Date of Filing	:	26.03.2024
Date of Reservation	:	11.07.2024
Date of Order	:	25.07.2024

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, THOOTHUKUDI

PRESENT:

THIRU

A.THIRUNEELA PRASAD, B.Sc., B.L.,

- PRESIDENT

TMT

N.NAMACHIVAYAM, B.A., L.L.B.,

- MEMBER I

THIRU A.SANKAR, M.A.,

- MEMBER II

THURSDAY, THE 25TH DAY OF JULY, 2024

CC. No.39/2024

M.Gowtham, S/o. Muthusamy, Door No.521/3, West Street, South Thittankulam Village, Kovilpatti Taluk, Thoothukudi District-628 502.

...Complainant

-Versus-

- 1. Ritesh Agarwal, Founder and Group CEO-OYO, 271, Tatvam Vilas, Sohna Road, Sector-48, Gurgaon, Haryana-122 018.
- The Proprietor,
 OYO 80158 MTS Guest House,
 2/170A, Mullai Street,
 Medavakkam, Chennai,
 Tamilnadu-600 001.

...Opposite parties No.1 and 2

This complaint coming on this the 11th day of July for final hearing before us in the presence of Thiru.S.Saravanan, Counsel for the complainant and already the opposite parties No.1 and 2 were called absent and set exparte on 20.05.2024 and upon hearing oral argument of complainant,



perusing the available records, written argument of complainant and having stood over till this day for consideration, this Commission passed the following:

ORDER

BY THE PRESIDENT THIRU.A. THIRUNEELA PRASAD,

Gist of Averments contained in the Complaint: The case of the complainant is that the complainant's younger sister M. Ashvitha had completed her 12th standard from the TamilNadu State Board (2021-22 Batch). At that time of her 12th standard along with the academics complainant's sister had prepared for AILET (All India Law Entrance test) through an online private coaching center named Career Launcher. It was been a dream for the complainant's sister to enter into the National Law University and become a law aspirant. To achieve her dream, during 2021-22 academic year she had put so much of hardwork by hardly slept for only four to five hours per day to balance her school academies and law entrance exam preparation. All India Law Entrance Test 2022, was held on 26.06.2022 for the time period of 10:00 AM to 11:30 AM. The exam center for complainant's sister was allocated in School of Excellence in Law, Tamilnadu DR.Ambedkar Law University "Perungudi Campus" Chennai-13. To attend that law entrance exam, on 24.06.2022 complainant and complainant's sister had travelled from Kovilpatti to Chennai through a priva omni bus and further booked OYO 70727 Sri Kannabiran Residency vide Booking ID: C7JB5289, 10/413, Mambakkam. Medavakkam Main Rd, Medavakkam, Chennai 600100, through OYO Rooms official app. The check-in date is 25.06.202 of 12:00 PM and the check-out date is 27.06.2022 of 11:00 AM. The payment for two days of stay at OYO 70727 Sri Kannabiran Residency as mentioned in OYO app as Rs.1175/-

and that amount had been paid by the complainant through his Google Pay account vide UPI transaction ID: 217523111892 to OYO rooms account namely ovorooms.rzp@axisbank on 24.06.2022 at 11:45 PM. On 25.06.2022 around 8:30 AM, both the complainant and his sister reached Koyambedu bus station and after took some refreshment, around 9:30 AM, complainant and his sister travelled through the government town bus to reach Medavakkam. Around 10:15 AM both of them reached Medavakkam bus stop and from there to 0Y0 70727 Sri Kannabiran Residency it takes around 1.5 km distance and they reached the hotel around 10:45 AM by walk. While the complainant and his sister entered the hotel reception and enquired about their booking they got the shocking reply from the hotel receptionist that "since from past one week the hotel management told OYO Rooms to delist their property from the OYO app and for past one week around 5-7 customers per day had visited their hotel and returned back due to the OYO's irresponsible act". Later that the complainant checked his phone where a normal text message from OYO is sent to the complainant's mobile number namely 9360570879 on 25.06.2022 at 9:00 AM as "Hi Gowtham, Due to unavoidable circumstances, we need to change* your booking C7JB5289 to another hotel. Click on https://ovo.ac/CgNJtlD to select new hotel. We're sorry for inconvenience caused. For any concern, click https://oyo.ac/M36JtJQ. Thanks for choosing OYO. *T&C Apply". Immediately that hotel receptionist dialed OYO official person for their area but he didn't pick the call and also the complainant too dialed the OYO customer care number where that pre-recorded call connected to OYO 70727 Sri Kannabiran Residency reception only. As the complainant went there for his sister's entrance exam, he was not in the state of mind to fight with such an illegal and fraudulent activities of OYO and further moved



