

**APPEAL TRIBUNAL OF THE FAIR TRADING COMMISSION SEYCHELLES**

**PARAMESHWAI PILLAY**

**APPELLANT**

**VERSUS**

**FAIR TRADING COMMISSION**

**RESPONDENT**

**CASE NO. CPA/INS18/11**

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**APPEAL**

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1 On the 28<sup>th</sup> February 2018, the Fair Trading Commission conducted a outing  
2 inspection of the premises of the Appellant situated at Anse La Mouche, Mahe.

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4 They found irregularities as follows:

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6 a. Two products (5 items) on display and being offered for sale that had labels  
7 which contained information that were not in plain language, contrary to  
8 section 19 (1) (b) of the Consumer Protection Act, 2010, 205;

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10 b. Product (2051 items) being offered for sale without their prices being  
11 displayed, contrary to Section 20(1) of the same Act; and

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13 c. 22 products (161 items) were found to be on display for sale past their expiry  
14 date, contrary to Section 24 of the same Act.

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16 In addition, after inspecting the receipts which were provided to the consumers  
17 the Appellant, it was observed that the receipts did not contain the price of the  
18 goods contrary to Section 25(2)© and (g) of the Act.

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20 Exercising its powers under Section 67(1) of the Act, the Fair Trading Commission  
21 imposed fines on the Appellant as follow:

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23 a. For the contravention of Section (19) (1) (b) read with Section 19 (2) (a) the  
24 sum of SR4,000;

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26 b. For the contravention of Section 20 (1) read with Section 20 (3) the sum of  
27 SR20,000;

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29 c. For the contravention of Section 25(1) read with Section 25 92) (e) and (g)  
30 the sum of SR6,000;

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32 These fines had to be paid within 30 days from 29<sup>th</sup> November 2018. The Appellant  
33 did not pay.

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35 The Appellant has now appealed to FAIR TRADING TRIBUNAL in accordance with  
36 the right under Sections (44 and 77 (1) of the Consumer Protection Act 2010.

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38 The appeal which was considered on the 6<sup>th</sup> December 2018 is based principally  
39 on the grounds that:

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41 a. The owner of the business was absent from the country at the time of the  
42 inspection; and

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44 b. A promise by the owner to keep within the requirements of the law in the  
45 future.

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47 In support of the Appeal the Appellant included a copy of a bank statement to  
48 indicate the poor performance of the business during the month of November  
49 2018.

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51 During the hearing of the appeal the Legal Officers representing the Fair Trading  
52 Commission did not support the fine imposed under Section 50 (2) (a) of the Act of  
53 SR6,000. It is therefore ignored for the purposes of the appeal.

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55 We feel the force of the plea of the Fair Trading Commission to maintain the fines  
56 as imposed by the Fair Trading Commissioner. We do, however, feel that a  
57 reduction of the fine for the offence under Section 20(1) which is on the high side  
58 and feel able to reduce it to SR17,000.

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60 The fine of SR4,000 under Section 19 (1) (b) read with Section 19 (20) (a) is  
61 maintained by the Appeal Tribunal.

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With regard to the fine SR20,000 imposed under Section 20 (1), read with Section 20 (3) of the Act, the Appeal Tribunal reduces it to SR17,000.

As for the fine under Section 24 the fine of SR6,000.00 it is maintained.

All the revised fines are to be paid by 31<sup>st</sup> January 2021

Dated this *21<sup>st</sup>* day of December 2020



George TIRANT  
MEMBER



John RENAUD  
CHAIRMAN



Gerard ADONIS  
MEMBER

