THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER OF THE CONSUMER PROTECTION ACT, 2010;

FLORENCE, MARIE-ANGE PAYET
V
NILCEY MOREL
(Trading as Creole Maintenance Contractor)

Case No: CPA.16.187

Complainant – Ms. Florence, Marie-Ange Payet

Respondent – Mr. Nilcey Morel

QUORUM:
Mr. Victor Pool – Commissioner (Presiding)
Mrs. Jenna Thelermont – Commissioner
Mr. Michael Nalletamby - Commissioner

For the Complainant: Ms. Salina Sinon –Legal Officer (FTC)

Respondent – In person

ORDER

[1]The Fair Trading Commission filed a case before the Board of Commissioners on behalf of Ms. Florence, Marie-Ange Payet of Anse Aux, Mahe against one Mr. Nilcey Morel trading as Creole Maintenance Contractor of Anse Gaulette, Baie Lazare, Mahe for the contravention of Section 40(1)(b) of the Consumer Protection Act, 2010 for failure to perform a service in a manner and of a quality persons are generally entitled to expect following a complaint filed by Ms. Payet on 16th July, 2016. The complainant was praying for a refund of SR125, 810 for said failure.

[2]The parties appeared before the Board of Commissioners on Tuesday 6th November, 2018 whereby the respondent indicated that he was served with the case docket and has gone through the evidence brought against him and he would not be contesting the matter. Instead he would wish to continue to refund the complainant the requested sum which he had already started to repay. Ms. Sinon confirmed this

position and produced copies of a receipt in the sum of SR11,000 dated 5th November, 2018. The complainant accepted the refund and agreed that the respondent continues to make payment of the requested refund. The Board takes note of additional evidence on file showing that the respondent has made further payments of SR10,000 in December, 2018. To date no further payments have been made.

[3]Accordingly, the Board of Commissioners hereby enters judgment against the respondent and orders **Mr. Nilcey Morel to refund to the complainant Ms. Florence, Marie-Ange Payet, the sum of SR104, 810 within two calendar months from the date of receipt of this ruling. All payments are to be made to the office of the Fair Trading Commission, 3rd Floor, Block B, Unity House, Victoria.**

[4]It shall be noted that pursuant to Section 70 of the Consumer Protection Act, 2010 a person who fails or refuses to comply with an order, direction, or undertaking of the Commission commits an offence and is liable on conviction where the person is an individual, to a fine not exceeding 100,000 rupees or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment. **Therefore, in the event that Mr. Nilcey Morel fails to make the payment ordered above the matter shall be forwarded to the Commercial Crime Unit of the Seychelles Police Department for prosecution.**

We so order.

Dated this ....8th..... day of April, 2019.

Mr. Victor Pool
Commissioner
(Presiding)

Mrs. Jenna Thelermont
Commissioner

Mr. Michael Nalletamby
Commissioner