

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION

SOUTH II

CONSUMER COMPLAINT NO. DC/AB1/670/CC/142/2022

SMT. MAUSAM MEENA

.....Complainant(s)

PRESENT ADDRESS – R/o. GA-83, FIRST FLOOR, PUL PEHLADPUR,
NEW DELHI-110044.SOUTH EAST,DELHI.

Versus

FLIPKART INTERNET PVT. LTD.

.....Opposite Party(s)

PRESENT ADDRESS – OZONE MANY TECH PARK 56/18 & 55/9, 7th
FLOOR, GAREVBHAVIPALYA, HOSUR ROAD, KARNATAKA,
INDIA.SOUTH EAST,DELHI.

BEFORE:

MONIKA AGGARWAL SRIVASTAVA , PRESIDENT

DR. RAJENDER DHAR , MEMBER

RITU GARODIA , MEMBER

FOR THE COMPLAINANT:

NEMO

FOR THE OPPOSITE PARTY:

NEMO

DATED: 18/09/2026

ORDER

CONSUMER DISPUTES REDRESSAL COMMISSION – X

GOVERNMENT OF N.C.T. OF DELHI

Udyog Sadan, C – 22 & 23, Institutional Area

(Behind Qutub Hotel)

New Delhi – 110016

Case No.142/22

Versus

1. FLIPKART Internet Pvt. Ltd.
Ozone Many Tech Park # 56/18 & 55/9,
7th Floor Garvebhavipalya, Hosur Road,
Bangalore-560068,
Karnataka, India

2 FLIPKART Internet Pvt. Ltd.
Vaishnavi Summit No.6/B,
7th Main 80 Feet Road, 3rd Block,
Koramangala,
Bangalore-560034
India

3.Luminary Lifestyle Pvt. Ltd.,

Plot No.348YNO3
(P) Road No. 69, Fhuda Enclave,

Nandagiri Hills Layout,

Jubilee Hills Hyderabad,
Telangana India-500033

4.Instakart Zonal Office
A-41, 2nd Floor, Near Mohan Cooperative
Metro Station, Mathura Road,
Mohan Cooperative Industrial Estate,
Badarpur, New Delhi-110044

... RESPONDENTS

Date of Institution- 03.09.2014
Date of Order- 18.09.2026

-

ORDER

RITU GARODIA-MEMBER

1. The complaint pertains to deficiency in service on part of OP.

2. The facts as stated in the complaint are that the complainant ordered a mobile phone through Flipkart App. The complainant received the delivery on 25.10.2021. It is alleged that he received a Lifebuoy soap in place of mobile phone.
3. It is stated that the complainant sent a complaint to Flipkart alongwith all the documents but no action was taken.

The complainant prays for a compensation of Rs.20,000/- towards financial loss and Rs.50,000/- towards mental agony and harassment.

Reply of OP-1 and OP-2 was taken on record vide Order dated 05.10.2023. Reply of OP-3 was not taken on record as being time barred vide Order dated 20.12.2023. Reply of OP-4 was taken on record vide order dated 20.12.2023.

OP-1 & OP-2 is Flipkart Internet Private Limited at two different addresses. OP-1 and OP-2 in their reply states that OP-1 & 2 provide an online marketplace platform to facilitate the transactions between buyers and sellers. It is further stated that OP-1 & 2 falls within the definition of intermediary and is protected by Section 79 of the Information Technology Act, 2000.

OP-1 further submits that the actual seller of the product is OP-3 and the refund shall only be provided by OP-3.

OP -1 & 2 further submits that complainant was asked to share ID proof alongwith images of the product, but to no avail. It is alleged that the complainant's purchase history reflects a large number of return requests.

OP-4, in its reply states that the goods were sold by OP-3. The OP-4 only delivered the product in a sealed box as provided by the seller.

10. The complainant has filed rejoinder to reply filed by OP-4 in consonance with the averments made in the complaint.
11. The complainant has filed evidence by way of an affidavit and has exhibited the following documents:
 - i. Copy of complaint is exhibited as Ex.CW1/1.
 - ii. Copy of invoice is exhibited as Ex.CW1/2.
 - iii. Copy of letter and email is exhibited as Ex.CW1/3.

iv. Copy of police complaint is exhibited as Ex.CW1/2.

