five Lakh One Thousand Only) to the complainant, pay Rs.1,00,000/- (Rupees One Lakh Only) as compensation for mental harassment and Rs.30,000/- (Rupees Thirty Thousand Only) as litigation charges within 45 days from the receipt of this order failing which entire amount shall become payable with the interest @ 12% per annum till realisation
25. A copy of this order be provided to all the parties free of cost as mandated by the Consumer Protection Act, 1986. The order be uploaded forthwith on the website of the commission for the perusal of the parties.

26. File be consigned to record room along with a copy of this Judgment.

Poonam Choudhry
(President)

Bariq Ahmad
(Member)

Shekhar Chandra
(Member)