APPEAL TRIBUNAL OF THE FAIR TRADING COMMISSION SEYCHELLES

PONNILAVAN PONSELVAN **APPELLANT**

VERSUS

FAIR TRADING COMMISSION **RESPONDENT**

CASE NO. CPA/INS18/28

APPEAL

On the 20th February 2019, the Fair Trading Commission conducted a routine inspection of the premises of the Appellant situated at Beoliere. They observe 56 products (11 items) were offered for sale without prices being displayed in terms of Section 20 (1) of the Consumers Protection Act, 2010. There were also sixteen (16) products (161 items) displayed for sale past their expiry date contrary to section 24 of the Act which contravened Section 50(1) of the Act by offer up them for sale.

The Appellant appeared before the Board of Commissioners on the 13th November, 2018, when he stated that he would accept liability against the charges preferred against him as it was a mistake on his part.

The Board of Commissioners imposed the following penalties on the Appellant:

a. In breach of Section 19 (1) (b) was fined the sum of SR1,000.00;

b. In breach of Section 20 (1) the sum of SR40,000.00;

c. In breach of Section 24 the sum of SR12,000.00;

d. In breach of Section 50 (1) (a) the sum of SR12,000.00.

At the hearing of the Appeal, the Legal Officer representing the Commissioners did not press for the fine of SR12,000 under Section 50 (1 (a) of the Act and is therefore not part of the appeal and hence, the decisions.

Having noted forceful arguments of the lawyer for the Commissioners to the Tribunal, the Tribunal considers that the Appellant must have now learnt to trade honestly despite the fact that he is a persistent offender.

The Appeal Tribunal makes the following Orders:

a. The fine under Section 20 (1) of the Act, of SR40,000.00 is revised to SR34,000.00; and

b. The fine under Section 24 of the Act, of SR12,000.00 is reduced to SR6,000.00

While the Appeal Tribunal has given credit to the Appellant for his commitment not to offend again, it stresses that the Tribunal will not be accommodating the Appellant so leniently if he continues to offend in the future.

All the revised fines are to be paid by 31st January 2021

Dated this 21st day of December 2020

George TIRANT
MEMBER

John RENAUD
CHAIRMAN

Gerard ADONIS
MEMBER

FAIR TRADING COMMISSION
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