

## DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-I,

## U.T. CHANDIGARH

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Consumer Complaint No.	:	CC/994/2019
Date of Institution	:	09/10/2019
Date of Decision	:	30/09/2020

**Neha** W/o Sh. Rikash Goel, Plot No. 35, Indl. Area, Phase-I, Chandigarh.

.....Complainant

## V E R S U S

1. **Reliance Retail Limited**, Elante Mall, Shop No. 247, 2<sup>nd</sup> Floor, Plot No.178 & 178-A, Indl. Area & Business Park, Phase-I, Chandigarh – 160002, through its Representative/Manager/ Director/Secretary/Principal Officer.

2. **Reliance Retail Limited**, having its registered office at 3<sup>rd</sup> Floor, Court House, Lokmanya Tilak Marg, Dhobi Talao, Mumbai (Maharashtra) – 400002, through its Director/ Secretary/ Principal Officer.

3. The Director/ Secretary/ Principal Officer of **Reliance Retail Limited**, having its registered office at 3<sup>rd</sup> Floor, Court House, Lokmanya Tilak Marg, Dhobi Talao, Mumbai (Maharashtra) – 400002.

..... Opposite Parties

**QUORUM:**            **RATTAN SINGH THAKUR**            **PRESIDENT**  
                             **SURJEET KAUR**                            **MEMBER**  
                             **DR.S.K.SARDANA**                           **MEMBER**

**PRESENT**            : *Sh. Rikash Goel, Counsel for Complainant.*  
                             : *Sh. Sanjiv Pabbi, Counsel for Opposite Parties.*

**Per Dr.S.K.Sardana, Member**

1. Adumbrated in brief, the facts necessary for the disposal of the instant Consumer Complaint are, the Complainant purchased a mobile phone from the OP No.1 -Store on 02.10.2019 and took the same to the billing counter for making necessary payment. It has been alleged, at the time of payment, the Complainant was charged Rs.7/- for a carry bag to carry the mobile phone (Annexure C-1). The Complainant resisted the charging for carry bag, but to no avail. Alleging that the aforesaid acts amount to deficiency in service and unfair trade practice on the part of the Opposite Parties, the complainant has filed the instant Consumer Complaint.
2. Notice of the complaint was sent to Opposite Parties seeking their version of the case.
3. Opposite Parties contested the Complaint and filed reply, inter alia, admitting the basic facts of the case. It has been pleaded that the charges of Rs.7/- for a carry bag were taken only after the consent of the Complainant. Moreover, requisite information was also displayed in the OP No.1 -Store. It has been pleaded that Opposite Parties charges for the carry bag only if the customer consents for the same. Pleading that there is no deficiency in service or unfair trade practice on their part, Opposite Parties prayed for dismissal of the complaint.
4. The parties led evidence in support of their contentions.
5. We have heard the learned Counsel for the Opposite Parties and have perused the record, along with the written arguments filed on behalf of the Complainant.
6. The factum of providing carry bag to the Complainant, on payment of additional price, is proved from Invoice/Bill, copy of which accounts of Annexure C-1.
7. Ld. Counsel for the Opposite Parties argued that there is no law which binds the Opposite Parties to provide carry bag for free. In support of his argument, he placed reliance on Appeal No.737 of 2018 - Reliance Smart & Reliance Retail Ltd. Vs. D.B. Benu & Anr., decided by Hon'ble State Consumer Disputes Redressal Commission, Kerala; CC/251/2018 - Radhakrishnan R. Vs. West Side, Karol Bagh, Delhi & Others and CC/252/2018 - Radhakrishnan R. Vs. Vishal Mega Mart, Karol Bagh, Delhi & Others, decided by the District Consumer Disputes Redressal Forum (Central), ISBT Kashmere Gate Delhi, W.P. (PIL) No.274 of 2012 and WP (PIL) No.244 of 2012 in the matter of Consumer Education & Research Society Vs. Municipal Corporation, Ahmadabad, decided by Hon'ble High Court of Gujarat, Case No.05 of 2015 - Kamble Sayabanna Kallapa Vs. M/s Lifestyle International Pvt. Limited, decided by Hon'ble Competition Commission and FA No.163 of 2019 titled as Radha Krishanan Vs. Big Bazar & Others, decided by the Hon'ble State Commission, Delhi. However, with humble reverence and per material on record, the decisions relied on by the Opposite Parties have no application to the facts and issues involved in the present case. Ld. Counsel for Opposite Parties further argued that suitable advertisements and posters are displayed at prominent locations in the OP No.1 - Store as it is committed to follow a responsible environmental policy. However, we are not impressed with the same, in as much as, the Opposite Parties have miserably failed to produce on record any cogent, convincing and reliable piece of evidence in the shape of any rules/ instructions authorizing them to levy charge additionally for the carry bag from the gullible Consumers. Moreover, if the Opposite Parties are an environmental activist, they should have given the same to the complainant free of cost. Therefore, argument of the Ld. Counsel for Opposite Parties that there is no law as such which directs or binds any shop keeper to provide carry bags for free is rejected being bereft of any force. It was surely for the gain of Opposite Parties and by employing unfair trade practice, Opposite Parties are minting lot of money from all customers.
8. Ld. Counsel for Opposite Parties has further argued that the carry bag was given to the Complainant only upon confirmation from her with respect to the purchase of the carry bag. However, we are also not impressed with the same, in as much as if the Cashier/Person at the Billing Counter informed the Complainant about the purchase of carry bag before billing, the same amounts to unfair trade practice and deficiency in service, as it would have been very odd and inconvenient for Complainant to carry the new articles in hand throughout without a carry bag. In this backdrop, charges of such things (carry bags) cannot be separately foisted upon the consumers and would amount to overcharging.
9. It is noteworthy that in this manner, the Complainant and other gullible consumers like her has certainly been taken for a ride by the Opposite Parties. Undoubtedly, the Opposite Parties have several

