



## CONSUMER UPDATE

### **Tamil Nadu Government appoints Presidents and Members of various District Commissions**

Over the last few years, there have been several vacancies for the post of Presidents and Members in the District Fora, resulting in pendency of cases and thus putting off consumers from approaching the Consumer Fora. The Tamil Nadu Food, Cooperation and Consumer Protection Department has finally issued a GO Ms.33, dated 18.03.2022, confirming appointment of 30 Presidents and 55 Members to various District Commissions across Tamil Nadu. Earlier, as per Sub-rule (1) of Rule 6 of Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of office, resignation and removal of Presidents and Members of a State Commission and District Commission) Rules, 2020, a Selection Committee was constituted. This Committee recommended the panel of names for the consideration of the Government, for the appointment of Presidents and Members for the District Commissions in Tamil Nadu. Source: [Government Order](#)

### **Kerala High Court dismissed the petition filed by doctors claiming that health sector is exempt from the purview of Consumer Law**

In a recent judgement, the Kerala High Court ruled that medical services are covered under the Consumer Protection Act (CPA), 2019.

A female petitioner filed a complaint with the Kannur Consumer Disputes Redressal Commission against two doctors, one of whom treated her for cataract of her left eye. The complainant claimed that she lost sight of her left eye as a result of the treatment, alleged medical malpractice, and demanded compensation of Rs. 32,52,000/-.

Therein, the doctors filed a petition before the Kerala High Court seeking a declaration that the Consumer Fora as defined under the CPA, 2019 does not have jurisdiction to hear complaints of medical negligence and deficiency in medical service. They also stated that this is because the medical profession and practice does not fall under the definition of "service" as defined under Section 2(42) of CPA 2019.

Counsel for the petitioners argued that though the health sector was included in the Draft Bill of the new CP Act, 2019, as an example of facilities that are classified as 'services' under Section 2(42) of the new Act, later, it was deleted, which proved that the legislators sought to exempt medical services and the profession from the scope of the new Act.

However, Justice Nagaresh, who heard the case, dismissed the contention, arguing that external aids such as Draft Bills can only be used to interpret a statutory provision when there is ambiguity in the statute's stated terms.

He went on to say that Section 2(42) of the CPA is crystal clear, and that "a reading of the inclusive part in Section 2(42) would show that the Parliament intended to specifically underline that certain services like

Banking, Financing, Insurance, Transport, etc., which are in the nature of public utility services, would come within the purview of 'services'. At the same time, the definition is inclusive and not exhaustive. Therefore, all services which are made available to potential users would fall under Section 2(42), except those services rendered free of charge or under a contract of personal service."

The Court dismissed the petition by the doctors, stating that medical services would very well fall under Section 2(42) of CPA 2019. Source: [LiveLaw](#)

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### **SBI alerts customers on QR codes**

Digitisation is gaining momentum in the country and along with it is the risk of online fraud and cybercrime. Scanning of QR codes on mobile phones is one such fraudulent activity that has been increasing in recent years. Recognising this, the State Bank of India (SBI), has issued a warning to its 44 crore clients, stating that if you receive a QR code from anyone, do not scan it. You may become bankrupt as a result of this, and lose all your money from your account. Source: [Business League](#)

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### **Consumer Commission says 'Same products cannot have different MRPs'**

In 2010, five students from the National Law School of India University (NLSIU), purchased three beverages - a 1 litre water bottle, a cool drink and a 350ml Nimbooz drink from two different places - a mall and a supermarket. They bought the same beverages of the same quantity yet were charged differently with a price variation ranging from Rs 10 to Rs 25. Hence they filed a complaint before the Bangalore District Consumer Commission against Pepsico citing unfair trade practices and also pointing out that no information was given about the availability of these beverages at a lower price in retail stores.

According to the Consumer Commission, printing different MRPs for the same product, without changing the substance or quantity was 'nothing but unfair trade behaviour'. It ordered the company to stop marking different MRPs on the same products to be sold at different locations; and to compensate the complainants with Rs 5,000. It also ordered them to pay Rs 2,000 towards litigation costs.

