



2nd November 2011

Mr. Thomas Matussek
German Ambassador to India
6/50 G, Shanti Path, Chanakyapuri
New Delhi -110 021

Sub: Open letter regarding Endangerment of Public Safety by Daimler AG

Your Excellency,

Over the years we have made every civilized effort to bring the rampant decadence and **criminal attitude of Mercedes Benz India** and their parent **DaimlerChrysler/Daimler AG** to the attention of every relevant authority beginning with senior management here in India and ending with the board of Directors at Germany even taking time to address the so-called "Business Practice Office". **In escalating measures each time we turned to a higher office the treatment of our dealership and seven decade old automobile business was made worse with pure vengeance** and even offers that we would resign peacefully if the board would hear our grievances, were rubbished.

Finally using the most cruel and humiliating tactics and blatant trickery we were financially and reputationally threatened till we had no choice but to wind up. To this day we have even been obstructed and delayed in obtaining justice from the courts due to the **refusal of Mercedes Benz to respond to any issues** related to the monopolistic and unfair practices as alleged by us for many years. Out of respect for what we believed to be a civilized organization we left our doors open even as the company ruined our dealership and tried to destroy our standing in our market.

When we had no internal destination for justice we were required to inform relevant persons of what we believed to be highly illegal and immoral activities carried out under the disguise of a "**so called world leader in automobiles**". It will be shocking for the public to know the choices made by this "German Giant" **instead of following a well established moral code dealing with recalls of defective parts/cars.**

It can be shown by us that as long as we waited respectfully for years to receive responses to our questions, even delaying various litigations against Mercedes and its parent, we were treated with contempt and victimised.



However the moment we began to share this **most vital information** with those persons who had been wronged by the unfair practices of Mercedes and began litigation for life threatening defects in our own cars, Mercedes Benz filed a suit for defamation against us.

Six months later Mercedes Benz has neither answered us in court regarding our own defective cars nor have they responded in the matter of the defamation case filed by them.

Here we repeat that for each issue we have waited in a cultured and civilized way using direct communication with the very top management **before going to the court.**

Yet each member of the press who has been openly given public domain documents, connected with **with-holding repair from cars with life-threatening defects** and many shocking practices, has been refused answers with the excuse that the matter is "sub-judice". This is shameful since the matters pertain to habitual lying about the true nature of failed designs of all kinds of sensors and the pre-meditated campaigns to **replace them secretly or without full disclosure.** We are enclosing a set of documents including instructions called "**SERVICE MEASURES**" and "**SERVICE INFORMATION**". A detailed analysis of the enclosed documents will prove that Mercedes Benz India and its parent Daimler AG have **habitually and pre-meditatedly** violated the safety of their customers and increased the risk to their lives in the following ways (**for example**):

- Service measures are to be carried out secretly as per the instructions included within the measure. In the case of the SBC failure, according to the measure dtd. 14-5-2004, "**Only if a customer has heard of the international controversy**" must he be informed of the "service measure", otherwise tricks like "free monsoon camp etc." are to be used. Even our own request to carry out the SBC braking measures in the customers house immediately, was refused!!!
- "Service Measures" have completion deadlines of one year or more and were often **further extended** to allow dealers to attend to cars without information to customers ("**on customers next visit**" is the code used). Simultaneously dealers are fooled by language such as "defects have been noted, but no damage to customer is reported".
- Some measures (three so far as we know) are to be carried out with a letter inviting the car specially, but in these cases the customer is to be given a pre-formatted letter where the risk is totally hidden. For example in the case of the **crank shaft position sensor failure**, the customer is told that the sensor can fail preventing the car from starting while in related "service information" it is agreed that **the sensor can fail at any moment which can cause a running engine to stall!** In the case of the SBC failure where our own car had two severe brake failures and we demanded an investigation, the customer was totally misinformed by the statement "increased braking distance" when



in actual fact the defect was as good as a **total brake failure** which we had pointed out twice.

