



COMPETITION COMMISSION OF INDIA
Case No. 21 of 2018

In Re:

Shri Rajendra Agarwal, Advocate
Flat No 32/Wing-A2/Building No-4,
New Ajanta Avenue, Paud Road,
Behind Krishna Hospital, Pune-411038,
Maharashtra

Informant

And

Shoppers Stop Limited
Eureka Towers, 9th Floor, B-wing,
Mindspace link Road, Malad (West),
Mumbai-400064

Opposite Party

CORAM:

Mr. Sudhir Mital
Chairperson

Mr. Augustine Peter
Member

Mr. U. C. Nahta
Member

Mr. Justice G. P. Mittal
Member

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

1. The present information has been filed under Section 19(1)(a) of the Competition Act, 2002 (hereinafter the “Act”) by Shri Rajendra Agarwal, Advocate (“**Informant**”) against Shoppers Stop Limited, (“**OP**”) alleging contravention of provisions of Section 3 of the Act.
2. As per the facts stated in the information, the Informant had purchased a gift item from OP on 13th October, 2015, for an amount of Rs. 6495 (Rs. Six Thousand Four Ninety-Five).



Pursuant to the said transaction, the Informant was offered two discount coupons of Rs. 500 (Rs. Five Hundred) each by the OP, which could be redeemed/used in a subsequent purchase. However, the Informant has averred that while offering the said discount coupons, the OP did not convey to the Informant that in order to redeem such coupons, the amount of the subsequent purchase should be atleast of Rs. 4000 (Rs. Four Thousand). The Informant has further alleged that he was not made aware of any conditions which applied on the coupon and being a senior citizen was unable to read the terms and conditions mentioned at the back of the coupon as the font was very small.

3. The Informant has submitted that subsequently, on 29th November, 2015, he visited the Bandra Linking Road (Mumbai) store of the OP along with his wife where they made purchases worth Rs. 1404 (Rs. Fourteen Hundred Four). At the time of making the payment the Informant was not allowed to redeem the said discount coupons and was compelled by the OP to pay the entire amount of Rs. 1404 (Rs. Fourteen Hundred Four). The Informant has further submitted that the OP justified this denial by stating that the said coupons could only be redeemed on a minimum purchase amount of Rs. 4000 (Rs. Four Thousand).
4. The Informant has alleged that when the Informant tried to raise a complaint against the above mentioned conduct, the OP neither listened to the Informant's grievances nor directed the Informant to a competent authority to address the issue. The Informant has stated that instead of a complaint book, the OP offered only a blank feedback/comment card bereft of serial number, contact details and address of the seller.
5. Based on the above, the Informant has alleged that the conduct of the OP is in contravention of the provisions of Section 3 of the Act and that the OP has resorted to unfair trade practices.
6. The Informant has prayed the Commission to direct the OP to pay an amount equal to the value of discount coupons as compensation with an apology letter from the chief executive and an assurance to stop reoccurrence of such incidents. The Informant has further requested the Commission that the OP be directed to display contact details of responsible persons from whom consumers can seek redressal and also to ensure availability of customer complaint book/ register.
7. The Commission has carefully perused the information and the material available on record. From the facts and circumstances of the present case, the Commission observes that the said dispute between the Informant and the OP regarding non redemption of two discount coupons is an individual consumer dispute rather than a matter of competition concern and the same also does not cause any adverse effect on competition.



8. In this regard, it is apposite to mention that the Commission has earlier dealt with issues related to individual consumer disputes in plethora of cases and has ordered closure of the same. The Commission in Case no. 17 of 2012, *Sanjeev Pandey vs. Mahindra & Mahindra*, held that delay in delivery of vehicle in a specific state cannot be termed as a violation of the provisions of the Act and noted that:

“The informant has misunderstood the Act and probably confused it with the Consumer Protection Act, 1986. The scope of the Act is primarily aimed to curb the anti-competitive practices having adverse effect on competition and to promote and sustain competition in the relevant markets in India. Whereas the Consumer Protection Act, 1986 is aimed to protect the interest of individual consumers against the unfair practices being widely prevalent in the market.”

9. Similarly, the Commission in Case no. 32 of 2012, *Subhash Yadav vs. Force Limited and Ors.*, has categorically stated that the main object of the Act is to prevent practices having adverse effect on competition and to promote competition. The remedy for consumer disputes lies under Consumer Protection Act, 1986 and not under the Competition Act, 2002. In this case, the Commission held that:

“It may be noted that the aim and object of the Act, is to prevent the practices having adverse effect on competition, to promote competition and thereby to protect the interest of the customers. In a nutshell, the purpose of this Act is to protect and promote fair competition in the markets in India. However, for the protection of individual consumer interest, there is another statute already in existence known as Consumer Protection Act, 1986, which mainly deals with protection of consumer interest against the deficiencies in services or goods being purchased by the consumers from the sellers.”

10. In the light of the aforesaid discussion, the Commission is of the prima facie opinion that the present dispute between the Informant and the OP is a consumer dispute and does not raise any competition concern. Hence, no *prima facie* case is made out against the OP under Section 3 of the Act. Thus, the instant case is ordered to be closed under Section 26(2) of the Act.



11. Secretary is directed to communicate to the Informant, accordingly.

Sd/-
(Sudhir Mital)
Chairperson

Sd/-
(Augustine Peter)
Member

Sd/-
(U. C. Nahta)
Member

Sd/-
(Justice G. P. Mittal)
Member

New Delhi
Date: 30.07.2018