



**COMPETITION COMMISSION OF INDIA**

**Case No. 84 of 2015**

**In Re:**

**Ms. Eena Sethi**

**24/40 A, Tilak Nagar, New Delhi -110018**

**Informant**

**And**

- 1. M/s Sony India (North Regional Office)**  
**A-31, Mohan Co-operative Industrial Estate,**  
**Mathura Road, New Delhi - 110044** **Opposite Party No. 1**
- 2. M/s Glitch System**  
**G-3, Vishwas Sadan, Janak Puri District Centre,**  
**New Delhi - 110058** **Opposite Party No. 2**
- 3. M/s Services Point**  
**7A/F, DDA Building,**  
**Janak Puri District Centre,**  
**Delhi - 110058** **Opposite Party No. 3**

**CORAM**

**Mr. Ashok Chawla**  
**Chairperson**

**Mr. S. L. Bunker**  
**Member**

**Mr. Sudhir Mital**  
**Member**



सत्यमेव जयते



**Mr. Augustine Peter**  
**Member**

**Mr. U. C. Nahta**  
**Member**

**Mr. M. S. Sahoo**  
**Member**

**Justice (Retd.) Mr. G. P. Mittal**  
**Member**

**Order under Section 26(2) of the Competition Act, 2002**

1. The information in the instant matter has been filed by Ms. Eena Sethi (hereinafter, the '**Informant**') under section 19(1)(a) of the Competition Act, 2002 (hereinafter, the '**Act**') against M/s Sony India (hereinafter, '**OP 1**'), M/s Glitch System (hereinafter, '**OP 2**') and M/s Services Point (hereinafter, '**OP 3**') [collectively hereinafter, the '**Opposite Parties**'] alleging, *inter alia*, contravention of the provisions of the Act.
2. As per the information, the Informant is an advocate by profession and OP 1 is a company incorporated under the Companies Act, 1956 dealing with manufacturing, sale and service of various electronic goods including mobile phones. OP 2 is a retailer of the products manufactured by OP 1 and OP 3 is an authorized service centre for the mobile phones manufactured by OP 1.
3. The Informant has submitted that she had purchased a Sony Xperia mobile phone bearing IEMI No. 352709062636162 M/DS/ Purple on 19.07.2014 for Rs. 11,500/- from OP 2. It is stated that the said Phone had developed some technical problems from the date of purchase in its earphone, speaker and display. The Informant had complained to OP 2 several times in this regard



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but the problems were never solved rather, assurances were given that problems will be resolved very soon.

4. However, on the suggestion of OP 2, the Informant visited OP 3 on 30.08.2014 to get the mobile phone repaired. OP 3, after keeping the mobile phone till 10.09.2014 for repairing, handed over the phone to the Informant and claimed that it had replaced the mother board and resolved all technical problems associated with the phone. It is further alleged that despite the claims made by OP 3, the said phone again started showing the same technical problems, in addition to some other problems. The Informant had again visited OP 3 on 06.01.2015 who in turn assured that all problems will be resolved and kept the mobile phone with it for necessary repair. On 10.01.2015, after repairing, OP 3 handed over the mobile phone to the Informant.
5. It has been averred that on 12.01.2015 the said phone again started showing the same technical faults and the Informant complained regarding the same to OP 3. OP 3, on 22.01.2015, replaced the phone with a new (identical) phone which started showing similar problems within one month of its use. As a result, on 23.02.2015, the Informant submitted the new phone to OP 3 who in turn gave her a 'standby' phone for interim/ temporary use.
6. The Informant had tried to contact OP 3 on several occasions by visiting its workstation as well as through telephone but did not receive proper reply or get the phone repaired/ replaced. As a result, the Informant served a legal notice dated 16.03.2015 to OP 1, OP 2 and OP 3 which she claims to have been duly served. However, the Informant did not receive any reply to the said legal notice.
7. Based on the above, the Informant has alleged that such unfair and restrictive trade practices adopted by the Opposite Parties are adverse to the normal practice of healthy competition which is purely against the interest and rights of the Informant and accordingly, *inter alia*, has prayed to the Commission for



the issuance of direction to the Opposite Parties to refund the sale price of the phone along with interest at 24% per annum and a compensation of Rs. 1, 00,000/-.

8. The Commission has perused the information and other materials available on record. From the facts of the matter it is revealed that the Informant appears to be aggrieved by the conduct of OP 2 in providing/ selling a defective mobile phone and deficiency in subsequent after sales service with regard to the repair of the said mobile phone by the authorized service centre of OP 1 which is OP 3.
9. The Commission observes that the dispute in question between the Informant and the Opposite Parties primarily appears to be a consumer issue relating to the sale of a defective product and deficiency in the provision of after sale services which do not reveal any competition concerns in terms of either section 3 and 4 of the Act. Therefore, the Informant may approach appropriate forum for redressal of her grievances.
10. Further, from the competition law perspective also, the Commission is of the view that none of the provisions of either section 3 or section 4 of the Act is attracted in the instant matter as the information neither discloses any agreement amongst the Opposite Parties which can be termed as anti-competitive in terms of the provisions of section 3 of the Act nor reveals any act which can be construed as contravention of the provisions of section 4 of the Act.
11. In light of the above, the Commission finds that no case of contravention of the provisions of either section 3 or 4 of the Act is made out against the Opposite Parties. Accordingly, the Commission decides to close the matter under the provisions of section 26(2) of the Act.



12. The Secretary is directed to inform the concerned parties accordingly.

**Sd/-**

**(Ashok Chawla)  
Chairperson**

**Sd/-**

**(S. L. Bunker)  
Member**

**Sd/-**

**(Sudhir Mital)  
Member**

**Sd/-**

**(Augustine Peter)  
Member**

**Sd/-**

**(U. C. Nahta)  
Member**

**Sd/-**

**(M. S. Sahoo)  
Member**

**Sd/-**

**[Justice (Retd.) Mr. G. P. Mittal]  
Member**

**New Delhi**

**Date: 17/11/2015**