



## CONSUMER UPDATE

### **Consumers can approach consumer courts for telecom-related complaints**

The Supreme Court ruled that anyone who has experienced a deficit in telecom services can go directly to consumer forums and file a complaint against the firm. According to the bench of Justices DY Chandrachud, Surya Kant, and Vikram Nath, the fact that arbitration is a statutory remedy under Section 7B of the Indian Telegraph Act 1885 does not preclude the consumer forum's jurisdiction. A consumer may choose arbitration as a remedy, but there is no legal need to do so. It is well within the consumer's rights to seek recourse to the remedies given under the (Consumer Protection) Act 1986, which has been replaced by the Act of 2019.

On May 25, 2014, Ajay Kumar Agarwal filed a consumer complaint with the District Consumer Disputes Redressal Forum in Ahmedabad, citing that Vodafone overcharged him. According to the complaint, Agarwal opted for a postpaid mobile connection in Vodafone and paid a monthly bill of Rs 249. He had signed up for an auto-pay scheme using a credit card, under which Vodafone would receive money before the due date, allowing him to pay his payments on time. He claimed that the normal monthly bill was around Rs 555, but the respondent was billed for Rs 24,609.51 between 8 November 2013, and December 7, 2013. He filed a complaint with the District Consumer Forum, seeking Rs 22,000 in compensation, plus interest and other reliefs.

The Supreme Court ruled on Vodafone's appeal, in which the company challenged an order of the National Consumer Disputes Redressal Commission (NCDRC), that affirmed the State Consumer Disputes Redressal Commission's (SCDRC) conclusion which is Section 7B of 1885 Act would not apply to a private service provider because it is not a Telegraph Authority. The court stated that the addition of the term "telecom services" to the definition in Section 2(42) of the Consumer Protection Act 2019 cannot be interpreted to suggest that telecom services were excluded from the consumer forum's jurisdiction under the previous Act of 1986. The definition of the term "service" under Section 2(o) of the Consumer Protection Act 1986, on the other hand, was broad enough to include services of all kinds, including telecom services, according to the bench.

The bench did not accept Vodafone's argument that the inclusion of telegraph services in the Act of 2019 indicates that telecom services were only placed under the jurisdiction of consumer forums as a result of the

new law. The Supreme Court went on to say that the definition of services in Section 2(s) of the previous Consumer Protection Act was not intended to be an exhaustive list of the services that are covered by the definition. On the other hand, by adopting a language that defines "service" as "any type of service made available to potential customers," Parliament made it clear that all services would be included in the definition. The only exceptions were (i) free services and (ii) services under a contract of personal service, according to the statement. The Consumer Protection Act 1986, according to the court, was a watershed moment in legislative efforts to safeguard consumers' welfare and interests. It was noted that any disagreement over a telegraph line, appliance, or equipment between the telegraph authority and the person for whose benefit the line, appliance, or apparatus is or has been given must be resolved by arbitration under Section 7B of the Indian Telegraph Act. It said that such a dispute must be referred to an arbitrator designated by the Central Government, either specifically for that dispute's resolution or generally for the resolution of disputes under the Section.

Source: [The Supreme Court of India](#)

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### **TN Real Estate Tribunal penalises violators for encroaching upon common area in apartments**

K. Balasubramaniam is one among the 87 flat owners of Anna Nagar's Tulive Viha, constructed by GKS Technology Park Pvt. Ltd. He had approached Tamil Nadu Real Estate Regulatory Authority (TNRERA) to file a complaint against the builder for selling the common area and two other flat owners who violated the floor plan of the common area by constructing a combined door and preventing other owners from using it. In 2021 April, the TNRERA nullified the sale of the common area to the owners of two flats and deleted the deal of sale. It directed the builder to rectify it, pay a penalty of 5 lakh and pay back 17.25 lakh collected from all other flat owners, by May 2021. The owners of the two flats were asked to bring the encroached common area back to its original status by the end of June 2021. However, the builders and the owners of the two flats did not adhere to the order put forth by the TNRERA except for the 5 lakh penalty payment made by the builder. Instead, they plead before the TN Real Estate Appellate Tribunal consisting of Chairman Justice B. Rajendran, judicial member N. Balasubramanian and administrative member Leena Nair. The tribunal heard the case and gave a time period of 60 days to restore the area according to the original floor plan. If the violators failed to comply with the orders within the specified time, they shall be imprisoned and asked to pay a fine which may extend to a sum of 10% of the apartment cost to the flat owners and 10% of the project cost to the builders, the Tribunal observed.

