

**IN THE DELHI STATE CONSUMER DISPUTES**  
**REDRESSAL COMMISSION**

**Date of Institution: 14.03.2017**

**Date of Hearing: 05.09.2024**

**Date of Decision: 06.11.2024**

**FIRST APPEAL NO.- 141/2017**

**IN THE MATTER OF**

**MR. RONEN CHATTERJEE**

RESIDENT OF 3, VASANT MARG,

VASANT VIHAR, NEW DELHI- 110053.

**(Through: Dr. S. Kumar, Advocate)**

...Appellant

**VERSUS**

**ESSEX FARMS PRIVATE LIMITED**

4, AUROBINDO MARG,

NEW DELHI – 110016.

**(Through: Ajay Verma & Associates)**

... Respondent

**CORAM:****HON'BLE JUSTICE SANGITA DHINGRA SEHGAL  
(PRESIDENT)****HON'BLE MS. PINKI, MEMBER (JUDICIAL)**

Present: None for the parties.

**PER: HON'BLE JUSTICE SANGITA DHINGRA SEHGAL,  
PRESIDENT****JUDGMENT**

1. The facts of the case as per the District Commission record are:

*“Complainant’s case, in short, is that on 11.12.13 he visited the Op outlet to purchase diet coke and lays chips. The representative/employee of the OP asked him to pay Rs.40/- for diet coke and Rs.20/- for lays chips whereas the Maximum Retail Price (MRP) mentioned on diet coke was Rs.25/- and lays chips Rs.15/-. He pointed out and requested the employees of the OP not to charge excess amount beyond MRP mentioned on the products, but they started undue argument with him and refused to sell the said products at MRP. Since he was in need of the products, he paid the amount as asked by them under protest. He asked them to issue cash memo for the said purchase but the refused to do so but he had recorded the conversation in his mobile. It is submitted that the OP was misappropriating and exploiting the general public by charging extra charge and beyond the MRP mentioned in the products. Hence, pleading deficiency in service on the part of OP the Complainant has filed the present complaint to direct the OP to refund the sum of Rs.20/- alongwith 18% interest per annum, to pay sum of Rs.2*

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*lacs towards the physical strain and mental agony and Rs.20,000/- towards cost of this petition.”*

2. The District Commission after taking into consideration the material available on record passed order dated **23.01.17**, whereby it held as under:

*“We have heard the arguments on behalf of the parties and have also gone through the file very carefully. According to the Complainant, on 11.12.13 he visited the OP outlet to purchase diet coke and lays chips. The representative/employee of the OP asked him to pay Rs.40/- for diet coke and Rs.20/- for lays chips whereas the Maximum Retail Price (MRP) mentioned on diet coke was Rs.25/- and lays chips Rs.15/-. As per the Complainant OP's representative/employee refused to give the cash memo. Photograph Ex. CW1/A corroborates this fact about the MRPs of the two products. However, the OP has placed on record copies of two cash memos dated 11.12.13 (Ex. DW1/2) of some other customers wherein the price of coke and also the charged amount have been shown as Rs.25/- The Complainant has filed the alleged audio recording cassette of the conversation stated to have taken place between him and the employee of the OP at the relevant time. The mere filing of the audio cassette in absence of any authenticity of the same is liable to be discarded. If the complainant had purchased the above stated two items from the OP on higher rates, he should have immediately made a complaint to the OP's management to solve out the problem. But he did not do so. When the price of coke can from two other customers 11.12.13 itself had been charged as Rs.25/- on we do not see any reason to believe the complainant that the OP had charged Rs.40/- from the complainant for the same and Rs.20/-*

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*for chips from him. Therefore, the Complainant has failed to prove any deficiency in service on the part of OP. Accordingly, we dismiss the complaint with no order as to costs.”*

3. The Appellant/Opposite Party has filed an appeal against the District Commission's order, arguing that the Commission misapprehended the evidence and misapplied legal principles. The Appellant asserts that their recorded evidence, including a video of conversations with the Respondent's representatives, was overlooked, and the absence of a cash receipt for their purchase was not properly considered. They dispute the Commission's claim that price charged from other customers undermines their argument of being overcharged. The Appellant highlights that they were charged significantly more than the MRP for products and insists that the video evidence shows the Respondent's admission of overcharging. Additionally, they argue that the Commission failed to acknowledge the Respondent's consistent overpricing practices, which they estimate at an average of 43% over the MRP.
4. The Respondent argues that the Impugned Judgment is sound and free of any legal flaws. The Respondent further asserts that the appeal should be dismissed as false, frivolous, and being fundamentally without merit. The Respondent requests that exemplary costs be imposed on the Appellant for pursuing what they consider baseless litigation that has unnecessarily burdened both Consumer Fora and wasted valuable time, reflecting the Appellant's mala fides.
5. The Respondent, has further filed the written arguments as per order dated 17.05.2024 wherein the reply filed by the Respondent has been reiterated.
6. We have perused the Appeal, Reply of the Respondent and Impugned Order.

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7. The *main question* for consideration before us is *whether the District Commission erred in dismissing the complaint by not adequately considering the evidence, particularly the audio and video recordings provided by the Appellant. Additionally, does the Opposite Party's (OP)/Respondent's practice of charging prices exceeding the Maximum Retail Price (MRP) constitute a deficiency in service.*
8. The perusal of the record shows that the Appellant did not present sufficient evidence to support claims of overcharging beyond the Maximum Retail Price (MRP). The audio and video recordings submitted were not adequately authenticated or contextualized to demonstrate a violation of consumer rights.
9. While the Appellant alleged that the Opposite Party/Respondent charged prices exceeding the MRP, the evidence presented does not convincingly establish a consistent pattern of overpricing specific to the Appellant's purchases. The comparison with other customers' pricing, albeit not definitive, suggests that pricing discrepancies may not be as systemic as claimed.
10. The Appellant did not sufficiently prove that the Opposite Party's/Respondent's actions constituted a deficiency in service as defined under consumer protection laws. The alleged overcharging does not meet the threshold required to classify it as a failure to provide service of a reasonable quality.
11. The Appellant, as a consumer, had a responsibility to verify prices before purchasing. The absence of due diligence on the Appellant's part undermines the argument of being a victim of overcharging. More so, the appeal reflects a misunderstanding of the nature of consumer rights and the burden of proof. The Appellant failed to meet the legal

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standards required to substantiate claims of overcharging and deficiency in service.

12. In these circumstances, *we uphold the judgment dated 23.01.2017 passed by the District Consumer Disputes Redressal Commission-II, Udyog Sadan, Qutub Institutional Area, New Delhi-110016.* Consequently, *the present appeal stands dismissed* with no order as to costs.
13. Application(s) pending, if any, stand disposed of in terms of the aforesaid judgment.
14. The judgment be uploaded forthwith on the website of the commission for the perusal of the parties.
15. File be consigned to record room along with a copy of this Judgment.

**(JUSTICE SANGITA DHINGRA SEHGAL)  
PRESIDENT**

**(PINKI)  
MEMBER (JUDICIAL)**

Pronounced On:  
**06.11.2024**

L.R.SM