on to the alternate hotel namely OYO 80468 Collection-o Phoenix Pleasant Stays, 12, Anandammal Nagar, Vijaya Nagar, Medavakkam, Chennai - 600100 as mentioned in the OYO's text message link that was 1.8 km away from OYO 70727 Sri Kannabiran Residency by took an rental auto (auto fare - Rs.120). Around 11:15 AM the complainant and the complainant's sister reached the alternate hotel i.e, OYO 80468 Collection-o Phoenix Pleasant Stays and showed the text message that he received from OYO to that hotel receptionist, shockingly he also said the same kind of reply to the complainant that 'no such booking was forwarded or informed by OYO with regard to the complainant's booking details". After hearing this both the complainant and his sister went through the deep mental agony. With no further delay the complainant booked a new OYO hotel named OYO 80158 MTS Guest House through Goibibo app (Booking ID: HTLDNAOFJXLVZ3UU) for the date of 25.06.2022 to 27.06.2022 and paid an amount of Rs. 1066/- for that booking and an auto fare of Rs.94/- for that travel. While the complainant and his sister reached that OYO 80158 MTS Guest House, the receptionist demanded for an additional payment of Rs.600/- even though the complainant informed to the hotel receptionist that he will check out the room on 26.06.2022 evening itself. But the OYO 80158 MTS Guest House receptionist arrogantly said "if you want the room just pay the additional payment of D Rs.600 or else I will cancel the booking and you go stay in some other hotel". During that time it was around 12:00 PM and both the complainant and his sister had no other option to pay the additional amount on their robbery activity. After paid the additional amount of Rs.600 by the complainant to the OYO 80158 MTS Guest House receptionist, both of them had waited over 20 minutes in the OYO 80158 MTS Guest House portico and in between that time only, hotel worker

cleaned and arranged the -room. It's been even more a mental pressure for the complainant and his sister 1 after they entered in their allocated room, because the room was full of dirt, some insects over the cot, dust in each and every corners of the wall especially the bathroom is full of smut dirt and a unbreathable bad smell is spread over the room which created a severe headache to both the complainant and his sister. Due to this worst ambiances created by OYO 80158 MTS Guest House both the complainant and complainant's sister checked out the room in the early morning (around 7:30 AM) of 26.06.2022 itself. Without a steady state of mind, the complainant's sister attended the law entrance exam and didn't done her exam well because of those above mentioned worse incidents happened to her by the opposite parties. That whole day, the complainant's sister didn't eat and returned back to their home through a private omni bus. Also on 25.06.2022 after check-in in OYO 80158 MTS Guest House, at 3:44 PM, complainant sent an email complaint to guestsupport.na@oyorooms.com (Ticket Id: 8088022555) by mentioning all the worst incidents happened to him on that day and for that an formal reply mail is sent by OYO as "Dear, Thank you for contacting the OYO Experience Team. Our OYO Experience team is currently working on your request and will provide you with a response within 48 hrs (2 days). Our team takes great pleasure in serving every guess and we look forward to providing you with the highest level of satisfaction For urgent matters or any additional information, please contact our team through our chat assistant. We thank you and look forward to your next visit Sincerely, OYO Experience Team". After that email, on 16.07.2022 (i.g almost 22 days later) a reply from guestsupport.na(@oyorooms.com has sent to the complainant as "Dear Guest, Hope you are well! We received an email from you regarding a complaint



