THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER OF THE CONSUMER PROTECTION ACT, 2010;

LYSIANNE FLORE
VS.
ETERNITY MOTORS (PTY) LTD
(Trading as Tyres on Wheels)

Case No: CPA.17.036

Complainant – Lysianne Flore

Respondent – Eternity Motors (Pty) Ltd

QUORUM:
Ms. Karen Domingue – Chairperson
Mr. Victor Pool – Commissioner
Mrs. Jenna Thelermont – Commissioner

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

For the Respondent – Mr. Pesi Pardiwalla – Attorney-At- Law

ORDER

[1]The Fair Trading Commission filed a case before the Board of Commissioners on behalf of Ms. Lysianne Flore of Turtle Bay, Au Cap, Mahe against Eternity Motors (Pty) Ltd (trading as Tyres on Wheels) situated at Orion Mall, Victoria for the contravention of Section 42(1)(c) and (d) of the Consumer Protection Act, 2010 for failure to provide a refund for a bicycle purchased at the respondent's premises which was found to be not of good quality, not in good working order and defective.

[2]The parties appeared before the Board of Commissioners on Tuesday 27th February, 2018 for the hearing of the matter whereby the respondent informed the Board that they had reached an amicable settlement in the matter which the complainant confirmed. The agreement was in the following manner:

- **The respondent refunds SR.5,000 only to the complainant;**

- **The complainant returns the bicycle in question to the respondent.**

[3]Consequently, as per the agreement the respondent made payment to the office of the Commission in the sum of SR.5,000 on 13th March, 2018 which refund was received by the complainant on the same day (see copies of receipt and cheque filed). Subsequently, the bicycle was returned to the respondent.

[4]The Board hereby endorses this agreement as being the final settlement of this matter.

We so order.

Dated this 2nd day of April, 2019.

Ms. Karen Domingue
Chairperson

Mr. Victor Pool
Commissioner

Mrs. Jenna Thelermont
Commissioner