

CONSUMER UPDATE



FoPL event in Salem

CAG in association with the Consumer Rights Movement, Salem organised a State Level meeting with small and medium-scale processed food manufacturers at Salem, on 15th November 2022. The event was organised to sensitise food manufacturers on the risks of processed foods, and therefore the need for strong and effective warning labels as Front of Pack Labels (FoPL). The meeting was organised in response to the draft notification on FoPL, released by the FSSAI. The notifications are in the public consultation stage. Keerthana, CAG, highlighted the concerns with the draft and encouraged manufacturers to make written submissions to the FSSAI, with their views and suggestions on the draft. The meeting saw the participation of 30 processed food manufacturing start-ups. The manufacturers expressed their support for warning labels. We also had a consensus that the current 48-months period for voluntary adherence to the regulation is too long and will dilute the food authority's ability to enforce any action during the voluntary period.



National Consumer Day 2022



Department of Consumer Affairs invited Saroja, CAG, to be a panellist at the session on 'Mediation - an alternate dispute redressal mechanism', at the National Consumer Day celebrations held on December 24, 2022 at Vigyan Bhavan, New Delhi. The theme for this year was 'Effective disposal of cases in Consumer Commissions'. The event focussed on capacity building of Consumer Commissions, mediation and the use of digital tools for speedier justice for consumers. On the occasion, Minister Piyush Goyal, launched the "Right to Repair" portal where manufacturers signing up to the portal will provide customers with

product details so that they can perform repairs on their own or with the help of third parties rather than relying on original manufacturers. To begin with, mobile phones', electronic devices', household goods', automobiles', and farming tools manufacturers will be available on the portal.

“Open-box delivery” in e-commerce

“Open-box delivery” is the service offered by some online shopping portals, for certain products like televisions, laptops, phones, washing machines, etc., for select areas, to ensure customers receive what they have ordered. The consumer will have to choose the option of “open box delivery” which will be displayed on the webpage while purchasing the product. The service is mostly provided for free and is available only for pre-paid orders. Under this service, at the time of delivery, the delivery executive will open the package in front of the customer. In case the product is damaged, missing or different from what is ordered, the delivery executive will take back the product and the amount will be refunded to the customer. It is important that the person who takes delivery is aware of the open box concept and demands for inspection before sharing the OTP. Once OTP is shared, the portals consider the delivery to be complete and refuse to take further responsibility in case of damage or missing a part. The major drawback is that the working condition of the product will not be checked during the open box delivery.

Source: [Livemint](#)

Region-specific price monitoring centre for essential items

On the 2nd December 2022, the Secretary of the Department of Consumer Affairs announced that all states shall set up price monitoring centres for essential items in all districts. The main objective is to monitor the pricing of commodities by the Price Monitoring Division in order to make sure that essential items are not affected by inflation. The Secretary said that the Center intends to create 750 price monitoring centres by the end of March 2023. The Department has been responsible for maintaining and collecting pricing information for the 22 important food categories in the country. Source: [Business Standard](#)

CCPA issued notices to Flipkart, and Meesho for the sale of acid on their platforms

Central Consumer Protection Authority (CCPA) issued notices to Flipkart and Meesho in response to reports that claimed the purchase of acids from such platforms led to an acid attack on a girl in Dwarka, Delhi. The Delhi Police, upon investigation, found that the acid was procured from Flipkart and issued a notice to the e-commerce firm. For allegedly allowing the sale of acid on their platforms, Flipkart and Meesho also received notices from the Delhi Commission for Women. During a suo moto investigation of online sales, Flipkart and Meesho were found to be selling corrosive acids online in violation of the directions of the Supreme Court and an advisory issued by the Home Ministry by the CCPA. Source: [Economic Times](#)

Cancelling a passenger's train ticket without intimation amounts to a deficiency in service

In Nagpur, the District Consumer Disputes Redressal Commission awarded Rs. 25,000 in compensation to a woman who claimed that the railway authorities had failed to notify her in advance of the cancellation of her journey ticket due to an illegal reservation made by an outsider. Only after the complainant boarded the train and the TTE informed her did she know that her ticket had been cancelled. The TTE asked her to pay a fine of Rs.1115/- and vacate the berth. The complainant paid the fine and had to sleep on the floor during the entire journey. She represented the matter to the Railways but did not receive a proper response. Later, she filed a complaint before the Commission.

