THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION **Complainant**

VS.

KOT GOPAL. **Respondent**
(Rep herein by Mrs. Ananthalakshmi Madanagopal)

CPA.INS.110613.2

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

For the Complainant
Ms. Emily Mousbe – Legal Officer (FTC)

For the Respondent
Mr. Madanagopal

RULING

[1]Pursuant to Section 33(1)(j) of the Fair Trading Commission Act, 2009, the Commission is empowered to conduct routine inspections to ensure compliance with provisions of the Consumer Protection Act, 2010. On the 11th of June, 2013 Kot Gopal, a licensed retailer and now respondent herein, was inspected and found to be in contravention of the Consumer Protection Act, 2010 by displaying for sale one hundred and nineteen items without displaying to the consumer a price in relation to those goods, contrary to Section 20 and thirty-four items at a date later than the expiry date of those items, contrary to Section 24 (See Exhibits 1, 2, 3 and 4).

[2]The matter was before the Board of Commissioners for hearing on Wednesday 29th August, 2013. Ms. Emily Mousbé, Legal Officer, presenting the case on behalf of the Commission summarized the findings of the inspection, outlined the relevant contraventions and drew the Board's attention to the fact that the respondent was a first offender. Ms. Mousbé concluded by urging the Board to consider a suitable penalty as set out in Section 67(1) of the Consumer Protection Act, 2010 while having regard to Sections 67(3) and 68(1) of the same Act as deterrent to such behaviour.

[3]Mr. Madanagopal duly represented the respondent and made representations to the Board to the effect that he had recently reopened the shop and had not had time to properly check all the goods. That since the inspection all the expired goods have been disposed and all other issues have been taken care of. He concluded by requesting for leniency and assured the Board that this incident will not be repeated.

[4]The Board of Commissioners has considered all the evidence adduced before it and hereby finds the respondent, Kot Gopal, to be in contravention of the Consumer Protection Act, 2010 and **hereby imposes a fine of SR. 3, 000/- as penalty for the contravention of Section 20 and SR. 3, 000/- as penalty for the contravention of Section 24. All fines are to be paid to the Commission not later than thirty (30) days from the date of this ruling.** We so order.

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

Pronounced by us on this 16th day of October, 2013.

Mr. Colin Jean-Louis
Chairperson

Mrs. Jenna Thelermont
Commissioner

Mr. Michael Nalletamby
Commissioner