

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-I,**U.T. CHANDIGARH**

Consumer Complaint No.	:	CC/461/2020
Date of Institution	:	19/10/2020
Date of Decision	:	07/08/2023

Manreet Gill aged about 29 years, D/o Sh.Satinder Gill, R/o 5, Sawara, SAS Nagar Mohali.

... Complainant

V E R S U S

1. Agro Tech Foods Ltd. 31, Sarojini Devi Road, Secunderabad-500003 through its authorized representative.
2. Rukkveer Food Products Pvt. Ltd., Plot No.50-53, 56-58, IDA, Kothur, District Mahbubnagar, Telangana-509228 through its authorized representative.

... Opposite Parties

3. Jagat Singh & Sons Agencies Retail SCO 2449-50, Sector 22-C, Chandigarh-160022.

... Performa Opposite Party

CORAM : **PAWANJIT SINGH** **PRESIDENT**
 SURJEET KAUR **MEMBER**
 SURESH KUMAR SARDANA **MEMBER**

ARGUED BY : Sh.Deepak Goyal, Counsel for Complainant.
 : None for OP No.1 & 2.
 : Sh.Arjun Kundra, Counsel for OP No.3.

Per Surjeet kaur, Member

1. Averments are on 09.06.2020, the complainant approached OP No.3 for purchase of certain food items for her personal use, in those food items complainant also purchased one Sundrop Popz Chocolatey Crunch 350 GM manufactured apart from several other food items on assurance that the said food product is one of the best of its quality and that the company always maintain the food safety standards in accordance with law. After reaching home when complainant opened the said pack then she found one dead spider inside the container at its bottom. Further the cereal in the packet was mostly crushed and didn't retain its shape due to poor manufacturing of substandard, unsafe, contaminated and inferior quality of said food product by OP No.1 & 2 even though it was packed in sealed plastic container (Ex.C-2). Thereafter, complainant had filed a complaint vide email dated 11.06.2020 to the OP No.1 & 2 (Ex.C-3). The OPs while completely ignoring the seriousness of the matter had offered the gift hamper to complainant. Complainant was not interested in any kind of gift

hamper but she was severely disappointed on the use of such substandard product, unsafe and inferior quality of said product manufactured by OPs. Thereafter again on 31.08.2020, complainant visited OP No.3 and purchased one Sundrop Popz Chocolatey Crunch 350 GM. On the opening of the pack one human hair was found on the inner side of the lid of the pack and the inner packing was leaked from more than one places (Ex.C-4 to C-6). The complainant had also sent legal notice to OPs Ex.C-7 to C-9). Hence, is the present complaint.

2. OP No.1 contested the consumer complaint, filed its reply and stated that the product in question was purchased by one 'Reet Caterers' and not by the complainant evident from invoice dated 31.08.2020 as well as the earlier invoice dated 09.06.2020 which is annexed as Annexure OP-1/1. It is clear from the invoice that 'Reet Caterers' had purchased Sundrop Popz, alongwith several other products which clearly indicates that Sundrop Popz was purchased, for commercial purpose only. Therefore, it is not a consumer, as defined in Section 2 (7) of the Consumer Protection Act. It is also submitted that the complaint dated 11.06.2020 by the complainant was received by OP No.1, however, no proof was submitted by the complainant to establish the presence of a dead spider inside the sealed outer pack. There is no possibility of any dead spider inside the outer pack because of the stringent packing procedure is being followed by the OP No.1 and all its contract manufacture while manufacturing and packing of all the product. Denying all other allegations made in the complaint a prayer for dismissal of the complaint has been made.
3. OP No.2 contested the consumer complaint, filed its reply and stated that 'Sundrop Popz' purchased by 'Reet Caterers' was manufactured by OP No.2, contract manufacturer of OP No.1, stringent quality control measures are put in place right from the time of procurement of raw material, unit the product reaches in the market. Therefore, there is not even a remote possibility of any foreign article in either the inner pack or the outer pack of Sundrop Popz. It is also submitted that there is no truth in the allegation that Sundrop Popz contained a dead spider in one instance and human hair and a flour beetle in the second instance as alleged in the complaint. There is no credible and satisfactory proof placed on record with the complaint, which will substantiate the allegation. On these lines, the case is sought to be defended by OP No.2.
4. OP No.3 contested the consumer complaint, filed its short reply and stated that OP No.3 was supplied the sealed product by Jagdamba Enterprises and which was manufactured by OP No.1 & 2. The OP No.1 & 2 are the only contesting respondents. No cause of action has arisen against the OP No.3 and also there is no allegation of any deficiency in service in the entire complaint. On these lines, the case is sought to be defended by OP No.3.
5. Rejoinder was filed and averments made in the consumer complaint were reiterated.
6. Parties led evidence by way of affidavits and documents.
7. We have heard the learned counsel for the complainant and OP No.3 and gone through the record of the case.
8. The product in question which was purchased in the month of June is alleged to be in powder form and also with a dead spider. Again in the month of August one human hair, dead flour beetle was found in the same kind of product. The complainant has attached some photographs & video as well. But in the absence of any authentic document in form of expert opinion, it cannot be believed as such being mere bald assertions.
9. Admittedly, the complainant was requested by OP No.1 to accept a hamper of products of OPs as a token of appreciation, to which complainant expressed happiness at that gesture vide email Annexure C-3, dated 15.06.2020 page No.24 and provided her address for delivery of that hamper as per page No.25 of paper book vide email Annexure C-3 dated 15.06.2020. Further she herself shared the details of the product in question to the OPs as demanded by them.
10. Despite the absence of any concrete evidence, the OP No.1 as goodwill gesture offered the complainant a gift hamper which was first accepted by the complainant and thereafter refused with the reasons best known to her. Hence, the present consumer complaint, being devoid of any merit, is hereby dismissed leaving the parties to bear their own costs.
11. Certified copies of this order be sent to the parties free of charge. The file be consigned.

07/08/2023

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Sd/-
[Pawanjit Singh]
President

Sd/-
[Surjeet Kaur]

Member
Sd/-
[Suresh Kumar Sardana]
Member