



MALTA

Fit-Tribunal tal-Konsumatur

Eva-Lisa Luhamets

vs

At-Home

CCT 214/21/MS

25th January 2023

The Tribunal

Having seen plaintiff's claim dated 15 December 2021 requesting a refund of €115.36, following the cancellation of an online order, and subsequent return of the shipment to sender.

Having seen that defendant company, duly notified, did not file a reply and that nobody from the company appeared before this Tribunal when called to testify.

Having seen the evidence tendered under oath.

Having seen the acts of the case.

Considers

That on the 30 August 2021 plaintiff submitted an online order for the purchase of a portable desk and sent payment to AT-HOME via Pay Pal.

Two days later, on 1 September 2021, plaintiff sent an email to AT-HOME at 09.33 hrs requesting cancellation of her order but received no reply.

Later that same day, at 22.45 hrs, plaintiff received an email from the same email address, stating that her order had been shipped. The following day, 2 September 2021, plaintiff replied stating that she had cancelled her order the day before and that she no longer wanted it. Once again, no reply was forthcoming. On 5 September 2021, plaintiff followed up with another email, reiterating that she did not want the order shipped and questioned why it was still on its way to Malta. She once again asked that it be returned and requested a full refund. However, this email was also ignored and the order shipped. Plaintiff then returned



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the order to sender, and received receipt of its delivery. (See email sent from Marina Kacarevic C&C Express Ltd.).

That defendant company never filed a reply to the claim or gave evidence when called to do so, so this Tribunal does not have any other version apart from plaintiff's, which is corroborated by correspondence and very plausible.

That according to law, any product or service ordered online, can be canceled and returned within fourteen days, for any reason and without any justification.

Plaintiff cancelled the order within two days of placing it and was well within her legal rights. Defendant company's blatant disregard of all plaintiff's emails does not augur well at all and points to a lack of professionalism. Moreover, as can be seen from the evidence exhibited, the order was returned to sender within fourteen days of its arrival in perfect condition.

For these reasons, the Tribunal accedes to plaintiff's request and orders defendant company to refund plaintiff the sum of €115.36. With costs against defendant company.

A handwritten signature in blue ink, appearing to read 'Michela Spiteri'.

Michela Spiteri LL.D.

Arbitru