about services. We apologize for the inconvenience caused. We are from the USA customer support team. As you are contacting us from India, we would request you to contact us at +91-9313-9313-93 or email us at escalations@oyorooms.com. We appreciate your understanding in this matter. Please feel free to contact us for any further assistance at https://www.oyorooms.com/yo. Regards, Hakid-OYO Guest Experience Manager". While received this email from guestsupport.na@ovorooms.com, complainant immediately sent a complaint mail escalations@oyorooms.com as mentioned by Hakid-OYO Guest Experience Manager on 17.07.2022 and for that email complaint no reply, refund or action has been taken so far. Because of this mendacious incidents created by both the opposite parties, the complainant's minor sister was not in the steady state of mind and didn't done her entrance exam well and got very low marks (11.25 marks) than her practice mock tests and didn't get seat in National Law University (NLU). The complainant's sister's one year of hard work was totally destroyed in one day because of the opposite parties way of hospitality and her dream to join in NLU has become mirage. The above mentioned fraudulent and illegal activities of OYO Rooms and OYO 80158 MTS Guest House are highly condemmable and because of such hospitality provided by both the opposite parties to the complainant's sister, her one year of hard work and dream to become a law aspirant was faded away which causes deep mental agony to her. After this worse incident, the complainant's sister redo the course by studied in a private law coaching center situated in Coimbatore by staying in a PG. The overall cost spend for coaching fee, PG rent and other expenses would be around Rs. 1,23,000/- towards Course redo fee, PG rent (for 6 months*8000) and other expenses. Further she re-appeared for the

2023 entrance exam and got enough merit marks to secure seat in both Delhi and Gujarat campus. Presently the complainant's sister is studying 1st year B.Sc., LL.B. (Hons) course in School of Law Forensic Justice & Policy Studies, Gujarat, through merit counselling. The complainant's sister could surely got seat in any of the National Law Universities in her very first attempt and just because of the opposite parties very worse ambiance she lost that opportunity. With only having an intention of illegal profit making mindset, the recent business services of OYO Rooms and the OYO franchised properties are in a mendacious way to earn more money that was even cheaper than the third rated robbers. Now a days, most of the OYO Rooms properties in India are started collecting an additional amount than the booking amount and did not maintain their rooms with proper cleanliness even after receiving 'n' number of complaints and bad reviews from the customers to OYO Rooms. But they don't even bother about their customers and supported this gutter system and the OYO 80158 MTS Guest House steals an additional amount from all the customers illegally on using the customers situation by threatening them but providing the cheap unhygienic room without proper cleaning. Both the opposite parties frivolous and fraudulent activities was resulted in loss of a minor girl's one year of precious time, her hardwork, her sleep, money and her dream.

Hence, for making mental trauma, harassment, physical agony, illegal and unfair trade practice by the opposite parties to the complainant and her sister and further made the complainant's sister's dream, hardwork, money and precious time to be an mirage, the complainant has filed this complaint for seeking relief to direct the opposite parties to return back the complainant's booking amount and travel expenses of Rs. 6797/-, to pay



Rs.1,23,000/- for the redoing course fee expenses of the complainant's sister, to pay the compensation of Rs. 35,00,000 to the complainant for the unfair trade practice and for made the complainant's sister's dream, hardwork and one year of life as an mirage, to pay the compensation of Rs.15,00,000/- to the complainant for the unfair trade practice, creating physical and mental trauma to the complainant and his sister and expenses cost with the interest rate of 12% per annum from the date of filling the this complaint to till the date of realization of the amount together with costs.

- 2. Notice was sent to the opposite party No.1 dated 02.04.2024 was returned on 24.04.2024 and notice was sent to the opposite party No.2 dated 02.04.2024 was returned with endorsement as 'Left w/o Instruction'. By order of this Commission, Notice was sent to the opposite parties No.1 and 2 dated 29.04.2024 was also returned on 13.05.2024 and 03.05.2024. Thereafter the opposite parties No.1 and 2 was called absent and set exparte on 20.05.2024 for failing to appear and also failing to file written version in time.
- 3. On the Complainant side, complainant/M.Gowtham filed proof Affidavit and examined as PW1, Exhibits A1 to A17 were marked, Notes of written argument filed and oral argument was heard.

4. The Points that arise for consideration are:

- Whether the opposite parties No.1 and 2 has committed deficiency in service and unfair trade practice to the complainant?
- 2. Whether the complainant is entitled for compensation and if so, what is the quantum of compensation to be awarded?

