

STATE CONSUMER DISPUTES REDRESSAL COMMISSION  
UTTAR PRADESH LUCKNOW

APPEAL NO. 1732 OF 1993

(against the judgment and order dated 21.08.1993 in Complaint case no. 375/1993 passed by the District Consumer Forum, Meerut)

Brooke Bond India Limited

Appellant

Versus

Sri Om Shankar and another

Respondents

BEFORE

HON'BLE MR. JUSTICE BHANWAR SINGH, PRESIDENT  
HON'BLE MR. RAM PAL SINGH, MEMBER

For the Appellant : None is present.

For the respondent : None is present.

DATED: 03.02.2010.

JUDGMENT

MR.JUSTICE BHANWAR SINGH, PRESIDENT (ORAL)

Case called out. None responds to the call of this case.

The cause list of date was shown on the internet through Commission's website. However, none has come forward to plead for either of the two parties. We therefore, consider it appropriate to take up this appeal of the year 1993 (17 years old) for disposal on merit.

A very small issue is involved and it pertains to the price tag of one "Taj Mahal Tea" packet weighing 200 grams. The respondent Om Shankar had purchased this packet for Rs.38/- and he filed his complaint with the allegations that the price tag on the packet bore Rs.36/-. In this way the shop keeper of Som Kirana Stores sold the tea packet to the complainant by realizing more price than printed on it.

The appellant M/s Brooke Bond India Limited contested the complaint and pleaded that the revised price sticker was pasted on the packet by the company itself and the price sticker indicated the price of one packet to be as Rs.38/-.

B.Singh

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The District Consumer Forum did not accept the plea of price revision as pressed into service by the manufacturing company and recorded a finding of unfair trade practice observed by the company. On the basis of this finding the District Consumer Forum allowed the complaint with a direction to the appellant manufacturing company to refund the excess price charged from the respondent/complainant and also pay Rs.500/- as costs of the case. A direction was also issued to discontinue the unfair trade practice. Also a warning had been issued to the manufacturing company to be careful in future and shun the unfair trade practice and if the order is not complied the appellant shall be punished with imprisonment of three years and fine of Rs.10,000/-.

We have very carefully scrutinized the impugned judgment and also the entire record before us. Indeed there is no prohibition against revising the price of a particular commodity. The appellant being a manufacturing company fairly admitted that the tea was filled up in the packet with the old printed price but the price was revised at the time of dispatch and release of packet for sale in the market and sticker of the revised price i.e. Rs.38/- as compared to the printed price of Rs.36/- was duly pasted. By no stretch of reasoning such revision of price can be brought into the ambit of unfair trade practice. Whatever the rules are available to the printed price of a commodity, the same can be applied to the freshly revised price stickers as it is well within the competence of a manufacturing company to determine the price of a commodity taking into consideration all aspects of the matter including the cost of production, preparation of the packet and dispatch thereof. The position would have been different if the price was revised long after release of the packet in question or at the time when the packet was available in the market with the dealer or shop keeper. Stickers having revised price have the same sanctity as the original printed price and if the manufacturing company admits fixation of revised price stickers before its commodity's release for sale in market, there is no illegality or contravention of any rules of "Standards of Weight & Measures Packaged Commodities

B. Singh

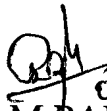
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Rules, 1977. The rules 2( r ) , rule 4, rule 6 and rule 9 all apply with accuracy to the revised stickers of the price. It appears that the District Consumer Forum had unnecessarily become sensitive of presence of sticker and branded it as an unfair trade practice. We do not find any logic behind such finding. The appellant's right to revise the price has to be upheld as it was rightly exercised well in time.

We therefore, hold that the present appeal deserves to be allowed.

Accordingly, it is allowed and the impugned judgment is hereby quashed and the complaint of the complainant stands dismissed.

  
(JUSTICE BHANWAR SINGH)  
PRESIDENT

  
03.2.10  
(RAM PAL SINGH)  
MEMBER

Asif