

**THE SIKKIM STATE CONSUMER DISPUTES
REDRESSAL COMMISSION : GANGTOK**

Dated: 26th March, 2026

CORAM : THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, PRESIDENT
MR. HEM KUMAR CHHETRI, MEMBER
MR. KARMA LODAY LEPCHA, MEMBER

First Appeal No.03 of 2024



1. Pernod Ricard India Private limited

Having its registered Head Office:-

Atelier, No.10, Level1, Workmark-2 Aerocity,
New Delhi-110037

Having its local office at Aroma India Pvt. Ltd.,
Brahmaputra Industrial Park, Plot No. 59-60B, Village Sila,
P.O. Changsari North Guwahati, District: Kamrup, Assam - 7811031.

*Represented by Shri Subhasis Dash,
The Senior Manager- Manufacturing, Pernod Ricard India
Private Limited & Attorney Holder*

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2. The Manager,

Aroma India Private Limited,
Brahmaputra Industrial Park, Plot No. 59-60B,
Village Sila, P.O. Channgsari, North Guwahati,
District Kamrup, Assam - 781101.

*Represented by Shri Subhasis Dash,
The Senior Manager- Manufacturing, Pernod Ricard India
Private Limited & Attorney Holder*

[Signature]
Registered
Sikkim State Consumer Disputes
Redressal Commission, Gangtok
East Sikkim

Appellants

Versus

Bijay Rai,

S/o Shri Kul Bahadur Rai,
R/o Kyongsha, Gyalshing,
At present residing at New Helipad, Upper Pelling,
West Sikkim.

Respondent

Appeal under Section 41 of the Consumer Protection Act, 2019

Appearance

Mr. Hareesh Gupta, Advocate for the Appellant (through V.C.)

Mr. Pujan Kharka, Advocate for the Respondent

J U D G M E N T

Bhaskar Raj Pradhan, President.

before the learned District Consumer Disputes Redressal Commission, Gyalshing (DCDRC)] from a foreign liquor shop at Lower Pelling, West Sikkim, at a cost of Rs.226/- led to the filing of the complaint under Section 12 of the Consumer Protection Act, 1986.

2. The learned DCDRC on examination of the complaint and the evidence produced came to the conclusion that the respondent was entitled to compensation for a sum of Rs.226/- towards the cost of defective product, a sum of Rs.35,000/- as compensation for deficiency in service and harassment suffered and a further sum of Rs.20,000/- towards cost of the proceedings.

3. The appellant who suffered the judgment and award of the learned DCDRC dated 4.4.2023 in Consumer Complaint Case NO. 02 of 2022 seeks to re-agitate the issue in the present appeal.

4. The respondent examined himself, produced the Royal Stag whiskey bottle and the cash memo dated 25.04.2022 evidencing payment of Rs.226/- for the Royal Stag whiskey. The respondent also examined the liquor shop owner who had sold the Royal Stag whiskey to him as his witness. Although, the liquor shop owner, during his cross-examination, fairly conceded that he could not say whether the bottle purchased was from his shop or not, we notice that the Royal Stag whiskey bottle itself was produced before the learned DCDRC by the respondent. The respondent deposed that he had in fact purchased it from the foreign liquor shop on 25.04.2022. The liquor shop owner confirmed knowing the



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Registrar
Sikkim State Consumer Disputes
Redressal Commission, Gangtokh
East Sikkim

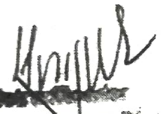
[Signature]



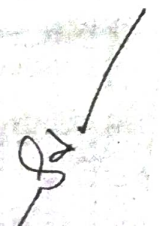
5. The evidence of the respondent as well as the liquor shop owner reasonably establishes that the Royal Stag whiskey bottle was purchased by the respondent from the liquor shop owner. Therefore, issue no.1, i.e., "*Whether the complainant purchased a bottle of 375 ml Seagram's Royal Stag whiskey on 25.04.2022 from a Foreign Liquor Shop at Pelling, West Sikkim?*", was correctly decided in favour of the respondent by the learned DCDRC.

6. The appellant in their written statement took a stand that they apprehend that the bottle in question has not been manufactured by them and is spurious/counterfeit.

