

**Central Consumer Protection Authority**

**Case No: J-25/72/2021-CCPA (Part 9)**

In the matter of: Suo-moto case against Sohil Impex with regard to sale of pressure cookers which do not conform to compulsory BIS standards.

CORAM:

Ms. Nidhi Khare, Chief Commissioner

Mr. Anupam Mishra, Commissioner

APPEARANCES

For Sohil Impex

1. Mr. Sohil Shah

Date: 01.12.2022

**ORDER**

1. This is a suo-moto case taken up by the Central Authority against Sohil Impex with regard to sale of domestic pressure cookers in violation to standards directed for compulsory use as per law on e-commerce platforms.

2. Notice to the opposite party was issued on 29.11.2021. The products listed out in the notice were as under :-

(i) PRISTINE Stainless Steel 5 L Induction Bottom Pressure Cooker (Stainless Steel)

Product page link: <https://www.flipkart.com/pristine-stainless-steel-5-l-induction-bottom-pressure-cooker/p/itmdbf30f0ffefc>

(ii) PRISTINE Induction Base Stainless Steel Pressure Cooker, 5L

Product Page Link: <https://www.shopclues.com/quba-aluminium-regular-5-liter-pressure-cooker-with-induction-bottom-aluminium-139702319.html>

- (iii) PRISTINE 5.5 L Outer Lid Pressure Cooker Induction Bottom (Silver , Stainless Steel , Set of 1)

Product Page Link:-

[https://paytmmall.com/pristine-stainless-steel-5-5-l-induction-bottom-outer-lid-pressure-cooker-set-of-1-HOMPRIStINE-STASOHI3324494636086-pdp?sid=7094033b-1bd8-42bb-a904-62f00460fe34&src=consumer\\_search&svc=-1&cid=52798&tracker=organic%7C52798%7Cpristine%205.5%20l%20outer%20lid%20prssure%7Cgrid%7CSearch\\_experimentName%3Ddemographics\\_location%23NA\\_gender%23NA%7C%7C1%7Cdemographics\\_location%23NA\\_gender%23NA&get\\_rview\\_id=338072287&site\\_id=2&child\\_site\\_id=6](https://paytmmall.com/pristine-stainless-steel-5-5-l-induction-bottom-outer-lid-pressure-cooker-set-of-1-HOMPRIStINE-STASOHI3324494636086-pdp?sid=7094033b-1bd8-42bb-a904-62f00460fe34&src=consumer_search&svc=-1&cid=52798&tracker=organic%7C52798%7Cpristine%205.5%20l%20outer%20lid%20prssure%7Cgrid%7CSearch_experimentName%3Ddemographics_location%23NA_gender%23NA%7C%7C1%7Cdemographics_location%23NA_gender%23NA&get_rview_id=338072287&site_id=2&child_site_id=6)

3. The notice highlights it has come to the notice of CCPA that, pressure cookers which do not conform to BIS standards directed for compulsory use by the Central Government are being offered for sale by Sohil Impex under the brand name 'Pristine' on Amazon, Flipkart, Shopclues and Paytm Mall platform. Sale of such pressure cookers can be dangerous, hazardous and can cause severe injury or harm to consumers.
4. In response to the notice, reply dated 10.12.2021 was received from the company. In its reply, the company stated that it was unaware of the Domestic Pressure Cooker (Quality Control) Order, 2020 ("QCO"). It is stated that the company had recruited an employee who was responsible to keep track of developments under BIS Act, 2016 and during the period in which the notification was issued and implemented, the concerned employee was inflicted with Covid-19, owing to which he had to leave the organization. In light of the exit of the concerned designated employee handling the subject issue, limited staff due to Covid-19 and allied reasons, the issue could not be attended.
5. It is further stated by the company that the non-compliance with the QCO notification is merely an inadvertent error and it is ready and willing to rectify and remedy the same. It is submitted that upon receiving intimation of our inadvertent noncompliance, we forthwith recalled all products that were in violation of the notification. The company has tendered an unconditional apology for not adhering to the appropriate standards.
6. Opportunity of hearing as mandated under the Consumer Protection Act, 2019 was provided to the company on 06.04.2022. In the hearing, the opposite party made the following submissions –
  - (i) We are a small-time company and we sell only on online platform and nowhere else.