- On one occasion, turbo chargers of cars were removed by us under **instructions to inform the customer that "he had won a lucky draw"** and would get a free inspection(Dtd. 28-3-2002). We were kept in the dark by being informed that the turbocharger was being removed for analysis whereas such a story is not likely in any company which could analyse any number of components from their enormous internal fleet etc. **Is this the behavior of a civilized company?**
- **Clutch pedals of various models were known to stick while driving.** A most ineffective measure of fitting a heat shield was tried for years, endangering many lives and surely causing death in some cases and later new insulated clutch cylinders were offered secretly by the measure of 23-3-2001 (information dtd.19-4-2001). In the documents, full knowledge of the "risks and liabilities" is admitted, yet a long period is provided so that replacements can be done on a casual basis, instead of by an immediate publicly announced recall campaign. When we found the same defect in a model not mentioned in the affected model list, the defect was not accepted for two years. Finally after violating that customers rights by cutting the underbody to "let in air" and trying all other methods, a replaced clutch OF MODIFIED DESIGN was offered!!! Even though this proved the customers point, to this day no clarification has ever been received as to why the remedy was delayed for two years, raising the risk of death of the customer.
- Many "service measures" have been re-released with new work instructions, new models affected or new Chassis Numbers included. It is baffling that a company making such tall claims has **continued to produce defects for years**, as can be shown in the chronological list of "service measures", where some corrections done in a given year for example are repeated for cars made some years later.
- Lists of cars affected have been provided so that cars can be attended to quietly. However **errors have always been pointed out** and as a result many customers have **never received remedies**, even for life threatening defects. The secrecy of Mercedes Benz, due to their shame at the sheer number of rectifications carried out by dealers (for what should have been done in the factory), has further endangered the customers.
- **Customers have been deceived** and dealers were "warned" not to include any mention of "service measures" in customer's copies of workshop documents. Separate records were to be maintained for service measures to "prepare for litigation" as stated in the warning letter. Threats were also issued that if "service measures" were not carried out as per instructions the **customer's warranty policy would be cancelled for the entire car** and the dealer would be "penalized".



The following cases of total quality failure need to be investigated seriously*:

- 1. Corrosion of cars produced between 2000 and 2005.** Total secrecy on what went wrong prevents full knowledge, but as owners of a C class whose roof, doors and all other sheet metal corroded totally we received no answers. At that point we were told that only cars made in plants overseas were affected. However over the years we were shocked to see the cars we had innocently sold fall apart. Various "measures" were performed behind the customers backs but such things cannot be done to the required standards in a dealer workshop. Corrosion in most cars reappeared as it was bound to, but customers are totally in the dark and any failure after a couple of years, is now their responsibility. We were informed that secret replacements of cars would be offered in "rare" cases to avoid adverse publicity. **It is a well known fact that entire waxing, Sealing and all forms of corrosion protection were missing on thousands of cars for years which the dealers have secretly rectified under instructions of DaimlerChrysler!!! The reasons have never been shared with us!!!**
- 2. SBC brake failure.** Anything that is said on the subject will be inadequate since no information was ever shared. After our own E class had a total failure of its brakes in October 2003 we were informed that no such problem existed and were given a software "update" with no technical information. In May 2004 suddenly we heard of the international controversy and were informed that only cars in our workshop and cars belonging to customers who had "**heard from abroad**" should receive the recall measure immediately. However the "measure" said to change the braking unit (with modified design) **only** if the scanner (tester) instructed to do so. Even after this action, our own brakes failed again after which another measure to the same effect was meaninglessly repeated (dtd.12-10-2004). **Information or an investigation was refused!!!** Finally in June 2005 a series of "measures" were again launched in connection with the same SBC braking unit. **In a whimsical manner many customers have been asked to replace the SBC unit at their cost later on!!!**
- 3. Crank shaft, Wheel speed, Steering angle and other sensor failures.** The effect of these failures has been **severely underreported** to avoid liability and with the frequent failures of these parts all suspicion points to a giant cover-up. Even though some "service measures" have been launched the affected cars seem to span the full fleet and no responsibility is taken. Even though such parts can fail in a moving car causing death no such admission is properly made and many customers are made to pay for the same parts at the whims of Mercedes Benz. The S(w221) class wheel speed sensors are known to fail and details of what will happen in such a case are highlighted in service documents along with new part numbers for replacement, yet no recall.



