THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER OF THE CONSUMER PROTECTION ACT, 2010;

MARIE CECILE DUGASSE
VS.
GILBERT SAMY
(Trading as G&S Enterprise)

Case No: CPA.16.205

Complainant – Ms. Marie Cecile Dugasse (Present)
Respondent – Gilbert Samy (Absent)

QUORUM:
Mr. Victor Pool – Commissioner (Presiding)
Mr. Philippe Chong-Seng - Commissioner
Mr. Michael Nalletamby – Commissioner

For the Complaint: Mrs. Sylvie Faure – Senior Legal Officer (FTC)

For the Respondent – Mr. John Renaud (Attorney-At-Law)

ORDER

[1]The Fair Trading Commission filed a case before the Board of Commissioners on behalf of Ms. Marie Cecile Dugasse against one Mr. Gilbert Samy trading as G&S Enterprise of Providence Industrial Estate for the contravention of Section 40(1)(a) of the Consumer Protection Act, 2010 for failure to perform and complete a service in a timely manner and praying for a refund of SR93,850 for said failure.

[2]The respondent appeared before the Board of Commissioners together with his Legal Counsel Mr. John Renaud Tuesday 10th October, 2017 whereby he indicated that he would be settling the matter. It was agreed that they would meet to set out the terms of the settlement and to re-appear before the Board on Tuesday 24th October, 2017 to inform the Board of their proposition.

[3]On the 24th October, 2017 the Board of Commissioners convened and the respondent's counsel, Mr. John Renaud, appeared and informed the Board that since the adjournment of the 10th October, 2017 he has not met his client, Mr. Gilbert Samy and that he has no terms of settlement to place before the Board, contrary to what was agreed.

[4]Based on the above the Board hereby makes the following orders;

- **Mr. Gilbert Samy is to pay the sum of SCR.46,925 by Thursday 30th November, 2017 and the remaining balance of SCR.46,925 by Wednesday 31st January, 2018 to the office of the Fair Trading Commission.**

- **In the event that Mr. Gilbert Samy fails to make any of the payments due by the dates stated above, the matter will be forwarded to the Commercial Crime Unit of the Seychelles Police Department for prosecution.**

[5]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.

We so order.

Dated this 24th day of October, 2017.

Mr. Victor Pool
Commissioner
(Presiding)

Mr. Philippe Chong-Seng
Commissioner

Mr.Michael Nalletamby
Commissioner