

Complaint : Unprofessional Handling of Tribunal Case by Judge

Written by Administrator

Friday, 11 September 2009 10:56 -

I'd like to comment on the issue of why the business tricks of Scratch-N-Win were so rampant recently meanwhile the business scammers of this kind seemed not being afraid of any rules or regulations under the law.

8 months ago, I bought an appliance from a company in Ipoh but I didn't realize that it's actually a member of the syndicate of Scratch-N-Win until they purposely delayed giving me a properly written receipt stating the details of product which I purchased. I only got a piece of receipt with the amount paid with simple product info.

Sooner, I started suspecting the background of the company and searched over the Internet on the same day at night. Surprisingly, I found that the company was actually 1 of the business scammers of Scratch-N-Win being blacklisted by many victims throughout Malaysia.

Without any delay, I called up the bank to stop the credit card payment next day early morning with a full promise from them on doing so. Unfortunately, the payment still got through after a few days later.

Then, I called up the vendor for the return of the goods due to their immoral business etiquette otherwise I'd file a lawsuit against them. The vendor threatened me back that they're NOT afraid of any legal action because they had long been involved in this kind of activities with mountain of complaints. They even resorted to vulgar languages acting like gangsters.

I was so angry and hoped that the bank could do something on reverse charge since they promised on stopping the transactions earlier. Later, the bank advised me to take a legal action by lodging a police report and settled it under tribunal because they're also aware of the background of the company with some similar incidents before.

I then did so and the vendor immediately called me for the return of goods after receiving the BORANG 1 from tribunal. I refused as they rejected to pay the amount as claimed which was slightly higher than the original price so as to cover the loss of incurred procedure fees as well as 2.5% bank interest by credit card payment.

On the day of hearing, the president of tribunal uttered out very loudly that he would NOT BOTHER whether the company was actually involved in any business scams so long as the vendor currently promised on the refund but I had to bear the loss of 2.5% bank interest because the vendor didn't get the money indeed. I presented the improperly written receipt and credit card slip with the amount inclusive of bank interest but the president still impatiently said that he would only follow the credit card slip with deduction of 2.5% from the amount for refund, other claims of procedure fees were strictly not entertained as well.

Since the receipt and credit card slip were under 2 different companies, the president even loudly threw out the words that the credit card slip was swiped under another company name and I actually might NOT get back what I demanded under the law although I held the receipt of the company. In other words, the receipt meant NOTHING but only the credit card slip meant SOMETHING for payment. I found it absolutely ridiculous in terms of judgement and it seemed like an absurd mockery in judiciary. I was actually paying the amount inclusive of bank interest and I should get back the said on full refund from the vendor.

At that time, the vendor pretended to be nice and said that his company was already closed down and the refund was actually kind of great mercy to me. If the vendor was so kind, why didn't he refund earlier and just did so after I appealed to legal action? They just closed down the company upon the official ban by the government recently.

I explained to the president that both companies were actually under 1 gang and used to close down the previous business entity and setup another new one committing such business scams later. Surprisingly, the president always abruptly interrupted and still spelled out loud out of patience that he was NOT interested in that and asked why I was petty-minded with 2.5% bank interest. At first, I was so frustrated and really disagreed with his judgement putting all the blames on me and getting intended to go to the civil court for a

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fair-and-square justice. I was then daunted by the saying that the time taken might be another 3-6 months with extra fees incurred. In fact, I don't mind spending more monies as long as I get a real justice following my principle. The period of time to be wasted is my primary concern as I may be going overseas sooner.

Till this moment, I'm fully aware of why the business scammers dare to challenge the laws over and over again though having mountain of lodged complaints. By the way, I'm also wondering why the scammer didn't GET PENALISED even a cent but the victimized consumer. They seemed knowing in advance NOT being blamed or accused in tribunal at all. Maybe they'd already known that the so-called professional president of tribunal would spell out I DID NOT CARE and I DID NOT BOTHER during hearing.

No wonder the business scammers earlier challenged that they're NOT afraid of any legal action as I noticed that they're actually being treated so nice in tribunal without a sentence of blame but the claimer instead often. Furthermore, the claimer was always abruptly interrupted with the wordings for eg, "I DO NOT CARE and I DO NOT BOTHER" while giving explanations about the dirty tricks of the company. This will definitely demoralize the spirit of the claimer at the same time giving a booster dose to the business scammer to start off a new company of previous kind since the tribunal seems rather standing on their side with full support as at today.

After reading your website, I found that I'd been intimidated and misled by the president of the tribunal and thus reaching a compromised agreement with the vendor at a loss of 2.5% bank interest as well as other procedure fees which are more than RM 200 on my side. I still felt mentally imbalanced with such a lousy judgement these few days due to the unreasonable sayings of the president. What should I do now ?

Complainants Particulars Withheld

NCCC

26 December 2007