- (i). On the side of the complainant, it was argued 5. Point No.1: that the complainant's younger sister M.Ashvitha had prepared for All India Law Entrance test held on 26.06.2022 for the time period of 10:00 AM to 11:30 AM. The exam center for complainant's sister was allocated in School of Excellence in Law, Tamilnadu DR.Ambedkar Law University "Perungudi Campus" Chennai-13. To attend the law entrance exam, on 24.06.2022 complainant and his sister had travelled from Kovilpatti to Chennai through a priva omni bus and the bus fare was Rs.1227/- and the same was proved through Exhibit A1. Further the complainant had booked OYO 70727 Sri Kannabiran Residency vide Booking ID: C7JB5289, 10/413, Mambakkam. Medavakkam Main Rd, Medavakkam, Chennai 600100, through OYO Rooms official app. The check-in date is 25.06.2022 of 12:00 PM and the check-out date is 27.06.2022 of 11:00 AM. The payment for two days of stay at OYO 70727 Sri Kannabiran Residency as mentioned in OYO app was Rs.1175/- and that amount had been paid by the complainant through his Google Pay account vide UPI transaction ID: 217523111892 to OYO rooms account namely ovorooms.rzp@axisbank on 24.06.2022 at 11:45 PM. Exhibits A2 and A4 were relied upon to prove the same. On 25.06.2022 they reached the hotel around 10:45 AM. While the complainant and his sister entered the hotel reception and enquired about their booking, they replied that "since from past one week the hotel management told OYO Rooms to delist their property from the OYO app and for past one week around 5-7 customers per day had visited their hotel and returned back due to the OYO's irresponsible act".
- (ii). Thereafter the complainant checked his phone where a normal text message from OYO was sent to the complainant's mobile number namely 9360570879 on 25.06.2022 at 9:00 AM as "Hi Gowtham, Due to unavoidable



circumstances, we need to change your booking C7JB5289 to another hotel. Click on https://ovo.ac/CgNJtID to select new hotel. We're sorry for inconvenience caused. For any concern, click https://oyo.ac/M36JtJQ. Thanks for choosing OYO. T&C Apply". Exhibit A4 was relied upon to prove the same. Immediately complainant moved to the alternate hotel namely OYO 80468 Collection-o Phoenix Pleasant Stays, 12, Anandammal Nagar, Vijaya Nagar, Medavakkam, Chennai - 600100 as mentioned in the OYO's text message link that was 1.8 km away from OYO 70727 Sri Kannabiran Residency by took an rental auto (auto fare - Rs.120). Around 11:15 AM the complainant and his sister reached the alternate hotel and showed the text message and they also said the same kind of reply to the complainant that 'no such booking was forwarded or informed by OYO with regard to the complainant's booking details". Thereafter the complainant booked a new OYO hotel named OYO 80158 MTS Guest House through Goibibo app vide Booking ID: HTLDNAOFJXLVZ3UU from the date of 25.06.2022 to 27.06.2022 and paid an amount of Rs. 1066/for that booking and an auto fare of Rs.94/- for that travel. Exhibits A5 and A6 were relied upon to prove the same. The receptionist of OYO 80158 MTS Guest House, demanded for an additional payment of Rs.600/- and the same was paid by the complainant. Exhibit A7 was relied upon to prove the same. Without a steady state of mind, the complainant's sister attended the law entrance exam and didn't do her exam well because of those above mentioned worse incidents happened to her by the opposite parties.

(iii). On 25.06.2022 complainant sent an email complaint to guestsupport.na@oyorooms.com by mentioning all the worst incidents happened to him on that day and to return money without delay. After that email, on 16.07.2022 a reply from guestsupport.na@oyorooms.com has sent

to the complainant as "Dear Guest, Hope you are well! We received an email from you regarding a complaint about services. We apologize for the inconvenience caused. We are from the USA customer support team. As you are contacting us from India, we would request you to contact us at +91-9313-9313-93 or email us at escalations@oyorooms.com. We appreciate your understanding in this matter. Please feel free to contact us for any further assistance at https://www.oyorooms.com/yo. Regards, Hakid-OYO Guest Experience Manager". Exhibit A8 was relied upon to prove the same. It was argued that while received this email from guestsupport.na@ovorooms.com, complainant immediately sent a complaint mail to escalations@oyorooms.com as mentioned by Hakid-OYO Guest Experience Manager on 17.07.2022 and for that email complaint no reply, refund or action has been taken so far. Exhibit A9 was relied upon to prove the same. After this worse incident, the complainant's sister redo the course by studied in a private law coaching center situated in Coimbatore by staying in a PG. The overall cost spend for coaching fee, PG rent and other expenses would be around Rs. 1,23,000/- towards Course redo fee, PG rent and other expenses. With only having an intention of illegal profit making mindset, the recent business services of OYO Rooms and the OYO franchised properties are in a mendacious way to earn more money that was even cheaper than the third rated robbers. Now a days, most of the OYO Rooms properties in India are started collecting an additional amount than the booking amount and did not maintain their rooms with proper cleanliness even after receiving 'n' number of complaints and bad reviews from the customers to OYO Rooms. But they don't even bother about their customers and supported this gutter system and the OYO 80158 MTS Guest House steals an additional amount from all the