12. OP 1 & 2 has filed evidence by way of an affidavit and has exhibited the following documents:
 - i. Copy of the Press note issued by Ministry of Commerce and Industry is exhibited as Exhibit-A.
13. OP 4 has filed its evidence by way of an affidavit.
14. This Commission has gone through the pleadings and documents on record. The invoice dated 24.10.2021 issued by OP-2 indicates that *realme Narzo 50A (Oxygen Blue, 128 GB) XIA9TQD HSN85171211, 862984051293233* was sold for Rs.10,574/- by OP-3. The invoice also reflects that the product was ordered through Flipkart i.e. OP-1 & 2.
15. The complainant sent an e-mail regarding delivery of soap in place of mobile. The complainant had also annexed Aadhar card alongwith her email. OP-1 & 2 vide email dated 17.11.2021 informed the complainant that the return request could not be processed by the seller as no image was shared. The complainant sent multiple mails to OP stating that he has taken screen shots.
16. The complainant has also shown a video in the Commission as recorded in Order dated 31.07.2026 which reveals that complainant had opened the package and had received bars of soap.
17. OP-1 & 2 have also questioned the maintainability of complaint as it is neither the trader nor the service provider under Consumer Protection Act. OP1 & 2 has also relied on Section 79 of Information Technology Act, 2000 which defines the liabilities of intermediary.
18. OP-1 & 2 has relied on Section 79 of Information Technology Act, 2000, which exempts the liability of any intermediary. OP-1 & 2 has not disputed the delivery and pick-up of the product in question. OP-1 & 2 has not disputed communication with the complainant. Irrespective of the terms and conditions of the vendor/seller, an Agreement between the OP-1 & 2 and seller casts an inherent responsibility on the part of OP-1 & 2, who being a facilitator, to provide all necessary support services expected by the customers. These services encompass logistical assistance and payment facilitation to ensure customer satisfaction and effective resolution of the concerns raised by the complainant consumer and the user of e-commerce platform of OP-1 & 2. The consumer/user/complainant purchases through online portal trusting the services of OP-1 & 2 and the complainant customer has no direct interaction or privity of contract with the seller.

19. Hon'ble National Commission *in Rediff.Com India Limited vs Ms. Urmil Munjal 2013(3)CLT79(NC)* has observed that:

We find that the view taken by the fora below is completely in line with the admitted position of the RP/OP. In para 2 of its written response before the District Forum, it is clearly stated that the respondent company is engaged in business of providing services through its internet portal (www.rediff.com) to interested buyers and sellers by acting as a means of communication between them and bringing into existence contracts of sale and purchase of movable goods. If this is the declared business interest of the RP/OP it cannot be permitted to claim that it is providing purely gratuitous service to its customers, without any consideration. It is certainly not the case of RP/OP that it is a charitable organisation involved in e-commerce, with no business returns for itself. We therefore, reject the contention of the revision petitioner that the respondent/Complainant is not a consumer of the revision petitioner within the meaning of Section 2(1) (d) of the Consumer Protection Act, 1986.

20. It is evident that the complainant purchased a mobile phone through OP-1 & OP-2 online platform. It was also seen that the complainant received soap in place of mobile phone. It is also evident that despite repeated communication, OP-1 & OP-2 failed to make any efforts towards redressal. OP-1 & 2 have independent tie-up with OP-3, seller, and OP-4, logistic provider. The complainant had no knowledge of OP-3 & 4 prior to the placement of order on OP-1 & 2 online platform.
21. Hence, we find OP-1 & 2, Flipkart Internet Private Limited, guilty of deficiency in service and unfair trade practice and direct OP-1 & 2 to pay Rs. Rs.10,574/- with interest @7% per annum. We also award a compensation of Rs.5,000/- towards mental harassment and Rs.5,000/- towards litigation expense.
22. Order to be complied within 60 days failing which the Order will carry an interest of @8% from the date Order till realization. Order to be uploaded and sent to parties free of cost. File be consigned to record room.

.....
MONIKA AGGARWAL SRIVASTAVA
PRESIDENT

.....
DR. RAJENDER DHAR
MEMBER

.....
RITU GARODIA