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Member, Sikkim State Consumer Disputes Redressal Commission, Gangtok, Sikkim

The order dated 02.09.2022 passed by the learned DCDRC records that the Royal Stag whiskey bottle (packed and sealed in a paper) was produced before it. On the request of the respondent the learned DCDRC opened the sealed packet containing the Royal Stag whiskey bottle. The sealed packet was opened in front of the Members of the learned DCDRC, the learned counsel for both the parties as well as the staff. When it was closely observed it was seen that the cap of the whiskey bottle and even the hologram pasted on the cap and the bottle were intact. A white sticky algae like substance was clearly visible floating inside the bottle. The photograph and videograph of the whole process was recorded by learned counsel for both the parties. The Royal Stag whiskey bottle was kept in safe custody of the learned DCDRC. Therefore, it is quite evident that the Royal Stag whiskey bottle did have foreign particles in it.



examination of the Royal Stag whiskey bottle by Edward Food Research & Analysis Centre Limited (EFRAC), Kolkata, a recognized laboratory for analysis to find out whether the Excise hologram on the bottle in question is intact or has been tampered with; whether the contents of the bottle is in conformity with the BIS Standards on organoleptic and chemical requirements; and whether the contents of the bottle in question are in conformity with the standards laid down under Food Safety and Standards Act, 2006. The Royal Stag whiskey bottle was sent to EFRAC. The EFRAC confirmed that the sample was received with intact hologram seal on the cap of the bottle; the sample bottle was received with intact guala cap and it was not tampered.



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Regional Director
Odisha State Consumer Disputes
Redressal Commission, Cuttack
East Godavari

9. The learned DCDRC found that the Report of the EFRAC stated that: the condition of the bottle was ok; there was no visible defects in the container; there was no leakage; the package was in good condition; the seal was ok with proper alignment; there was no significant removal of the print from the surface of the container; and the print was legible to the naked eye. Dipen Ch. Kakati, the Purchase Executive of the appellant, also admitted that as per the Report of the EFRAC, both the hologram and guala cap were found intact and not tampered with.

10. The confirmation by the EFRAC reassures that the Royal Stag whiskey bottle was not tampered with by the respondent.

11. The Enquiry Report (exhibit D-8) produced by Nawab Imtiaje Ali - a witness for the appellant who held the position of an

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25.08.2021. It does not state that the Royal Stag whiskey bottle was not manufactured by the appellant. The confusion about the batch number and serial number in the hologram indicated in the report is clarified by the statement in the report "however the security features can be verified by Sikkim Excise only." The complaint relates to the purchase of the Royal Stag whiskey from Sikkim and not from Assam. The appellant failed to furnish any officer of the Sikkim Excise Department to confirm their doubt of the Royal Stag whiskey bottle being spurious or counterfeit. Dipen Ch. Kakati, the Purchase Executive of the appellant, admitted, contrary to his stand during examination-in-chief, that the bottle of liquor produced by the appellant to show the hologram was manufactured only recently on 14.11.2023 whereas the Royal Stag whisky bottle was manufactured in 2021. Further, the learned DCDRC has noted that the Enquiry Report relied upon by the appellant was dated 27.02.2024 post the institution of the complaint without instructions from the learned DCDRC and declined to look at it.

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Registrar

Sikkim State Consumer Disputes Redressal Commission, Gangtokh

Established in 1986

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12. It was the appellant's contention that they apprehended that the bottle in question has **not** been manufactured by them and is spurious/counterfeit. Therefore, **it was for the appellant to prove** it which they failed to do. In **fact**, the evidence produced by the appellant suggests that the **Royal Stag** whiskey bottle was in fact manufactured by them.

13. We are, therefore, **of the considered view** that Issue No.2 and Issue No.3, i.e., "**Whether the said bottle of 375 ml**

articles and is a spurious/counterfeit bottle?, was correctly answered in favour of the respondent and against the appellant by the learned DCDRC calling for no interference.

14. The learned DCDRC's conclusion that therefore there was deficiency in service on the part of the appellant as the bottle of Royal Stag whiskey was defective in quality and purity both of which were required to be maintained under the law, cannot be questioned.

15. The amount of compensation granted by the learned DCDRC is not exorbitant. It is well balanced and therefore, the amount so granted is upheld. The appeal is dismissed. No order as to costs.

16. Copy of this Judgment be forwarded to the learned DCDRC, Gyalshing, for information, along with all records received.

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[Signature]
President
26-03-2026

[Signature]
(Bhaskar Raj Pradhan)
President

26-03-2026

Free certified copy
Serial No. of the Application 54.
Date of receipt of Application 30.03.2026
Name of the applicant Adv. Hareesh Gupta
Date of disposal 26.03.2026
Date of Preparation of copy 30.03.2026
Date of dispatch of free certified copy of order
By Hand [Signature]
By Post 13/04/2026

[Signature]
(Hem Kumar Chettri)
Member

26-3-2026

[Signature]
(Karma Loday Lepcha)
Member

26-3-2026

Approved for reporting : Yes

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