

प्रति हस्ताक्षर

रिमा कुमावत

प्रमाणित प्रतिलिपि

उप पंजीक
27-07-25

आदेश दिनांक 14-07-26

RAJASTHAN STATE CONSUMER DISPUTES
REDRESSAL COMMISSION, JAIPUR

FIRST APPEAL NO: 385/2025

D-MART AVENUE MARKET LTD.

Through its Authorized Officer, having office at Plot no. 8 C. Near
Haldi Ghati Gate, Star Hospital, Opposite Pratap Plaza, Main Tonk
Road, Pratap Nagar, Jaipur

Represented by Sahil Nayyar the authorized signatory

....Appellant

VERSUS

KAPIL DEV SONI

S/o Shri Gopal Soni, Aged about 36 years, R/o 70/291, Pratap Nagar,
Shoupura Road, Sanganer, Jaipur

...Respondent

Date of Order 14-07-26

Before:

Hon'ble Ms. Urmila Verma- Member (Judicial)

Hon'ble Mrs. Karuna Jain- Member

Present:

Mr. Hemang Kumawat, learned counsel for the Appellant,

Mr. Abhishek, learned counsel for the Respondent



BY THE STATE COMMISSION (PER HON'BLE Ms.
URMILA VERMA, MEMBER- JUDICIAL)

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The appellant, D-Mart Avenue Market Ltd. (hereinafter
referred to as "the appellant" or "D-Mart"), has preferred the

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present appeal against the respondent, Kapil Dev Soni, challenging the order dated 30.06.2025 passed by the learned District Consumer Disputes Redressal Commission, Jaipur-I in Consumer Complaint No. CC/51/2020, whereby the complaint filed by the respondent was allowed.

The brief facts of the case are that on 02.10.2019, the complainant visited the appellant's supermarket to purchase household goods. He purchased goods worth Rs. 846.72, and the appellant additionally charged Rs. 5.50 for a carry bag. The complainant requested the appellant not to charge for the carry bag, however, the appellant informed him that if he wants to purchase the carry bag, he would have to pay its price. According to the complainant, by charging for the carry bag, the appellant indulged in an unfair trade practice and committed deficiency in service. Accordingly, he filed the consumer complaint seeking the reliefs mentioned therein.

In its written reply, the appellant admitted that the complainant had purchased goods worth Rs. 846.72. It was further submitted that whenever a consumer purchases goods from its store, the staff asks whether the consumer has brought his own carry bag or wishes to purchase one from the store. Only after obtaining the consumer's consent, the price of the carry bag is added to the bill. It was also stated that every carry bag bears a barcode containing its price. The appellant further submitted that if a consumer does not wish to retain the carry



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bag, it can be returned within seven days in accordance with the return policy. Since the complainant neither returned the carry bag nor objected at the relevant time, but instead of it filed the present complaint with mala fide intention, so the complaint deserved to be dismissed.

After hearing both the parties, the learned District Commission allowed the complaint and directed the appellant to pay Rs. 3,000 towards compensation for mental agony and Rs. 2,000 towards litigation expenses. Aggrieved by the said order dated 30.06.2025, the appellant has preferred the present appeal.

Learned counsel for the appellant argued that merely charging the price of the carry bag does not amount to an unfair trade practice or deficiency in service, particularly when the carry bag did not contain any advertisement, logo, slogan, or promotional material relating to D-Mart. It was submitted that only a barcode indicating the price was printed on the carry bag.

Reliance was placed upon the judgment of the Hon'ble National Consumer Disputes Redressal Commission in Revision Petition Nos. 1715 of 2019 and 774 of 2020, titled Bata India vs. Dinesh Prasad Raturi & Others, decided on 27.11.2024, wherein it was held that a carry bag sold to a consumer is a goods under the law. If such carry bag does not bear the name, logo, advertisement, or slogan of the seller or supermarket, its price can lawfully be charged from the



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consumer. However, if the carry bag contains the name, logo, advertisement, or promotional material of the seller, no separate charge can be levied.

The appellant also relied upon the judgment of the Hon'ble NCDRC in Big Bazaar v. Ashok Kumar, decided on 15.05.2019, wherein it was held that where proper display boards informing consumers that carry bags are chargeable are placed in supermarkets or stores, charging the price of carry bags is permissible.

It was further argued that although in certain earlier matters the appellant had complied with the orders passed by the District Forum because those carry bags contained the company's name or logo, the present case stands on an entirely different footing since the carry bag in question did not contain any logo, name, advertisement, or promotional material. It was further submitted that the District Commission failed to consider the binding judgments of the Hon'ble NCDRC while passing the impugned order. Accordingly, the appellant prayed that the appeal be allowed and the impugned order dated 30.06.2025 be set aside.

Per contra, learned counsel for the respondent submitted that the appellant was not entitled to charge Rs. 5.50 along with GST for the carry bag. Such charging amounts to deficiency in service as well as an unfair trade practice. Therefore, the order



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passed by the District Commission is legal and justified, and the appeal deserves to be dismissed.

We have heard the learned counsel for both the parties and carefully perused the material available on record.

The principal dispute between the parties relates to the charging of the price of the carry bag supplied by the appellant. It is noteworthy to say that there is no specific allegation in the complaint that the carry bag bore the appellant's logo, name, advertisement, slogan, or any other promotional material.

The judgments of the Hon'ble NCDRC referred to above clearly lay down that a carry bag, which does not contain the name, logo, slogan, advertisement, or any promotional material of the seller or supermarket, constitutes an independent goods for which a separate price may lawfully be charged. However, if the carry bag bears any logo, advertisement, or promotional material of the seller, no separate charge can be charged.

In the present case, the complainant has failed to prove that the carry bag contained the name, logo, advertisement, slogan, or any promotional material of D-Mart. The appellant has specifically pleaded in its reply that before issuing the carry bag, its staff informed the complainant that the carry bag was chargeable and only after obtaining his consent the price of the carry bag included in the invoice.



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Furthermore, the appellant had a return policy under which the complainant could have returned the carry bag within

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seven days if he did not wish to retain it. Admittedly, the complainant neither returned the carry bag within the stipulated period nor raised any grievance immediately before D-mart, the appellant. Instead of it he filed the complaint on 23.01.2020, nearly three months after the purchase.

In these circumstances, it cannot be held that the appellant committed deficiency in service or indulged in an unfair trade practice by charging Rs. 5.50 along with applicable GST for the carry bag. In view of the law laid down by the Hon'ble NCDRC, the appellant was legally entitled to recover the price of the carry bag, as nothing was printed on it by way of logo, advertisement, slogan, or promotional material.

Accordingly, the learned District Commission committed an error in holding that the appellant had indulged in unfair trade practice and made deficiency in service.

Consequently, the appeal deserves to be allowed and the order dated 30.06.2025 is likely to set aside.

ORDER

The appeal is allowed.

The impugned order dated 30.06.2025 passed by the learned District Consumer Disputes Redressal Commission, Jaipur-I in Consumer Complaint No. CC/51/2020 is hereby quashed and set aside.

No order as to costs.



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Karuna Jain
(Karuna Jain)

Member

Urmila Verma
(Urmila Verma)

Member (Judicial)