customers illegally on using the customers situation by threatening them but providing the cheap unhygienic room without proper cleaning. Both the opposite parties frivolous and fraudulent activities was resulted in loss of a minor girl's one year of precious time, her hard work, her sleep, money and her dream. Exhibit A12 is the legal notice sent on behalf of the complainant to the opposite party No.1 and the same was received by the opposite party No.1. Exhibits A12, A14 and A15 were relied upon to prove the same. Exhibit A13 is the legal notice sent on behalf of the complainant to the opposite party No.2 and the same was received by the opposite party No.2. Exhibits A13, A16 and A17 were relied upon to prove the same.

(iv). On considering the contention of the complainant with available material evidence, it is true that Exhibit A2 is the Gmail regarding OYO booking is confirmed for the period from 25.06.2022 12.00 PM to 27.06.2022 11.00 AM and the address of hotel was "OYO 70727 Sri Kannabiran Residency vide Booking ID: C7JB5289, 10/413, Mambakkam. Medavakkam Main Rd, Medavakkam, Chennai 600100" received from the opposite parties by the complainant on 24.06.2022 at 11.47 PM. The complainant had paid a sum of Rs.1175/- through Gpay for booking which was evident from Exhibit A3. Exhibit A4 is the messages sent by the opposite parties to the complainant stating that "Due to unavoidable circumstance, we need to change your booking to another hotel" is proved that the opposite parties had committed deficiency in service to the complainant. It is to be noted that due to nonservicing by the opposite party, the complainant had booked a new OYO hotel named OYO 80158 MTS Guest House through Goibibo app for the date of 25.06.2022 to 27.06.2022 and paid an amount of Rs. 1066/- for that booking which was evident from Exhibit A5 and an auto fare of Rs.94/- for that travel

which was evident from Exhibit A6 and Rs.600/- for additional payment demanded by the receptionist which was evident from Exhibit A7 is to be accepted. It is to be noted that Exhibit A8 is Gmail regarding complaint about service of the opposite parties and to return back money paid by the complainant for booking and other expenses sent by the complainant to the opposite parties' gmail Id on 25.06.2022 and the opposites party replied through gmail regarding apologize for the inconvenience caused to the complainant dated 16.07.2022 but the opposite parties failed to refund the amount and other expenses to the complainant. The act of the Opposite Parties in committing deficiency in service and unfair trade practices caused mental agony to the complainant and his sister lost her dream, hard work and precious time to be an mirage. In a Consumer Complaint the onus of proving the deficiency of service lies upon the complainant who alleges such deficiency of service committed by the Opposite Party. In the present case, the complainant had proved the deficiency of service committed by the Opposite Parties with sufficient material evidence. Further the Opposite Parties failed to appear before this District Commission to disprove the case of the Complainant. In view of our conclusion that the complainant had proved the alleged deficiency in service and unfair trade practice committed by the opposite parties with sufficient material evidence and consequently this Complaint is liable to be allowed. Accordingly Point No.1 is answered.

6. Point No.2:- In Point No.1, it is decided that the Complainant had proved the deficiency of service committed by the opposite parties with sufficient material evidence and consequently this Complaint is liable to be allowed. In such circumstance, the act of committing deficiency of service and causing mental agony to the complainant by the opposite parties had to be



compensated accordingly for the complainant. Accordingly, Point No.2 is answered.

