

(1992) 12 NCDRC CK 0053

In the National Consumer Disputes Redressal Commission

Hindustan Lever Ltd.

APPELLANT

Vs

SHIVOM AGARWAL

RESPONDENT

Date of Decision : 17-12-1992

Acts Referred:

Citation : 1993 1 CLT 615 : 1993 2 CPJ 227

Hon'ble Judges : V.Balakrishna Eradi , A.S.Vijayakar , Y.Krishan , B.S.Yadav J.

Final Decision : Revision petitions allowed

Judgement

1. THESE three Revision Petitions involve identical questions of law. The facts being almost similar, and the Revision Petitioners being the same, they are disposed of by a common order.

2. THE facts of the cases as recorded by the State Commission of Madhya Pradesh at Bhopal are that Smt. Asha Mahor respondent in Revision Petition No. 100, purchased a tin-container and the other two respondents in Revision Petition No. 99 & Revision Petition No. 101 polypack bags of "Triple Rin" washing soap which is a product of Hindustan Lever Ltd., petitioners in these Revision Petitions. THE polypack bags were purchased on 20.3.1991 and 16.4.1990. Whereas the tin-container was purchased on 17.4.1990. THE polypack bags were bought for Rs. 20/- each, which was the price displayed on a "sticker". As per the sticker the product was of February, 1991. On removal of the sticker, underneath the price originally printed was Rs. 18.50 and the month March, 1991. Likewise, the sticker on Tin-package displayed Rs. 22.50 and the date March, 1991, but underneath it was printed Rs. 20.50 and date February, 1991. The Respondent Nos. 1,2 and 3 herein had claimed in the original complaints before the District Forum, refund of the excess prices paid according to them, plus Respondent in revision petition No. 100 had asked for Rs. 50,000/- as damages for mental pain, Rs. 10,000/- as compensation for alleged cheating & Rs. 2,500/- as Advocate's fees; Respondent in revision petition No. 99 in addition to the excess price of Rs. 1.50/- asked for Rs. 200/- as Advocate's fees and Rs. 500/- as compensation. Whereas Respondent in revision petition No. 101

besides the refund of excess price Rs. 1.50/- claimed Rs. 70,000/- as compensation for mental tension and Rs. 5,000/- as costs of litigation and expenses for lawyers, who were stated to have devoted much time for rendering "free legal aid".

The District Forum, Gwalior, had awarded refund of the excess prices paid, plus Rs. 200/- as costs and Rs. 250/- as Advocate's fees.

3. THE Hindustan Lever Ltd. went in appeal to the State Commission, Madhya Pradesh, where the State Commission after dwelling on each point of law at length confirmed the District Forum's order and awarded Rs. 300/- in addition as Advocate's fees for the Advocate of the respondents therein, who was common in all three cases, and costs of litigation to be paid to the three Respondents. The Hindustan Lever Ltd., have now come in revision to the National Commission. As the State Commission has stated the crux of the problem is whether stickers can be pasted on already printed material on the label of the original wrapper or container, i.e., whether it is permissible under any law or rules. From all information gathered there is no rule against pasting of stickers over the printed material on the packaged commodities.

4. UNDER the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, all that is required is that the manufacturers' name and address, the name of the contents of the package, the weight, the date of manufacture or packing, i.e., the month and year, and the price of the commodity, have to be prominently displayed on the wrapper or the container. With regard to date, one month's leeway is given for the month to be printed to facilitate the manufacturers from not wasting any packing material. And if there is any change in the price, only the manufacturer or packer can put a sticker with their logo and the revised price on it. In addition to this by an administrative order of the Govt, of India issued under the Essential Commodities Act, each shopkeeper is required to display prominently in his shop on a board the Govt. Notification, if any, of any changes in taxes and from which date the change is valid. This practice is not meticulously followed by all shopkeepers. The Govt, department entrusted with the duty of supervision and checking should ensure that they do, so that if any consumer has a doubt about paying the higher or altered price he/she could check on the displayed board, as to why there is a change in the price. In this way the fear of opening of flood gates of mischief to be indulged in either by the manufacturer, distributor or wholesaler, or retailer is curtailed. Thus the act of pasting stickers by the manufacturer or packer with their logo on it. To indicate revised prices cannot be said to be not in nonconformity with the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 or the Essential Commodities Act. In these cases there is no proof of any unfair trade practice being indulged in. In view of the above, we allow the Revision Petitions and set aside the orders of the State Commission and District Forum. There will be no order as to costs. Y. Krishan, Member-I concur. To me the implication of the order above is that if there is no price control, the manufacturers/- packers

of packaged commodities can alter the price/date of manufacture of a commodity already indicated on the package, as and when they like, provided a new label is affixed to the packaged commodity in accordance with the Standard Weights & Measures (Packaged Commodities) Rules, 1977; only the retail sale price, original or revised as the case may be, will be inclusive of all taxes etc. Revision petitions allowed.