

From
The Director,
Consumer Rights Clinic,
V M Salgaocar College of Law
Miramar, Goa.

To
The Inspector
Government of Goa Office of Legal Metrology
Fontainhas (quarter), Mala,
Panaji, Goa 403001

Sub: Request to take action against the shop owner for UTP

Sir/madam

We, the students of V M Salgaocar Law College, have a Consumer Rights Clinic running in our college; in this, the selected students are highly trained in consumer laws and are also made to solve cases received by the college. The students also undertake petitions and raise their voices against any social issue concerning consumer laws.

One such issue that we have come across is the 'CHARGING OF BAGS HAVING THEIR ADVERTISEMENTS', the question which we are raising over here is that 'WHY SHOULD WE PAY TO ADVERTISE THE STORE?' it absolutely makes no sense to advertise and pay at the same time. We would genuinely agree to carry any bag advertising the store if we aren't compelled to pay for the same.

After a long research, we found cases supporting our above statements. Retail chain Big Bazaar has been fined by the Chandigarh State Consumer Disputes Redressal (SCDRC) Forum for charging customers for carry bags. The SCDRC has termed it a 'deficiency in services' and has levied a fine of Rs 11,518 on the retail chain. Big Bazaar was fined after a customer, Saurav Kumar, a Panchkula resident, filed a complaint with the Consumer Redressal dispute forum when he was charged Rs 18 for a carry bag. Saurav, in his complaint, said that he had gone to Big Bazaar to purchase goods on February 21 and was asked to pay Rs 18 for a carry bag.

Saurav objected to paying for a carry bag and told the cashier that he cannot be compelled to pay for the same. Saurav subsequently approached the forum which then issued a notice to Big Bazaar. The store officials rubbished the allegations in its plea against the forum's decision.

The consumer forum, however, rejected Big Bazaar's plea saying it was not only carelessness but a deficiency in service. "Big Bazaar owns a chain of stores throughout the country which are visited by the consumers in large numbers. Despite earning huge profits, innocent customers are being compelled to pay for carry bags by Big Bazaar. This is not just carelessness but a deficiency in services," the statement by SCDRC said.

The fine imposed on Big Bazaar includes the refund of carry bag charges, Rs 500 as compensation to the affected customers, Rs 500 as the legal expenses besides Rs 10,000 as consumer Legal Aid fund.

This is not the first time when Chandigarh Consumers forum has fined stores and brands for charging for carry bags. Domino's Pizza was fined Rs 10,500, Lifestyle Rs 13000, Westside Rs 13,000 and Bata India was fined Rs 11,000 after they were found charging money for carry bags. The forum in Bata India's case had said that brands and companies were using the customers to endorse themselves by printing their messages and logos on the carry bags, that too for a price which is not justified and against consumer rights.

These are the cases to support our statements; here in our research, we came across two shops in Porvorim, ie, FBB and Delfino. when it comes to fbb, they are charging for the paper bag, i.e., Rs 10/- and also advertising their shop. We purchased the paper bag from FBB on 10th February 2020 Similar case is cited below

Bata India Limited vs Dinesh Parshad Raturi on 22 July, 2019

STATE CONSUMER DISPUTES REDRESSAL COMMISSION, U.T., CHANDIGARH

The Forum rightly directed the appellant/opposite party to provide free carry bags to all customers who purchase articles from its Shop and stop unfair trade practices, i.e., charging for carry bags. It also rightly ordered a refund of Rs.3/- wrongly charged by the appellant/opposite party for the paper carry bag besides payment of Rs.3,000/- to the respondent/complainant towards compensation for mental and physical harassment and Rs.1,000/- towards litigation expenses.

When it is comes to Delfino's, they are charging Rs 2 for plastic bag and they are advertising the same, we attached the scanned copy of bill and bags

We want to state here that, firstly charging for a paper bag and secondly, putting its logo on the same is a clear-cut unfair trade practice on the part of shop and company. In our recent judgment in the case of Westside, a unit of *Trent Limited Vs. Sapna Vasudev*, referred to above, this Commission has already held the act of charging for a paper bag and putting Company's Logo on

it, to be an act of unfair trade practice on the part of the seller. We hereby request you to take immediate action and provide free carry bags to all customers who purchase articles from its Shop and stop unfair trade practices, i.e., charging for carry bags. The initiative by the students, which is for the betterment of society, is a social issue.

We request that you take the necessary action and give us an affirmative reply within one week of receiving the letter. We helped society against UTP, which was adopted by the seller, and provided consumer justice to the community. Kindly take action and inform the seller to stop charging for carry bags with their shop advertisement.

Thanking you in anticipation

Yours truly,

Dr. G. Shabir Ali
Director, Consumer Rights Clinic
V M Salgaocar Law College

Date: 05.03.2020



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www.fbbonline.com

fbb



RE-CYCLE

HPP-JAN-2020

MRP ₹ 15/- Incl of all taxes




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Delfino's

**THIS BAG IS
ECO-FRIENDLY
AND 100% COMPOSTABLE**

**WARNING: TO AVOID THE DANGER OF SUFFOCATION
PLEASE KEEP THIS BAG AWAY FROM BABIES/ CHILDREN**

Connect with us to find more eco friendly solutions
greencelutloi@gmail.com +91 9623639366

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