stores across the country and in the above said manner, made lot of money; thus, the act of Opposite Parties by forcing the gullible consumers to pay additionally for the carry bags is surely and certainly amounts to deficiency in service and their indulgence into unfair trade practice.

10. The sequence of the events of the present case, clearly establishes the high headedness of the Opposite Parties of which the complainant became the victim and felt the burnt, as a result the complainant has been left with no alternative, except to knock the doors of this Commission, which further aggravated her pain & harassment.
11. In the light of above observations, we are of the concerted view that the present complaint of the Complainant deserves to succeed against the Opposite Parties, and the same is partly allowed, qua them. The Opposite Parties are, jointly & severally, directed:-
  - (i) To refund to the Complainant the amount of Rs.7/- wrongly charged for the carry bag;
  - (ii) To pay Rs.1,000/- to the complainant towards compensation for harassment and mental agony. Compensation imposed on lower side as mental agony of parting with Rs.7/- could only be caused to this extent.
  - (iii) To pay Rs.500/- as litigation expenses.
12. This order be complied with by the Opposite Parties within 30 days from the date of receipt of its certified copy, failing which, Opposite Parties shall make the payment of the amounts mentioned at Sr.No. (i) & (ii) above, with interest @ 12% per annum from the date of this order, till realization, apart from compliance of direction at Sr.No.(iii) above.
13. No punitive order is being passed against the Opposite Parties due to the lock down/curfew/restrictions imposed by the Government for the last more than five months due to which all the business activities in Chandigarh has come to a grinding halt.
14. The certified copies of this order be sent to the parties free of charge. The file be consigned.

## **Announced**

30<sup>th</sup> Sept., 2020

Sd/-

**(RATTAN SINGH THAKUR)**

PRESIDENT

Sd/-

**(SURJEET KAUR)**

MEMBER

Sd/-

**(SURESH KUMAR SARDANA)**

MEMBER

**“Dutt”**