Source: [Order](#)

TRAI released the telecom subscription data as of 31st December 2021

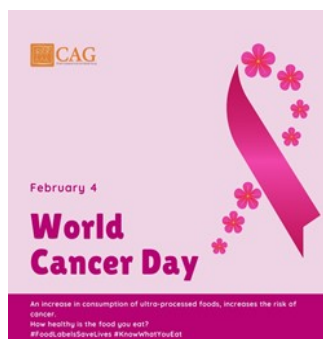
### Highlights of Telecom Subscription Data as on 31<sup>st</sup> December, 2021

Particulars	Wireless	Wireline	Total (Wireless+ Wireline)
<b>Total Telephone Subscribers</b> (Million)	<b>1154.62</b>	<b>23.79</b>	<b>1178.41</b>
Net Addition in December, 2021 (Million)	-12.88	0.24	-12.64
Monthly Growth Rate	-1.10%	1.02%	-1.06%
<b>Urban Telephone Subscribers</b> (Million)	<b>633.34</b>	<b>21.86</b>	<b>655.20</b>
Net Addition in December, 2021 (Million)	-5.12	0.24	-4.88
Monthly Growth Rate	-0.80%	1.09%	-0.74%
<b>Rural Telephone Subscribers</b> (Million)	<b>521.28</b>	<b>1.93</b>	<b>523.21</b>
Net Addition in December, 2021 (Million)	-7.76	0.01	-7.76
Monthly Growth Rate	-1.47%	0.29%	-1.46%
<b>Overall Tele-density*(%)</b>	<b>84.17%</b>	<b>1.73%</b>	<b>85.91%</b>
Urban Tele-density*(%)	132.68%	4.58%	137.26%
Rural Tele-density*(%)	58.28%	0.22%	58.50%
Share of Urban Subscribers	54.85%	91.89%	55.60%
Share of Rural Subscribers	45.15%	8.11%	44.40%
<b>Broadband Subscribers</b> (Million)	<b>765.65</b>	<b>26.43</b>	<b>792.08</b>

Source : TRAI

### IRDAI alerts the public to be cautious about illegal insurance providers

Insurance Regulatory and Development Authority of India (IRDAI) has warned Digital National Motor Insurance, a Bengaluru-based insurance company not to sell any type of insurance without obtaining a license. This insurance company operates from #DNMI co. ltd. Portal Office, Krishna Raja Puram, Insurance Info Building, Devasandra, Bangalore – 560036 with website <https://dnmins.wixsite.com/dnmins> and contact mail [digitalpolicyservices@gmail.com](mailto:digitalpolicyservices@gmail.com). It has not been provided with any license or has been registered by the insurance authority. Yet, the company has been offering insurance to consumers. Hence, IRDAI notified the consumers not to get involved in any dealings related to insurance with M/s Digital National Motor Insurance. Source: [IRDAI](#)



### World Cancer Day 2022

Are you watching what you eat? According to a study in the British Medical Journal (2018), a 10% increase in consumption of processed and ultra-processed food goes with a 10% increase in overall cancer and breast cancer risk.

A post to mark World Cancer Day on Feb 4, 2022

## Transactions can happen without internet connection - a framework for offline transactions

The Reserve Bank of India initiated a pilot project to stimulate technology breakthroughs that allow small digital transactions in offline mode in August 2020. The offline mode does not require internet or telecom service to carry out the transaction. A pilot testing was carried out by several businesses between September 2020 and July 2021 which received positive feedback. A framework, therefore for carrying out small value digital payments in offline mode using cards, wallets, mobile devices, and other methods in face-to-face proximity across the country was notified on January 3, 2022. It is said to have a maximum limit of Rs 200 during a transaction and Rs 2000 as the overall limit of offline transactions. Once the limit is reached, recharging or reloading can be done only online. Source: [RBI](#)

## Recommended dietary requirements for an adult

Food Safety and Standards Authority of India (FSSAI) has declared the percentage contribution of nutritional information per 100ml/100gm/per serving/ per consumption of packed food. It is the recommended dietary allowance under Food Safety and Standards (Labelling and Display) Regulations, 2020. According to this, the nutritional information of the packed food should be mentioned based on the average adult requirement per day which is 2000kcal energy, 67 g total fat, 22 g saturated fat, 2 g trans fat, 50 g added sugar and 5 g (2000mg of sodium) of salt. Source: [FSSAI](#)

S.Saroja was invited to inaugurate the Citizen Consumer Club at the Teachers Training College, Saidapet on February 17, 2022. She spoke about consumer rights and responsibilities, the need to assert one's rights as a consumer in order to safeguard from exploitation, and highlighted the salient provisions of the Consumer Protection Act, 2019 including those on Product Liability, Mediation, Central Consumer Protection Authority, E-commerce, Penalties for various offences like misleading advertisements and adulteration. More than 100 students participated and the program was well-received.



# 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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