- (ii) The moment we learnt of the BIS notification, we immediately stopped selling and started the process of obtaining certification and we have now received the BIS certification.
- (iii) The non-compliance was unintentional and unfortunate. We are a reputed export house. We export to the western part of the world also and are an ISO company.
- (iv) We are operating in not more than 3-4 online platforms.
- (v) We were selling overall 200-300 pressure cookers monthly.
- (vi) As a first instance, we request for a pardon.

7. The company was also directed in the hearing to provide details of how many pressure cookers it manufactured every month and how many it has been able to recall. The opposite party requested for one week's time to provide the information.

8. The company vide email dated 14.04.2022 submitted the following information :-

<b>SS Cooker Sale / Return Summary "Pristine Brand"</b>				
Feb 2021 to Nov 2021	1.5 Ltr	2 Ltr	3 Ltr	5 Ltr
Sale	662 pcs	190 pcs	261 pcs	122 pcs
Return / Recall	408 pcs	82 pcs	59 pcs	48 pcs

9. From the information submitted by the company, it can be deduced that return/recall is pending for 254 pcs of 1.5 Ltr. (662-408), 108 pcs of 2 Ltr. (190-82), 202 pcs of 3 Ltr. (261-59) and 74 pcs. Of 5 Ltr. (122-48) Domestic pressure cookers, which comes to a total of 638 pcs.

10. It may be mentioned that the Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry notified the Domestic Pressure Cooker (Quality Control) Order, 2020 ("QCO") on 21.01.2020 mandating conformity to standard - IS 2347:2017 and compulsory use of standard mark for 'Domestic Pressure Cooker'. The date of coming into force of QCO was stated as 01.08.2020.

Thereafter, vide Domestic Pressure Cooker (Quality Control) (Amendment) Order, 2020 notified on 23.06.2020, date of coming into force of the QCO was postponed to 01.02.2021. This offered all manufacturers/sellers reasonable time to sell their old stocks and prepare for conformity to the standards prescribed under QCO.

Therefore, since 01.02.2021, any domestic pressure cooker offered for sale in India is required to conform to IS 2347: 2017.

11. Goods or products, which violate the standard required to be maintained by or under any law for the time being in force, are liable to be termed "defective" under the Consumer Protection Act, 2019.

Under Section 2(10) "defect" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force or under any contract, express or implied or as is claimed by the trader in any manner whatsoever in relation to any goods or product and the expression "defective" shall be construed accordingly.

Thus, Pressure cookers which do not conform to the compulsory standards are liable to held 'defective' under the Act.

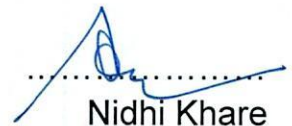
'Consumer rights' as defined under Section 2(9) include:

(i) the right to be protected against the marketing of goods, products or services which are hazardous to life and property;


(ii) the right to be informed about the quality, quantity, potency, purity, standard and price of goods, products or services, as the case may be, so as to protect the consumer against unfair trade practices;

12. The opposite party has admitted in its reply as well as in the hearing that it was selling pressure cookers in breach of the standards prescribed under QCO. The company has tendered an unconditional apology and undertaken not to sell any pressure cookers, on any online platforms whatsoever, that do not bear the standard mark until it obtains the appropriate certification.

13. Violation of standards mandated by the QCOs not only endanger public safety, but can make consumers vulnerable to severe injuries including loss of life. This is a critical cause for concern especially in case of domestic pressure cooker, which is a household good, present in most homes in the immediate vicinity of family members.
14. Moreover, it is pertinent to note that the notification of QCOs is not a sudden overnight action by the Central Government. Before finalizing the notification of a compulsory standard for any good or article, extensive stakeholder discussions are undertaken by BIS and the concerned Ministry for effective implementation of the standard in public interest. Any proposition of ignorance or unawareness of law cannot be countenanced.
15. While the company has tendered apology, the fact that domestic pressure cookers in violation to the standard directed for compulsory use as per the QCO have been sold by the company to consumers cannot be missed. As per the data, a total of 638 pcs. have been sold to consumers and are yet to be recalled by the company.
16. In view of the above, the opposite party is hereby directed to –
- (i) Recall the 638 units of pressure cookers sold by it and reimburse the prices of the recalled pressure cookers to the consumers and submit a compliance report in 45 days.
  - (ii) Pay a penalty of ₹1,00,000 for selling domestic pressure cookers to consumers in violation to mandatory standards prescribed under the QCO.



Nidhi Khare  
Chief Commissioner



Anupam Mishra  
Commissioner