



The Consumer Claims Tribunal

In the Acts of Claim CCT 167/22/F

Arben Lufi

vs

Smart Car Rentals

Today, the 13th November 2023

The Tribunal:

Having seen the Notice of Claim filed by the applicant on the 7th November 2022;

Having seen that the respondent failed to file a Reply to the applicant's claim despite being duly notified with the proceedings on the 14th June 2023;

Having heard the sworn testimony of the applicant during the sitting of the 30th October 2023;

Having seen that a representative of the respondent failed to appear for the hearing of the 30th October 2023;

Having seen the documents exhibited by the applicant.

Considered:

Whereas through the instant proceedings, the applicant is requesting that the respondent is condemned by this Tribunal to pay him the sum of one thousand and sixty-five Euro (€1,065) due by way of refund of a charge which as he alleges, was abusively made to his credit card several weeks after having rented a car from the respondent. The applicant is also claiming the sum of five hundred Euro (€500) due by way of moral damages.

Whereas during his testimony, the applicant explained that he noticed a charge of one thousand and sixty-five Euro (€1,065) made to his credit card several weeks after returning



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a car which he had rented from the respondent between the 24th May 2022 and the 30th May 2022. Applicant goes on to explain that it was only after several attempts to obtain information from the respondent that he was sent an invoice via Whatsapp that explained that he was charged the total sum of €1,065 for a replacement of a damaged clutch together with loss of use, a “damage administration fee” and VAT. The applicant denied having damaged the clutch and explained that for starters, to return the car at Malta International Airport Car Rental Centre, he had to drive up three steep ramps – something which would have proved impossible to do with a broken clutch. Applicant further pointed out that when returning the vehicle to the respondent on the 30th May 2022 at 09:02hrs, no damages were flagged on the appropriate vehicle condition report form and thus, he was given the all clear by the rental agent concerned.

Whereas by failing to file a reply and also failing to enter an appearance during the sitting of the 30th October 2023, this Tribunal is deprived of the respondent’s version of events and any possible rebuttal of the applicant’s claim.

Whereas in the circumstances, the Tribunal considers that the applicant has satisfactorily proven his case and will thus order the respondent to refund the applicant the sum of one thousand and sixty-five Euro (€1,065).

Whereas with regard to the applicant’s claim for moral damages, in the circumstances, the Tribunal hereby liquidates the amount due to the applicant in the sum of two hundred Euro (€200).

Decision:

Therefore, for the abovementioned reasons, in the circumstances, after having seen Chapter 378 of the Laws of Malta, the Tribunal hereby decides this claim by upholding it and consequently condemns the respondent to pay the applicant the total sum of sum of one thousand, two hundred and sixty-five Euro (€1,265). Interest shall run as from the date of this decision.

All costs relating to these proceedings are to be borne by the respondent.



Avv. Mattia Felice
Arbiter