THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER OF THE CONSUMER PROTECTION ACT, 2010;

THE FAIR TRADING COMMISSION
VS.
FRUITFUL BUILDERS
(Rep herein by Mr. Hubert Kenneth Zailor)

Case No: CPA.15.187

Complainant – Mr. Stenio Soopramanien
Mrs. Marie-Celine Soopramanien
Respondent – Fruitful Builders

QUORUM:
Mr. Victor Pool – Commissioner (Presiding)
Mr. Philippe Chong-Seng - Commissioner
Mrs. Jenna Thelermont – Commissioner

Complainants – Present (in person)

Respondent - Absent

ORDER

[1]The Board of Commissioners convened to hear an application to vary an undertaking filed under Section 75(3) of the Consumer Protection Act, 2010 in the above mentioned case after the respondent, Fruitful Builders entered into said undertaking with the Commission on the 24th June, 2016.

[2]Initially the respondent, represented herein by Mr. Kenneth Zialor, undertook to refund to the complainants the sum of SR.30,000 in three instalments of SR.10,000 from 31st August, 2016 to 31st October, 2016. The respondent failed to honour that undertaking. He subsequently applied to the Commission through letter dated 29th September, 2016 to vary the terms of the undertaking reducing the sum of the instalments to SR.5,000. The Commission filed an application before the Board to the effect.

[3]All parties concerned received summons to appear before the Board of Commissioners on Monday 13th February, 2017. When the case was called, the respondent was absent. The Board proceeded to entertain the application in the absence of the respondent after having called him to find out whether he was coming upon which the respondent said that he had forgotten about the hearing and was far away so he will not make it to the hearing. Mr. Georges Tirant, the Chief Executive Officer of the Fair Trading Commission briefly outlined the facts of the case and put forth the respondent's request. The complainants were not in agreement with the variation being proposed.

[4]The Board of Commissioners has considered the application and has taken into account the evidence before it. The Board also takes note of the respondent's behaviour towards this matter, that is, to date the respondent has made no effort to make any payment as agreed in the undertaking agreement. In addition his failing to comply with summons served on him for his attendance shows his contempt towards the Board and the Commission. Hence the Board is of the opinion that it would not be in the interest of justice to entertain Mr. Zialor's request taking cognisance of the hardship and inconvenience this protracted matter has had on the complainant by further varying the undertaking.

[5]Alternatively, the Board of Commissioners hereby orders that the respondent, Fruitful Builders, represented herein by Mr. Hubert Kenneth Zialor, to make full payment of the owed sum of SR.30,000 on or before fourteen (14) days from the date of this order failure of which the Fair Trading Commission shall forward the matter to the Commercial Crime Unit for their attention and subsequent action. In the event of the latter the Board strongly recommends that the Commission files a case on its merits before the Board of Commissioners for determination.

[6]We so order.

Dated this 16th day of February, 2017.

Mr. Victor Pool **Commissioner** **(Presiding)**	**Mr. Philippe Chong-Seng** **Commissioner**	**Mrs. Jenna Thelermont** **Commissioner**