IN THE FAIR TRADING APPEAL TRIBUNAL OF SEYCHELLES

CHANDRAN NAIDU SUPERMARKET

V

FAIR TRADING COMMISSION

CASE NO: /2014

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JUDGMENT

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Before: **S. Aglae, A.Padayachy, R.Toussaint and G.Morel**

APPERANCE

Appellant: Chandran Naidu

Respondent: Represented by Chantal Barallon

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Chandran Naidu supermarket appealed against the decision of a fine SR13,000 by the Board of Commissioners on the following grounds:

i. That he is a small shop owner with low income;

ii. That he has expenses including repayment of loan and rent and he will not be able to afford to repay the said sum.

The Appellant was found to be in contravention of Section 20 (1) and Section 24(1) of the consumer Protection Act. When the case was called on 23 July 2014, the Appellant appeared and admitted the facts.

After hearing the arguments of the Appellant, the Tribunal finds that the number of items being displayed without prices on the shelf was very high, as it amounted to 429, and the number of expired items found on the shelf being displayed for sale was even more alarming as it amounted to 731 items.

Considering the number of expired items being offered for sale for a small shop, this Tribunal finds that the Appellant cannot be excused in any way from not paying the said fine. Considering also that the Appellant informed the Tribunal that he is paying a rent of SR40,000 and a loan of SR52,000, this clearly shows that the Appellant is earning enough to settle his debts.

In reference for the above and submissions made by both parties, the Tribunal unanimously find that there is no valid reason as to why the Appellant cannot pay the fine of SR13,000, and hereby grant the Appellant 6 months to commence from the month of October 2014 to settle the debt in full.

The Tribunal would also like to point out to the Board of Commissioners that they are to use the correct and following wording when referring to the items and products in their ruling which are part of a contravention:

Stock Keeping Unit (SKU) which is a specific number or product description assigned to a product by a retail store to identify the price, product options and manufacturer of the merchandise.

E.G. A 1.5 l PET Coca Cola bottle is one SKU, a 50cl PET bottle is another SKU.

If one Retailer has 5 expired 50cl Coca Cola Pet bottles the wording should be 1 SKU (50cl Coca Cola Pet bottle) x 5 items.

The SKU defines the specific product and item defines the quantity

Dated this 23rd day of October 2014

Chairperson	Member	Member	Member
S.Aglae	A. Padayachy	R. Toussaint	G. Morel