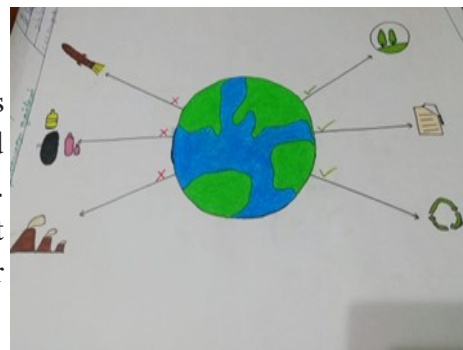


CONSUMER UPDATE



World Consumer Rights Day (WCRD) 2020

The world is moving towards unsustainable consumption practices leading to huge exploitation of resources, thus affecting the health and environment, and leaving the future of the younger generation at stake. The need for consuming sustainably and to use resources wisely must be instilled in the minds of consumers, especially the younger generation, in order to safeguard their future.



CAG, in collaboration with various educational institutions viz. Ethiraj College for Women, Justice Basheer Ahmed Sayeed College for Women, DG Vaishnav College, Chennai High School and Dhanalakshmi Higher Secondary School, organised activities and made hundreds of students participate; this exposure to students will enable them to understand and improve the quality of their life and that of the environment.



The activities included organising lectures on sustainable consumption and climate change in a few colleges; conducting skits, poster making competitions among school students, promoting kitchen gardening and sharing information on an internal WhatsApp group created for the purpose and a survey to evaluate students' knowledge on sustainability.

CAG writes to Ministry of Civil Aviation and Tamil Nadu Department of Civil Supplies and Consumer Protection

I. While people are going through hard times due to the pandemic and the resultant lockdown, air passengers are facing added problems with several airlines and travel agencies refusing to refund the ticket amount for the cancelled flights. Based on complaints received in this regard, CAG wrote to the Ministry of Civil Aviation, urging them to issue a set of guidelines on COVID related cancellations and refunds, to be followed by the airlines and travel agencies. The suggestions include:

- No airline/travel agency shall refuse refund if a consumer opted for it. Refund should be processed within 15 -20 days from date of request from the consumer.
- No cancellation charges should be levied and the amount should be refunded in full.
- All parties- the airline, travel agent and online portals - are equally responsible to make sure that refund is processed on time. One cannot blame the other and as a result delay the refund process.
- Utilisation of tickets for future travel shall be an option available to the consumer. If the consumer agrees for it, he/she should be allowed to choose any sector of his/her choice. The airline may charge appropriate additional costs, if the travel cost for the new leg is more than the original fare.
- If the consumer so wants, he/she should be allowed to use the tickets for spouse and children.

II. CAG wrote to the Department of Civil Supplies and Consumer Protection, Tamil Nadu, asking them to take necessary measures to ensure that essential commodities like rice, dhal, etc. and other products were not sold at higher prices in shops across Tamil Nadu. Consumers are already facing several problems in these difficult times and this should not be an added concern. The department should ensure that prices are controlled and issue appropriate advisory to be followed by the District Supply Officers and publicise the same so that consumers stand to be benefited, the letter said.

RBI announces loan moratorium to tide over COVID related disruptions

In order to mitigate the burden of debt servicing brought about by disruptions on account of COVID-19 pandemic, the [Reserve Bank of India](#) issued a statement permitting all banks and financial institutions to grant a moratorium of three months on payment of all installments falling due between March 1, 2020 and May 31, 2020. It means that loan EMIs will not be demanded by the banks during this period. This will provide a temporary relief to many individuals who find it difficult to repay their personal loans, car loans, home loans etc due to loss of income during the lock down period. Not paying EMIs on time may adversely affect the borrower's credit score and lead to the account being declared as a Non-Performing Asset. But, what one must bear in mind is that while the consumer will not be black listed during the moratorium period, he/she will be charged interest for the unpaid amount. So, if one avails the moratorium scheme, either the tenure of the EMIs will go up or there will be an increase in the EMI amount.

TNRERA extends timelines on account of the pandemic

Due to the present force majeure conditions, the Tamil Nadu Real Estate Regulation Authority (TNRERA) has issued a [Circular](#) which states:

1. All registrations, valid as on 01.02.2020 are extended automatically upto 30.06.2020
 2. Completion period extended by 5 months
 3. Validity of registration will be coterminous with revised completion date
 4. Time limit of all the other statutory compliances are extended upto September 2020
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Insurance claim cannot be repudiated due to driver holding fake licence: Supreme Court

The Supreme Court, while hearing an appeal in [Nirmala Kothari Vs. United India Insurance Co. Ltd.](#), against the order of the National Consumer Disputes Redressal Commission, which had earlier absolved the insurance company of its liability as no record of the driver was found with the appropriate licensing authority, held that owner's insurance claim cannot be denied for the mere reason that the driver was holding a fake licence. "While hiring a driver the employer is expected to verify if the driver has a driving licence. If the driver produces a licence which on the face of it looks genuine, the employer is not expected to further investigate into the authenticity of the licence unless there is a cause to believe otherwise. If the employer finds the driver to be competent to drive the vehicle and has satisfied himself that the driver has a driving licence, there would be no breach of law and the Insurance Company would be liable under the policy. It would be unreasonable to place a high onus on the insured to make enquiries with RTOs all over the country to ascertain the veracity of the driving licence", the Court observed.