It was brought to the notice of the Commission that the police had busted a racket on unauthorised train tickets 4 days before the complainant travelled, following which the railways blocked 14 tickets. The complainant had purchased from the same IP address from which the unauthorised transactions had happened; however, she was not involved in the crime. The railways had failed to inform the complainant prior to her travelling date, that the tickets were cancelled. Thus, the complainant faced great inconvenience due to the sudden cancellation of her tickets on the train which caused her lots of mental agony. The Commission observed that this amounted to a deficiency in service and ordered compensation. Source: [Livelaw](#)

CCPA fines 10 Lakhs for advertising defective products

Naaptol and GlaxoSmith Kline were fined Rs 10,00,000/- each, by the Central Consumer Protection Authority for deceptive product advertisements. Glaxo Smith Kline Asia was ordered by the CCPA to stop all ads for its Sensodyne product in India that featured endorsements from UK-based dentists. In addition to the fine, the company was instructed to stop advertising using phrases such as "Recommended by dentists worldwide" and "World's No. 1 Sensitivity toothpaste". Naaptol has been fined Rs 10 lakh and ordered to stop all of its misleading advertisements and false claims about acupuncture yoga slippers, acupuncture massage slippers, magnetic knee support, instant knee pain relief, and gold jewellery worth Rs 200. In accordance with Section 89 of the Consumer Protection Act, 2019 any manufacturer or service provider that issues false or misleading advertisements faces a possible two-year prison sentence or Rs. 10,00,000/- fine, which may extend up to 5 years of imprisonment and Rs.50,00,000/- for a repeat offence. Source: [Economic Times](#)

An investor is not a consumer

Surendra Kapur, the complainant, was approached by Puja Constructions Company with an investment opportunity for one of their construction projects. Accordingly, the complainant invested up to Rs. 42,00,000/-. A couple of years later, the complainant expressed disinterest in the project and requested the company to return his money with interest. One year later, he issued a notice to the developer, to refund his deposit of Rs.42,00,000/- with compound interest @ 24% p.a.

However, the developer did not provide a proper response and a few years down the line, both parties mutually agreed and entered into a settlement agreement, wherein, the complainant was promised two flats in the company's upcoming project on a further payment of Rs. 10,00,000/-. Accordingly, the complainant made the payment and the developer acknowledged the payment in writing, stating that there were no past dues pending from either side and that the full and final receipt of payment for the 2 flats was confirmed.

Later, Mr Kapur came to know that there was no progress in work on that particular project, and by this time, it was already five years from the date agreed upon by both parties. Mr Kapur sought a refund of the full value of the flats along with interest and demanded punitive damages. The builder failed to comply with the demands of the complainant; thus Mr Kapur filed a case in the National Commission. The Bench agreed with the opposing side's argument and said that because the settlement agreement was just an extension of his role as an investor, Mr Kapur's role was that of an investor rather than a "consumer" as defined under the Consumer Protection Act, 1986. With this observation, the complaint was dismissed as not maintainable. Source: [indiankanoon](#)

கடலூர் மாவட்டம் நுகர்வோர் குறைதீர் ஆணையம் ரூபாய் 50,000/- இழப்பீடு வழங்க கோரி உத்தரவு

கடலூர் மாவட்டத்தை சேர்ந்த திரு. ராமமூர்த்தி என்பவர் 1996 ஆம் ஆண்டு திருமதி. விஜயலட்சுமி என்பவரிடம் வீட்டு மனை ஒன்றை வாங்கியுள்ளார். இந்நிலையில் கடந்த 2015 ஆம் ஆண்டு அந்த மனையை விற்க முடிவு செய்து வில்லங்க சான்றுக்கு விண்ணப்பித்தார். அந்த வில்லங்க சான்றிதழில் திரு. ராமமூர்த்தி அந்த இடத்தின் உரிமையாளர் என்றும் ஆனால் திரு. ராமமூர்த்திக்கு விற்ற திருமதி. விஜயலட்சுமி என்பவர் அதே மனையை திரு. ஆனந்தபாபு என்பவரிடம் கிரைய ஒப்பந்தம் செய்துள்ளதாகவும் இருந்தது இதனால் திரு. ராமமூர்த்தி இது குறித்து மாவட்ட பதிவாளர் அலுவலகத்தில் புகார் அளித்தார். இதை விசாரித்த மாவட்ட பதிவாளர் திருமதி. விஜயலட்சுமி மற்றும் திரு. ஆனந்தபாபு ஆகியோர் விசாரணைக்கு வராததால் அதை வில்லங்கத்தில் இருந்து நீக்க முடியாது என்று கூறி தடையற்ற வில்லங்க சான்று கொடுக்க மறுப்பு தெரிவித்துள்ளார். இதனால் பாதிக்கப்பட்ட திரு. ராமமூர்த்தி கடலூர் மாவட்ட நுகர்வோர் குறைதீர் ஆணையத்தில் புகார் அளித்தார். இதை விசாரணை செய்த நுகர்வோர் ஆணையத்தின் தலைவர் திரு. கோபிநாத் அவர்கள் தவறான வில்லங்க சான்றிதழை வழங்கியது சேவை குறைபாடு என்றும் எனவே மாவட்ட பதிவாளர் அலுவலகம் மற்றும் கடலூர் இணை சார் பதிவாளர் ஆகியோர் திரு. ராமமூர்த்திக்கு ரூபாய் 50,000/- இழப்பீடாக வழங்க வேண்டும் என்றும் வழக்கு செலவாக ரூபாய் 5,000/- வழங்க வேண்டும் என்றும் உத்தரவிட்டார்.

Source: தமிழ் முரசு



CAG

Citizen consumer and civic Action Group

CAG is a 37 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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