THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION
VS.
RAGAVAN STORE
(Rep herein by Mr. Virudhachalam Chetty)

CPA.INS12.P003

Complainant: The Fair Trading Commission
Respondent: Ragavan Store
(Rep by Mr. Virudhachalam Chetty)

QUORUM
Mr. Philippe Chong-Seng – Commissioner (Chairperson)
Mrs. Jenna Thelermont – Commissioner
Mrs. Annie Vidot – Commissioner

For the complainant
Ms. Aaishah Gerry – Assistant Legal Officer (FTC)
Ms. Dolores Barrack – Enforcement Officer (FTC)
Mr. Angelo Lesperance – Enforcement Officer (FTC)

For the respondent
Mr. V. A. Padmanaban Chetty for the Respondent

Case presented on behalf of the complainant by Ms. Aaishah Gerry, Assistant Legal Officer (FTC)

RULING

[1]In accordance with Section 33(1) of the Fair Trading Commission Act, 2009 inspections of goods were carried out in Cascade on the 26th July, 2012 with the objective being to ensure compliance with the provisions of the Consumer Protection Act, 2010. Amongst the four shops inspected that day the respondent herein, Ragavan Store, a registered business (See Annex 1) was found to be in possession of and offering to sell goods past

their expiry dates which act is a direct contravention of Section 24(1) of the Consumer Protection Act, 2010 which provides for the contrary (See Annex 2). Being expired those goods are considered unsafe and therefore amounting to another contravention of the same Act, namely Section 50(1) which provides that person shall not in trade or commerce supply, expose, offer or agree to supply any consumer, or possess, goods which fail to comply with the general safety requirement. Those goods were listed (See Annex 3), seized and placed in a carton box for disposal. The respondent was served with Prohibition Notice (Annex 4) with a delay time of fourteen days for compliance.

[2]As scheduled the matter was heard by the Board of Commissioners on Wednesday 22nd August, 2012. All parties were duly represented. Following Ms. Aaishah Gerry, the Assistant Legal Officer, who presented the case on behalf of Fair Trading Commission, the complainant, Mr. V. A. Padmanaban Chetty, representing the respondent, explained that as an elderly person he is of ill health and had to travel overseas for medical treatment and his shop was inspected during his absence. Indeed the respondent produced to the Board a copy of his passport showing that he was seen on arrival in the country by immigration officers on the 5th of August, 2012 (See Respondent Exhibit 1). That his son was supposed to be taking care of the shop when he was away but due to his working schedule at the Seychelles Hospital he did not have much time to spend in the shop and this attributed to the occurrence of this contravention. In addition the shop keeper was new and was not managing the shop properly. Mr. Chetty also informed the Board that he had been in the retail business since 1980 and he has had a clean record until this incident. Ms. Gerry confirmed that they had no record on file of any previous contravention relating to the respondent.

[3]We have heard all the evidence as adduced by both the complainant and the respondent. The Board rules that the respondent has indeed contravened Sections 24(1) and 50(1) of the Consumer Protection Act, 2010 and that **a fine in the sum of SR.3, 000/- imposed in accordance with Section 67(1) of the same Act, to be paid not later than thirty (30) days after the date of this ruling,** shall be a suitable remedy for the said contravention. We so order.

Ruling pronounced by us on this 28th day of November, 2012.

Philippe Chong-Seng (Mr.)
Commissioner
(Chairperson)

Jenna Thelermont (Mrs.)
Commissioner

Annie Vidot (Mrs.)
Commissioner