

**BEFORE THE HON'BLE URBAN DISTRICT CONSUMER  
DISPUTES REDRESSAL FORUM  
CAUVERY BHAVAN, BANGALORE.**

COMPLIANT NO 2010

**BETWEEN;**

1. Sri. Adithya Banavar,  
S/o R.B.Krishna, Age 21 years,  
Residing at 206/1, 25th Cross, 5th main,  
3rd Block, Jayanagar,  
Bangalore – 560011.
2. Sri.Abhimanyu Kampani  
S/o Arun Kampani  
Age 21 years, Residing at Room No. 206,  
Ganga Hostel,  
National Law School of India University,  
Bangalore – 560242.
3. Sri.Aubrey Lyngdoh  
S/o Ricky Sootinck  
Age 22 years, Residing at Room No. 201,  
Ganga Hostel,

National Law School of India University,  
Bangalore – 560242.

4. Smt. Lakshmi Nair

D/o K Gopalakrishnan Nair  
Age 19 years, Residing at Room No. 101,  
New Mess Block,  
National Law School of India University,  
Bangalore – 560242.

5. Smt. Ashwini Obulesh.

D/o S. Obulesh,  
Age 20 years, Residing at Room No. 201,  
Nilgiris Hostel,  
National Law School of India University,  
Bangalore – 560242.

**.....Complainants**

**AND**

1. Palette

Mantri Square  
Bangalore-5.

2. M/s Pepsi Co India Holdings Pvt. Ltd,  
101/1, "A" Road, MIDC,  
Dhattav-Roha,  
Raigarh- 402116, Maharashtra.
3. M/s Pepsico India Holdings Pvt. Ltd.,  
34th KM Stone, NH-4,  
Teppadabegur, Nelamangala,  
Bangalore- 562123,  
Karnataka.
4. M/s Aradhana Foods and Juices Pvt Ltd.,  
NH-9, Mumbai Highway,  
Pothireddipallaya village, Sangareddy,  
Medak District-502 295. Andhra Pradesh.

**.....Opposite Parties (OP)**

**Complaint filed under Section 12 of the Consumer Protection Act 1985**

The complainants abovenamed state as follows:

1. The address of the Complainants for the purposes of service of notices etc., in this petition is as stated in the cause title. The addresses of the opposite parties for the services of notices, summons etc., is as stated in the cause title.

2. The complainants are students pursuing their LLB degree in the National Law School of India University, Nagababhavi, Bangalore. The complainants went to Mantri Mall in Bangalore and purchased one 1-litre water bottle of Aquafina, a 330 ml Pepsi Tin and a 350 ml bottle of Nimbooz from the first opposite party.
3. The Bill amount was Rs 120/- and the breakup is in the table in para 4. The vendor informed the complainants that he has billed the MRP rates. A copy of the Bill is enclosed herewith which may be marked as **Annexure-A**. The complainants later found that the MRP rates for these items when bought in any other store were far lower. A copy of a bill from Food World showing the rates normally charged for the items is produced herewith as **Annexure-B**.
4. The Difference of prices for packed products of same quality, quantity and content by the same manufacturer is given below;

<b>Items Purchased</b>	<b>Palette, Mantir Square Bangalore-5. [Exhibit-P1] (Rs)</b>	<b>M/S Food World Super Markets Ltd, Survey No. 349/6, 352/1, Bangalore [Exhibit-P2] (Rs)</b>	<b>Difference Amount (Rs)</b>
<b>1-litre water bottle of Aquafina</b>	20	15	5
<b>330 ml Pepsi Tin</b>	50	25	25
<b>350 ml bottle of Nimbooz</b>	50	15	35
<b>Total</b>	120	55	65

5. The complainants submit that the MRPs marked at Palette differed from the MRPs marked on identical products purchased at Food World. In other words, not only were identical products being sold with varying MRPs; but also, such variations might have been practiced at the manufacturer's level also. In order to clarify this situation, the complainants addressed a notice to all the opposite parties. A copy of such notice dated 17/8/2010 is **Annexure-C**. A copy of the delivery receipts for this notice is produced herewith as **Annexure-D**. The complainants brought out the factual position as aforesaid and demanded that the opposite parties refund the extra amounts charged on each product and stop the practice of charging different rates for the same goods.

6. The first and the fourth opposite parties did not respond and have not responded to date. The second and third opposite parties responded by email on 27.08.2010 and a copy of such mail is produced as **Annexure-E**. The stand taken by these opposite parties was that admittedly, the manufacturer had marked two different MRPs on identical products, ostensibly to cover service charges of the outlet. It is submitted that this differential marking of MRPs is not only an unfair trade practice under the Consumer Protection Act, but also defeats the very purpose of requiring a manufacturer to mark an MRP on the product. It also leads to cheating of consumers who are unaware of the differential marking of MRPs. It is submitted that there is no warning either on the product or a separate warning from the outlet that an identical product is available at much cheaper rates at other retail shops. It is submitted that such unfair trade practice affects the whole body of consumers and leads to unjust enrichment of the opposite parties. In the case of

individual consumers, it leads to mental agony when inflated bills are presented with respect to a product which is available at far cheaper rates at retail outlets. It is further submitted that there is no mechanism in place to ensure that the product having a higher MRP is also not sold at a retail outlet. Therefore, the entire sequence starting from manufacture to the final sale constitutes an unfair trade practice.

7. The cause of action arose at Bangalore and this Hon'ble Forum has jurisdiction to try the complaint. The cause of action arose on 20.5.2010 when the products were bought and on 27.08.2010 when the second and third opposite parties furnished their response. The cause of action is continuing to date. Hence, the complaint is filed within the limitation period.

## **8. PRAYER**

WHEREFORE the complainants pray that this Hon'ble Forum be pleased to pass an order in their favour directing the respondents jointly and severally:

- a. To stop the unfair trade practice that is unjustly enriching the opposite parties;
- b. for costs of this complaint;
- c. for punitive damages;
- d. for any other relief/s as this Hon'ble Forum may deem fit to grant in the circumstances of the case in the interests of justice and equity.

**VERIFICATION**

I, Adithya Banavar, the first complainant herein do hereby declare on behalf of myself and the other complainants that what is stated in paragraphs 1 to 8 above are true to the best of my knowledge, information and belief.

Verified at Bangalore on this the\_\_\_\_\_ day of October 2010.

**COMPLAINANT 1**