District Forums have no power to extend time beyond 45 days to file reply: Supreme Court

In [New India Assurance Vs. Hilli Multipurpose Cold Storage Pvt. Ltd.](#), decided in March 2020, when the question of whether District Forums had the authority to extend the timeline for filing response to a complaint beyond the stipulated period of 45 days (30 + 15), as provided under Section 13(2) (a) of the Consumer Protection Act, came up, the Supreme Court held that the District Consumer Forums do not have the power to extend the time beyond 45 days for filing of counter by the opposite party, and the thirty days period will start from the day the opposite party received the notice along with a copy of the complaint.

Consumer wins battle against time share company

Mr. Santhanam, a complainant and a well-wisher of CAG, had entered into an agreement with a timeshare company in 1994, by paying a sum of Rs. 37,000/-. The company had promised to construct a resort in Yelagiri. However, the company did not keep up its promise and the leased properties provided as an alternative, did not meet up to the complainant's expectations. So, he wrote several letters to the company asking to refund his money. He requested them to find a buyer to sell his timeshare and also suggested that they sell his yearly accrued holidays to someone and pay the proceeds to him. However, the company refused to act upon any of his suggestions. Mr. Santhanam approached CAG and we represented to the company on his behalf. But, the timeshare company turned a blind eye to this as well. It was then that the consumer decided to approach the Consumer Fora. Mr. Santhanam filed a complaint before the State Consumer Disputes Redressal Commission seeking refund of Rs.37,000/-, damages of Rs. 19,28,000/- being interest @ 18% as agreed upon in the agreement, travel and compensation of Rs. 7,00,000/- and litigation costs of Rs. 1,00,000/-.

Only then did the timeshare company come for a compromise. Both parties discussed and it was mutually agreed to settle the matter on payment of a consolidated sum of Rs.3,00,000/- by the company to Mr. Santhanam. A joint memo to this effect was submitted to the Commission.

Telecom Subscription Data as on 31st December 2019

Particulars	Wireless	Wireline	T Total
Urban Telephone subscribers (Millions)	643.97	18.47	6 62.45
Rural Telephone subscribers (Millions)	507.46	2.53	5 09.99
Total Telephone subscribers (Millions)	1151.44	21.00	1 172.44
Overall Tele-density (%)	86.98	1.69	8 8.56
Share of Urban Subscription (%)	55.93%	87.95%	5 6.50%
Share of Rural Subscription (%)	44.07%	12.05%	4 3.50%
No. of Broadband Subscribers (Million)	642.80	19.14	6 61.94

In the month of December 2019, 3.46 million subscriber requests were made for MNP. Till the end of December 2019, a total of 470.08 million consumers have availed MNP facility since its implementation.

போஸ்டல் ஆர்டருக்கு கூடுதல் தொகை வசூலிப்பு : போஸ்ட் மாஸ்டருக்கு அபராதம் விதித்து தீர்ப்பு

போஸ்டல் ஆர்டருக்கு கூடுதல் தொகை வசூலித்த போஸ்ட் மாஸ்டருக்கு ரூ.15ஆயிரம் அபராதம் விதித்து தூத்துக்குடி நுகர்வோர் குறைதீர் மன்றம் உத்தரவு பிறப்பித்துள்ளது.

நெல்லை சிந்துபூந்துறையைச் சேர்ந்த கணபதி மனைவி சூரிய கலா என்பவர் கடந்த 03.02.2017ல் கோவில்பட்டி லெட்சுமிபுரம் துணை தபால் நிலையத்தில் ரூ.55 செலுத்தி இந்தியன் போஸ்டல் ஆர்டர் வாங்கினார். இதில் போஸ்டல் ஆர்டர் விலை ரூ.50, கமிஷன் ரூ.5 என பெறப்பட்டது. ஆனால், கமிஷன் ரூ.2.50 என குறிப்பிடப்பட்டிருந்தது. இதனால் கூடுதலாக வசூலித்த ரூ.2.50ஐ சூரியகலா திருப்பி கேட்டபோது, போஸ்ட் மாஸ்டர் அவரை பலபேர் முன்னிலையில் அவதூறாக பேசி மன உளைச்சலை ஏற்படுத்தியுள்ளார். இதையடுத்து சூரியகலா தனது மன உளைச்சலுக்கு நஷ்ட ஈடாக ரூ.95ஆயிரம் மற்றும் வசூல் செய்த தொகை ரூ.2.50ஐ வட்டியுடன் திருப்பித் தர வலியுறுத்தி தூத்துக்குடி நுகர்வோர் குறைதீர் மன்றத்தில் மனு தாக்கல் செய்தார்.

இந்த வழக்கை விசாரித்த நுகர்வோர் குறைதீர் மன்றத்தின் நீதிபதி தேவதாஸ், மற்றும் உறுப்பினர் திரு.சங்கர் ஆகியோர் மன உளைச்சலுக்கு நஷ்ட ஈடாக புகார்தாரருக்கு ரூ.15ஆயிரம் மற்றும் வழக்கு செலவுத் தொகையாக ரூ.5ஆயிரம் தொகையை எதிர் மனுதாரரான போஸ்ட் மாஸ்டர் ஒரு மாத காலத்திற்குள் வழங்க வேண்டும் என தீர்ப்பு வழங்கினர். தவறும் பட்சத்தில் 6 சதவீதம் வட்டியுடன் சேர்த்து வழங்க வேண்டும் என உத்தரவிட்டனர்.

Source: Tuttyonline.net / March 4, 2020



CAG

Citizen consumer and civic Action Group

CAG is a 34 year old non profit, non political, professional organization working towards protecting citizen's rights in consumer and environmental issues and promoting good governance including transparency, accountability and participatory decision making.

The complaints cell at CAG addresses specific problems of consumers. Also CAG regularly conducts consumer awareness programmes for schools, colleges and special target groups.

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