The MNC challenged the order of the District Commission in 2011, before the Karnataka State Consumer Commission. 11 years later, in 2022, the panel dismissed the application and the Member Bench ruled that the order issued by the District Commission contained no errors or omissions and that any manufacturer of a packaged food or beverage sold in the same geographical area cannot have two MRPs for the same quantity and quality. Source: [Live Law](#)

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### **Consumer Commissions can order a refund, along with interest, for the delay in delivery of apartments, says Supreme Court**

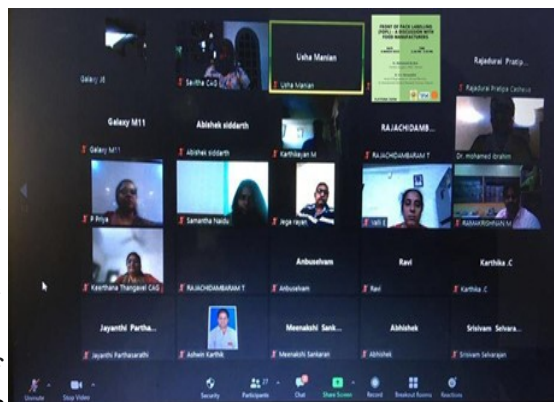
The Supreme Court of India has passed an order stating that Consumer Commissions have the power and the jurisdiction to impose penalty on builders and mandate them to refund the amount paid by home buyers if there is a delay or failure in handing over the possession as per the terms of the agreement. Justices U Lalit, S Ravindra Bhat and P S Narasimha said that under Section 14 of the Consumer Protection Act, 2019 a home buyer has the right to ask for a refund or for possession of the apartment and that the Consumer Commission has the authority to pass appropriate orders, based on the merits of the case and justice. Source: [Money Life](#)

## பாஸ்புக்கில் பதிவு செய்ய தாமதம் - இழப்பீடு வழங்க உத்தரவு

பாஸ்புக்கில் கணக்கு பதிவு செய்ய நீண்ட நேரம் காத்திருக்க வேண்டிய வாடிக்கையாளர்க்கு ரூ.13000 செலுத்த வங்கிக்கு நுகர்வோர் நீதிமன்றம் உத்தரவிட்டுள்ளது. காஞ்சிபுரம் மாவட்டம், கூடுவாஞ்சேரியை சேர்ந்தவர் ருக்மணி, வயது 65. இவருக்கு கனரா வங்கி கணக்கு உள்ளது. அங்கு சென்று வங்கியில் கணக்கு பதிவு செய்தார். பதிவு இயந்திரம் பழுதடைந்துள்ளது என்று கூறி வங்கி ஊழியர்கள் அவரை திருப்பி அனுப்பிவிட்டனர். எனவே ருக்மணி செங்கல்பட்டு நுகர்வோர் நீதிமன்றத்தில் வழக்கு தொடர்ந்து ரூ.25,000 இழப்பீடு வழங்க வேண்டும் என கோரிக்கை வைத்தார். இந்த வழக்கில், பதிவு இயந்திரம் பழுதடைந்ததால் பதிவு தாமதமாகிவிட்டதாகவும், ஊழியர் விடுமுறையில் இருப்பதாகவும் வங்கி கூறியது. நீதிபதி கலியமூர்த்தி மனுதாரரின் கோரிக்கைக்கு வங்கி நிர்வாகம் பதிலளிக்கவில்லை என்பதால் மனுதாரருக்கு இழப்பீடாக ரூபாய் 10,000 மற்றும் வழக்குச் செலவிற்கு ரூபாய் 3000 வழங்க உத்தரவிட்டார். Source: [Dinamalar](https://www.dinamalar.com)

## Discussion with processed food manufacturers of Tamil Nadu on the importance of warning labels

CAG, in collaboration with Tamil Nadu Small and Tiny Industry Association (TANSTIA), organised an online meeting, titled “Front of Pack Labelling (FoPL) - A discussion with food manufacturers” on 8th March, 2022. The aim of the meeting was to sensitise the food industry about the strong link between non-communicable diseases (NCDs) and FoPL, the importance of warning labels, and to gain manufacturers' perspectives on this serious issue. The event had participation from processed food manufacturers namely, ARB Organics, SR Pure Organics, Sangamam Organics, Tamil Nadu Cashew Association, NFG Organics, Ginni Naturals, and Noah Foods. The speakers included Dr. Mohammed Ibrahim, Cardiac Surgeon, SIMS, Chennai; Dr. A.J. Hemamalini, Professor and Head, Department of Clinical Nutrition, SRFAHS, Sri Ramachandra Institute of Higher Education and Research [DU], Chennai; and Mr. Raja Chidambaram, Advisor of TANSTIA. The session was well covered by local media agencies.



