

Baglekar Akash Kumar V/S 1. Penguin Books India Pvt. Ltd
2.Gopsons Papers Ltd., Printer
Case No 404/2018
Decided on 28.01.2020

Law Point

Whether printing MRP on items sold by traders, manufacturers is mandatory

Facts

Consumer purchases 'The Story of Success by Malcom Gladwell' through Flipkart on 09-10-2018 for the Prepaid price consideration of Rs.281/-It was delivered to him on 16-10-2018 to his address situated at Tarnaka, Hyderabad. There was no mention of price printed anywhere in the book purchased.Case came up before consumer forum Hyderabad

Reply by parties

Party no 1-Penguin Books

- The product was neither sold by this opposite party nor provided any services to the complainant
- There is non-joiner of proper and necessary party. Consumer purchased the alleged Book from the Flipkart but Flipkart has not been made a party and sought to raise claim against the opposite parties.
- Each book is affixed with a sticker with the MRP of INR 499/-. The said book was not directly purchased from opposite party No.1 for which, no privity of contract with the opposite party No.1.
- Rs.499/- and the said MRP is consistent on all the platforms on which the book is being sold including Amazon and Flipkart. There is no discrepancy regarding the MRP of book and thus the same cannot be considered as unfair trade practice.

Party No 2 remained absent

- None appears for the opposite party No.2 despite services of the notice. Hence the opposite party No.2 was set expert while passing orders.

Issues

1. Jurisdiction of court
2. Unfair trade practice

Observations & order

Local level jurisdiction due to delivery in the area and cost of goods was less than 20 lacs “each such book is affixed with a sticker with MRP of INR 499/-”. It established that no price was printed on the book. Clearly assumes adoption of unfair trade practice for which they are held liable for the same. Slip pasted cannot be considered the correct price.

Directions

1. Print and publish the retail price on the product (Books) which they are being sold to the customers herein after.
 2. Pay Rs.10, 000/- (Rupees Ten Thousands only) towards compensation for mental agony and for unfair acts.
 3. Pay Rs.2, 500/- (Rupees Two Thousands Five Hundred only) towards costs.
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