



Consumer Claims Tribunal

Janeveb Zammit

vs

Go Plc

CCT 96/24/MM

Today, 10th September 2024

The Tribunal

Having seen the plaintiff's claim, filed on the 9th of May 2024, wherein she is contesting the amount of one thousand and seventy Euro (€1,070) representing a bill issued by Go plc.

Having seen the respondent's reply claiming that there was no wrong doing on the part of the defendant and her claims are unfounded in both fact and law.

Having seen all the act and documents of the case.

And having duly considered the testimonies given under oath.

Considers

That the claimant is a customer of the defendant company as per contractual agreement marked as Doc MM3.

That the claimant is alleging that when her daughter was on holiday in Greece, her mobile phone was stolen. During the timeframe from when her mobile phone was stolen till the simcard was blocked calls were made from such mobile phone as reflected in the bill marked as Doc JZ1 which is the sum contested in this case.

Further Considerations

That one of the main points of contention in the case present revolves around the fact that the claimant alleged that it took her around 45 minutes to contact Go plc and thus the damages incurred could have been minimised greatly. She declared that her daughter had informed her that her mobile phone was stolen at 13:15.



MALTA


On the other hand, GO plc as declared under oath by their customer case representative Marlon Mercieca declared that the first call they received from the plaintiff was at 16:00 whilst the simcard was blocked at 16:13.

From the evidence produced by the plaintiff herself, it clearly transpires that the claimant's daughter informed her that the phone was stolen at 14:41, thus clearly not as indicated by the claimant. Moreover, the claimant replied back to her daughter at 15:10. At 15:43 she was still conversing with her daughter and there is no evidence whatsoever proving that indeed the plaintiff had tried to reach GO plc. Thus the evidence tendered by GO plc, that the call received from the claimant was at 16:10 is well founded.

DECIDE

For the reasons set out above, the Tribunal decides the case and rejects the claimant's request.

Costs to be supported by the claimant.



Avv Dr Martha Mifsud
Arbiter