In the result, this complaint is allowed. The opposite parties No.1 and 2 are directed jointly and severally (i). to refund a sum of Rs.6797/-(Rupees six thousand seven hundred and ninety seven only) towards booking amount and travel expenses to the complainant, (ii). to pay the complainant a sum of Rs.1,23,000/- (Rupees one lakh twenty three thousand only) towards redoing course fee expenses of complainant's sister, (iii). to pay the complainant a sum Rs.10,00,000/-(Rupees ten lakh only) towards compensation for unfair trade practice and for made the complainant's sister dream, hard work and one year life as mirage, (iv). to pay the complainant a sum of Rs.5,00,000/-(Rupees five lakh only) towards compensation for unfair trade practice and for mental agony to the complainant and her sister and (v). to pay the complainant a sum of Rs.10,000/- (Rupees ten thousand only) towards cost of this complaint, within two months from the date of receipt of this Order, failing which the refund amount, redoing course fee expenses and the compensation amounts shall carry interest at the rate of 9% per annum from the date of filing of this complaint, that is, from 26.03.2024 to till realization.

Dictated to the steno-typist directly typed by her and corrected by the President and pronounced by us in the Open Commission on this the 25th day of July, 2024.

Sd/-

(A.Sankar)

MEMBER II

Sd/-MEMBER I

(N.Namachivayam)

Sd/-

PRESIDENT (A.Thiruneela Prasad)

Complainant's side witness: PW1- Thiru. M.Gowtham

Exhibits on the side of the complainant:

EXHIBITS	DATED	DESCRIPTION	REMARKS
Ex.A1	23.06.2022	Advance Receipt voucher regarding the bus fare of Rs.1227/- from Kovilpatti to Chennai	Xerox
Ex.A2	24.06.2022	Gmail regarding OYO booking is confirmed sent by the opposite party No.2 to the complainant	Xerox
Ex.A3	24.06.2022	Rs.1175/- vide UPI Transaction ID No.217523111892 sent to the opposite party No.2 from the account of the complainant maintained State Bank of India	Xerox
Ex.A4	June 25	Messages about change the booking bearing No.C7JB5289 to another hotel due to unavoidable circumstances, sent to the opposite party No.2 to the complainant	Xerox
Ex.A5	25.06.2022	Details of Booking issued by the opposite party No.2	Xerox
Ex.A6	June 25	Details of Auto RE Compact Plus vide CRN 6412284061 reflecting the bill details for Rs.94/- from Anandammal Nagar, Sri Krishna Nagar to OYO 80158 MTS Guest House, Mullai Street, Medavakkam, Chennai	
Ex.A7	From 25.06.2022 to 28.06.2022	Details of Arrivals and Departures issued by the opposite party No.2	Xerox
Ex.A8	25.06.2022 and 16.07.2022	Messages regarding complaint about services through Gmail sent by the complainant to the opposite party No.2 and Messages regarding apologize for the inconvenience caused through gmail sent by the opposite party No.2 to the	



		complainant	
Ex.A9	17.07.2022	Messages regarding complaint about services sent by the complainant to the opposite party No.2 through Gmail.	Xerox
Ex.A10	- Page 1	AILET 2022 Score Card in the name of Ashvitha M issued by National Law University, Delhi.	Xerox
Ex.A11	17.07.2022	Receipt for Rs.50,000/- issued by Career Launcher	Xerox
Ex.A12	03.09.2022	Legal notice issued on behalf of the complainant to the opposite party No.1	Office copy
Ex.A13	24.08.2022	Legal notice issued on behalf of the complainant to the opposite party No.2	Office copy
Ex.A14	03.09.2022	Postal receipt for proof of sending legal notice to the opposite party No.1	Xerox
Ex.A15	12.09.2022	Track consignment report vide No.RT539783832IN regarding delivery confirmed to the opposite party No.1	Xerox
Ex.A16	02.09.2022	Postal receipt for proof of sending legal notice to the opposite party No.2	
Ex.A17	05.09.2022	Acknowledgement card of the opposite party No.2	Xerox

Sd/-MEMBER II (A.Sankar) Sd/-MEMBER I (N.Namachivayam)

Sd/-PRESIDENT (A.Thiruneela Prasad)

Free Certified Copy CC. No. 39/2024
Serial No. of the Application
Date of receipt of Application.
Name of the applicant Complainant
Date of disposal 25/07/2024
Date of Preparation of Copy 29/08/2024
Date of dispatch of free certified copy of order
By Hand 02/09/2024
By Post
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(Oxago ()
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