# THE FAIR TRADING COMMISSION

## BEFORE THE BOARD OF COMMISSIONERS

**IN THE MATTER of the Consumer Protection Act, 2010;**

**THE FAIR TRADING COMMISSION**
**VS.**
**CHANDRAN NAIDU SUPERMARKET**
(Rep herein by Mr. Chandran Naidu)

**Case No:** CPA.INS.14.040

**Complainant** – Fair Trading Commission
**Respondent** – Chandran Naidu Supermarket

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**QUORUM:**
Mr. Victor Pool– Chairperson
Mrs. Jenna Thelermont – Commissioner
Mr. Philippe Chong-Seng – Commissioner

**For the Complainant**
Mr. Trevor Louise – Legal Officer (FTC)

**Respondent – Absent**

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## RULING

[1]In conjunction with Section 4 and Section 33(1)(j)of the Fair Trading Commission Act, 2009 the Fair Trading Commission (the Commission) conducted a routine inspection at the business premises of Chandran Naidu Supermarket situated at La Retraite, Mahe, on the 22nd of May, 2014 (See Exhibit 2) whereby Chandran Naidu Supermarket, a licensed retailer (See Exhibit 1) and now respondent herein was found to be in contravention of Section 20(1) of the Consumer Protection Act which states *"Subject to subsection (2), a retailer shall not display any goods for sale without displaying to the consumer a price in relation to those goods"* by displaying for sale approximately four hundred and twenty nine (429) items without displaying the price in relation to those goods (See Exhibit 3). Additionally, the respondent was found to

also be in contravention of Section 24(1) of the same Act which provides that "A person shall not offer to supply, display or supply any particular goods at a date later than the expiry date of those goods" by offering for sale seven hundred and thirty one (731) items at a date later than the expiry date of those items. Those items accumulated a retail value of approximately SR.9,238.08 (See Exhibit 4). The respondent was served with a compliance notice and was directed to cease the above conduct and moreover to remove the expired goods from the shelves for disposal (See Exhibit 5). On the 26th of May, 2014 the Chandran Naidu Supermarket was issued with a prohibition notice pursuant to Section 52 of the Consumer Protection Act, 2010 (See Exhibit 6). Armed with these facts the Commission filed a case before the Board of Commissioners for the contravention of Section 20(1) and Section 24 (1) of the Consumer Protection Act, 2010.

[2]The case was mentioned before the Board of Commissioners on Wednesday 23rd July, 2014 to fix a hearing date. The respondent, Chandran Naidu Supermarket, was summoned and Mr. Chandran Naidu appeared representing the respondent. When asked what his stance was with regards to the allegations in the case Mr. Naidu admitted to the facts. The case was fixed for hearing proper on Wednesday 6th August, 2014 at 1:30pm in the presence of the respondent and was warned to attend the hearing prepared with this defence.

[3]On Wednesday 6th August, 2014 the case was called at 1:45pm and the respondent was absent. No communication had been received from him by the Commission. The Board of Commissioners ordered, upon application, that the matter proceeds *exparte.* Mr. Trevor Louise presented the Commission's findings and urged the Board to consider penalties set out in Section 67(1) of the Consumer Protection Act, 2010 while having regards to Section 67(3) of the same Act.

[4]The Board of Commissioners deliberated on the matter and finds the respondent, Chandran Naidu Supermarket, represented herein by Mr. Chandran Naidu, to be in contravention of Section 20(1) and 24(1) of the Consumer Protection Act, 2010. **After due consideration the Board of Commissioners shall hereby impose fines in the following manner:**

- **For the contravention of Section 20(1) – SR.3,000;**
- **For the contravention of Section 24(1) – SR.10, 000.**

**Payments are to be made to the offices of the Fair Trading Commission not later than thirty (30) days from the date of this ruling**

[5]The parties are free to appeal against this ruling to the Appeal Tribunal *(See Section 44 of the Fair Trading Commission Act, 2009 and Section 77(1) of the Consumer Protection Act, 2010).*

Pronounced by us on this 3rd day of September, 2014.

**Mr. Victor Pool**
**Chairperson**

**Mrs. Jenna Thelermont**
**Commissioner**

**Mr. Philippe Chong-Seng**
**Commissioner**