

Central Consumer Protection Authority
F.No. CCPA-2/87/2023-CCPA
(Prev. Ref. J-25/72/2021-CCPA – Part 14)

In the matter: Case against Idle Brain e-Tail with regard to sale of domestic pressure cookers without ISI mark

CORAM:

Shri Rohit Kumar Singh, Chief Commissioner

Shri. Anupam Mishra, Commissioner

Appearance on behalf of Idle Brain e-Tail

1. Mr. Ashraf Kapoor, Advocate

Date: 19.01.2024

ORDER

1. The hearing was held through video conferencing on 10.01.2024.
2. This is a suo-moto case taken up by the Central Authority against Idle Brain e-Tail ('opposite party') with regard to sale of domestic pressure cookers in violation to standards directed for compulsory use by law on e-commerce platforms.
3. Notice to the opposite party was issued on 10.12.2021 to furnish its response in the matter within 7 days. However, no response was received within the prescribed period.
4. Thereafter, a reminder notice was issued on 08.03.2022 with another opportunity to furnish response. However, still no response was submitted.
5. A second reminder notice was issued on 30.03.2022. Again, no response was received from the company.
6. A third reminder notice was issued on 04.12.2023 highlighting that no response from the company has been received till date and calling upon the company to furnish its response. The company was also directed to confirm the units of domestic pressure cookers sold by it as provided to the Central Authority by Amazon (i.e., 9 units) and Flipkart (i.e., 465 units) and furnish information on total number of pressure cookers of 'Pristine' brand sold by it which did not conform to compulsory standards after coming into force of the QCO i.e.,



01.02.2021. The notice also mentioned that the matter is fixed for hearing on 18.12.2023 at 4 P.M.

7. In response to the third reminder notice, the reply dated 10.12.2023 was received from the opposite party inter alia stating that –

- (i) On receipt of notice dated 10.12.2021, the company has refrained from sale of the product and has duly abided to the norms so listed. No sale has been made of the said “pristine pressure cookers” by the company after the contested date on any platform available.
- (ii) “Multizone India” is the trading display name for company “Idle Brain E-Tail” and are the same entity engaged into the said business
- (iii) The company is merely a Re-seller on the mentioned E-Commerce platforms, where he purchases products from local marketplace to list and sell them electronically.
- (iv) The 465 units on Flipkart have not been sold by the company and they have taken place through another seller ‘Pristine’. The seller ‘Pristine’ name belongs to ‘Sohil Impex’ company.
- (v) The sale of 9 units on Amazon is duly accepted by the company and it is ready and willing to replace the 9 units of pressure cookers sold to the customers on Amazon, thereby carrying out the necessary formalities and paying the necessary compensation of any damage or harm so caused

8. Opportunity of hearing as mandated under the Consumer Protection Act, 2019 was scheduled with the opposite party on 18.12.2023. This was further rescheduled to 27.12.2023 and to 09.01.2024. Subsequently, the hearing was held on 10.01.2024.

9. During the hearing, Mr. Ashraf Kapoor, Advocate, appearing on behalf of the opposite party made the following submissions –

- (i) The company tenders unconditional apology with respect to the 9 units sold on Amazon.
- (ii) The company is ready to compensate the customers who have purchased its product.
- (iii) With respect to the 465 units sold on Flipkart, the same do not belong to Idle Brain e-Tail. The seller ‘Pristine’ is not Idle Brain e-Tail and it is ‘Sohil Impex’. The company does not know how its address has been mentioned by Flipkart.
- (iv) The company has not sold any product since receipt of the notice.
- (v) The company is ready to recall the 9 units of pressure cookers sold on Amazon.

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 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. Violation of standards mandated by the QCO not only endangers 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.



13. As mentioned in the third reminder notice dated 04.12.2023, the product which the opposite party has been found to be selling on Amazon is "Pristine Induction Base Stainless Steel Pressure Cooker, 1.5 litres, 1 Piece, Silver".
14. During the hearing, learned counsel appearing on behalf of the opposite party has tendered unconditional apology for sale of 9 units on Amazon and also submitted that the company is ready to compensate the customers who have purchased its product.
15. The opposite party has also admitted in its reply dated 10.12.2023 that it sold the 9 units on Amazon and is willing to submit the true records of such sale to substantiate its claims. It is further stated in the reply that the company is ready and willing to replace the 9 units of pressure cookers sold by Multi Zone India to the customers on Amazon.
16. The address mentioned by Flipkart for the seller 'Pristine' is Gala No. 81, Phase 2, Parmar Indst. Est (Parmar techno park) After Pelhar, Vasai Phata, Vasai East., Vasai Virar Maharashtra, India 401208, which is the same as the address of the opposite party. However, with respect to sale of 465 units on Flipkart, the opposite party has denied that the sale of such units and claims that it has taken place through another seller on the e-commerce platform.
17. In view of the above, the opposite party is hereby directed to –
- (i) Recall the 9 units of domestic pressure cookers sold by it to consumers on Amazon, reimburse the prices of recalled cookers and submit a compliance report of the same within 30 days.
 - (ii) Pay a penalty of ₹1,00,000 for selling domestic pressure cookers to consumers in violation to mandatory standards prescribed under QCO. The penalty shall be submitted by way of Demand Draft (DD) in favour of the Pay and Accounts Officer, Department of Consumer Affairs, payable at New Delhi.


Rohit Kumar Singh
Chief Commissioner


Anupam Mishra
Commissioner