THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION
VS.
GANESH SHOPPING CENTRE
(Rep herein by Mr. R. Rajaganesan)

CPA.INS13.005

Complainant – Fair Trading Commission
Respondent -- Ganesh Shopping Centre
(Rep herein by Mr. R. Rajaganesan)

QUORUM:
Mr. Colin Jean-Louis Chairperson
Mrs. Jenna Thelermont – Commissioner
Mr. Michael Nalletamby – Commissioner
Mr. Victor Pool – Commissioner

For the Complainant
Mrs. Aaishah Molle – Assistant Legal Officer (FTC)

For the Respondent
Mr. R. Rajaganesan

Case presented on behalf of the Complainant by Mrs. Aaishah Molle, Assistant Legal Officer, FTC.

RULING

[1]Pursuant to Section 33(1)(j) of the Fair Trading Commission Act, 2009 an inspection of goods was carried out at the retail outlet of Ganesh Shopping Centre, a registered company and respondent herein, trading at Basin Blue, La Louise. Ganesh Shopping Centre was, on the 15th of February, 2013, found to be in contravention of Section 24 of the Consumer Protection Act, 2010 whereby the respondent had displayed for sale twenty-two products at a date later than the expiry date of those products which products would have accumulated a retail value of approximately SR. 2, 555/-.

[2]At the hearing of the case held on Friday 24th May, 2013, the respondent being duly represented by Mr. Rajaganesan admitted to those facts and confirmed that the items listed in Annex 3 were indeed expired items removed from his shop by officers of the Commission. The respondent informed the Board that he disposed of these items in a public bin. This is an offence under the environmental laws of Seychelles and the respondent is to immediately cease such conduct. The respondent is reminded that the proper procedure to dispose of such goods is to deposit the same at STAR Seychelles and obtain a receipt of disposal which is to be subsequently filed at the Commission as proof of disposal.

[3]Mr. Rajaganesan went on to ask for leniency since he is a first offender and stated that he now regularly checks the goods and assured the Board of Commissioners that the incident would not happen again. Mrs. Molle on the other hand, on behalf of the complainant, urged the Board to consider penalties as set out under Section 67(1) of the Consumer Protection Act, 2010 and fine the respondent accordingly for the contravention.

[4]The Board has taken into account the submissions of both the complainant and the respondent and all the evidence adduced before it. The Board of Commissioners finds that the respondent, Ganesh Shopping Centre, has contravened Section 24 of the Consumer Protection Act, 2010 which provides that *"A person shall not offer to supply, display or supply any particular goods at a later date other than the expiry date of the goods"* and rules that the **respondent pays a fine of SR. 6, 000/- to the Commission not later than thirty (30) days from the date of this ruling.**

[5] We so order.

[6]The parties are free to appeal against this ruling (See Section 44 of the Fair Trading Commission Act, 2009).

Pronounced by us on this 3rd day of July, 2013.

Mr. Colin Jean-Louis
Chairperson

Mr. Michael Nalletamby
Commissioner

Mrs. Jenna Thelermont
Commissioner

Mr. Victor Pool
Commissioner