APPEAL TRIBUNAL OF THE FAIR TRADING COMMISSION OF SEYCHELLES

GILBERT BASTIENNE **APPELLANT**

Versus

FAIR TRADING COMMISSION **RESPONDENT**

JUDGMENT

INTRODUCTION

The complaint was lodged by Mr. Gilbert Bastienne. The complaint of the complainant was that he had bought a Sony Hi-fi music system at Sony World since 30th May 2017. On the 14th October he brought the speaker to the shop for repair as the speaker had torn. However, did not receive any assistance from the shop.

INVESTIGATION

The Fair Trading Commission lodged an investigation under Section 42 (1) of the Consumer Protection Act 2010.

FINDINGS OF THE FTC

In order to ascertain whether or not there was a breached the Consumer Protection Act 2010, the Fair Trading Commission sought the service of an independent technician. On 30th October 2017, Home Electronics provided a report stating that the Sony Hi-Fi woofer speaker had been torn due to misuse and that the torn was caused by a small puncture done by a sharp object in the woofer diaphragm.

APPEAL

On 26th March 2018 the complainant appealed against the decision of the Fair Trading Commission to discontinue the case.

FINDINGS OF THE APPEAL

THE HOME ELECTRONICS SHOP TECHNICAL REPORT (30.10.17)

Technician Name: James B. Canggat

Findings of the report: The Sony HI-FI woofer speaker had been torn due to misuse. The possible reason why the diaphragm of the woofer speaker had been torn is because we have seen what looks like a small puncture caused by a sharp object in the woofer diaphragm. That small puncture in the woofer diaphragm will become bigger in due time due to the vibration of the woofer thereby creating a big hole.

ADVANCED TECHNICAL SERVICS (ATS) REPORT (03.11.2017)

Technician Name: Sonny Thomas

Findings of the report: An appliance (Sony HI-FI MCH-V44D) with a hole in the speaker was checked. I have seen that there are no places where insects (rats, lizards, etc..) can enter to cause that problem. It is not a defect of the speaker. The way it has been torn, it seems like someone has tampered with the speaker while playing with a sharp screwdriver or pins. There are some cuts alongside the diaphragm. If it was defect, the whole diaphragm will be torn off, not a small area.

ASSESSMENT OF THE TRIBUNAL

No evidence was submitted to rebut the findings of the two independent technical reports. Based on this we find it that we cannot interfere with the decision of the Fair Trading Commission.

CONCLUSION

Appeal Dismissed.

Dated at Victoria, Mahe, Seychelles on this 30th day of December 2021

KIERAN B SHAH
CHAIRMAN OF THE APPEAL TRIBUNAL

ASHIK HASSAN
MEMBER OF THE APPEAL TRIBUNAL

DIANA QUATRE
MEMBER OF THE APPEAL TRIBUNAL

GERARD ADONIS
MEMBER OF THE APPEAL TRIBUNAL