4. **Airbag replacement.** On W124 vehicles we were asked to replace airbags and detonate and destroy the removed bags which were only a couple of years old. To date no reasons have been given.
5. **Transmission failure.** There is an information blackout on the subject yet piecing together the "service information and measures" with our warranty data we can see that many defects of the sensors in the transmissions cause total gearbox failures while driving. Understanding the risks Daimler AG has **turned off the warning system** and they use this as a trick to replace affected parts without admitting the failure. This is a case of increasing the customer's exposure to death just to avoid a recall campaign. After two car's belonging to our companies have been found and proved to have these failures along with a large number of our customers' cars, we have been refused even a response to our questions!!! Customers have even been asked to bring back their cars when the "alleged" defect appears which further deceives them to believe that the fault is not serious. The same defects are known worldwide and there is evidence of total disgust at this cover-up. **Glycol from coolant radiators is also known to contaminate the transmission fluid for which documents are circulated to dealers and later the faulty radiators were redesigned with no accountability to affected customers.**
6. **Engine idler pulley.** The "measure" to replace idler pulleys was introduced years after the defect was known and information that the breakage of the pulley could cause SBC braking and power steering failure was hidden from customers and only noise was given as a reason.
7. **Constant "updtation" of all software with new code.** No technically literate person can be fooled that the constant loading of corrected software is not aimed at clearing known defects. Yet we have proof that most of these attempts have failed and the secret manner in which they are carried out further endangers a customer's life. **A serious investigation is needed and the constitutionality of such changes to the private property of individuals must be addressed.**

The examples are too many to list but when **one company** changes software and hardware on braking/ESP/SBC and transmission systems as well as clutch mechanisms and every kind of sensor non-stop for a decade, **mostly replacing one repair method with another at a later stage due to failure of the previous method** and then refuses any information, the question has to be asked **"Is Daimler AG so special that only they are above the laws of morality and legal systems of any civilized society?"**



One look at the record of the past ten years will show that not even a manufacturer with the lowest standards could have rectified this magnitude of defects in the field with almost no transparency even to its own dealers.

This sort of behavior would have led to the **imprisonment of the entire senior management**, if honest revelations were made, but using the immaturity of the Indian luxury car market and complications of the Indian legal system and total control on diagnosis software and repair process, this company has deceived the entire system. Today this deception can be exposed by us, **but using a wall of silence**, threats of non-disclosure agreements (which are illegal) etc., we have been confounded at every turn, in the hope that we get trapped in the system.

Unfortunately, the technique of non-answering of vital issues due to the consequences seems to apply to your embassy as well. We have with a few short documentary materials provided a glimpse into the deep rooted cover up and premeditated rectification of manufacturing defects carried out in a criminal manner. **Your embassy has refused us a response.**

However we are approaching you once again with a copy to various ministries and other organizations in the hope that the wide reaching damage caused by this **German company** is rectified and proper restoration of our customers and our rights is brought about. Only a large scale, high level investigation, with members of the multinational media and Japanese and American auto majors involved, could credibly address these matters. Having previously trusted the **Business Practice Office and the board of directors of Daimler AG only to find ourselves victimized and harassed for years**, we are sure you will agree that we are fully justified in requesting a fair investigation.

Once again we repeat a request for an early acknowledgment and positive action.

Thanking you,
Sincerely yours,
For **Cama Motors Pvt. Ltd.**

A handwritten signature in blue ink, appearing to read "R. Cama", written over a horizontal line.

Rustom J. Cama
Executive Director

Note: Copies of this communication are being forwarded to relevant ministries and organizations.