## Karnataka's processed food manufacturing industry representatives agree that straightforward and interpretative labels are needed on the front of packaged food products to warn consumers

Front of Pack Labelling (FoPL) plays a crucial role for a country to provide healthier food options for consumers. The Food Safety and Standards Authority of India (FSSAI), in the draft Food Safety and Standards (Labelling and Display) Regulations, 2018 introduced the FoPL for packed food in India. Since January 2021, CAG has been working towards bringing in effective regulation. Recent media reports reveal that the food regulator is in favour of Health Star Rating (HSR) for FoPL. However, experts' opinions and evidence show warning labels are better suited for Indian consumers and satisfy the aim of FoPL (reducing NCDs). On the contrary, HSR will compromise the objective of FoPL, as explained further in this [article](#). With this background, CAG in collaboration with Consumer Rights Education and Awareness Trust [CREAT], Bangalore and BMS College of Law, Bangalore organised a meeting, titled



'Warning labels on front of packaged food products - Need of the hour' on 22nd April, 2022. The aim of the meeting was to make consumers aware of FoPL; establish the reasons why warning labels best suit the Indian population; and highlight how HSR was not a good choice . There were around 75 participants from across Karnataka. The speakers included a cardiologist; an industry representative - a member of Federation of Indian Chambers of Commerce & Industry (FICCI); and a consumer advocate. The media coverage that the event received helped raise awareness among the public about the need for warning labels on packed foods.

### இணையவழி வர்த்தக நிறுவனங்களுக்கு ரூ.1 லட்சம் அபராதம் - தரமற்ற குக்கர் விற்பனை

இணையதளம் வாயிலாக வாங்கிய குக்கர்கள் தரமற்றதாக இருந்ததால், மத்திய நுகர்வோர் பாதுகாப்பு ஆணையம் அந்த நிறுவனங்களுக்கு தலா ரூபாய் ஒரு லட்சம் அபராதம் அளித்துள்ளது.

பேடிஎம் மால் மற்றும் ஸ்நாப்டீல் இந்த இரு நிறுவனங்களும் ஐஎஸ்ஐ முத்திரை இல்லாத தரமற்ற குக்கர்களை விற்பனை செய்து வருவதாக நுகர்வோர் பாதுகாப்பு ஆணையத்துக்குப் புகார்கள் வந்துள்ளன. இதனை விசாரித்த ஆணையம், புகாரில் உண்மை இருப்பதை உறுதி செய்தது. பேடி.எம் மால் நிறுவனத்தின் இணையதளத்தில் விற்பனை செய்யப்படும் இரு நிறுவனங்களைச் சேர்ந்த குக்கர்கள் தரமற்று இருப்பது உறுதி செய்யப்பட்டது. அவை இந்தியத் தரக் கட்டுப்பாட்டின்கீழ் உற்பத்தி செய்யப்படவில்லை. மேலும், ஐஎஸ்ஐ முத்திரையும் பெறவில்லை. இதேபோல ஸ்நாப்டீல் நிறுவனம் விற்பனை செய்து வந்த ஒரு குறிப்பிட்ட நிறுவனத்தின் குக்கரும் தரமில்லாமல் இருப்பது உறுதியானது.

தங்கள் நிறுவனங்கள் அந்த குக்கரை உற்பத்தி செய்யவில்லை என்றும், தாங்கள் விற்பனையாளர்கள் மட்டும்தான் என்றும் பேடிஎம் மால் மற்றும் ஸ்நாப்டீல் சார்பில் வாதம் முன்வைக்கப்பட்டது. ஆனால், இதனை ஏற்க மறுத்த நுகர்வோர் ஆணையம், இணைய வழி விற்பனை நிறுவனங்களுக்கான நுகர்வோர் பாதுகாப்புச் சட்டத்தின் (2020) படி, இந்த வகை விற்பனையில் நடைபெறும் முறைகேடுகளுக்கு இணைய வழி விற்பனை நிறுவனங்கள்தான் பொறுப்பேற்க வேண்டும் என்று கூறி, ரூ.1 லட்சம் அபராதம் விதித்து, ஏற்கெனவே விற்பனை செய்த தரமற்ற குக்கர்களைத் திரும்பப் பெற்றுக் கொண்டு, நுகர்வோரிடம் இருந்து பெற்ற பணத்தையும் 45 நாள்களில் திரும்ப அளிக்க வேண்டும் என்று அறிவுறுத்தியுள்ளது.

Source: [Tamil Samayam](http://Tamil Samayam)



# CAG

Citizen consumer and civic Action Group

CAG is a 36 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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