

## PREVIOUS LAW CASES

Case Name: Amazon Seller Services Private Limited vs Dinesh

Topic: Is an online marketplace (like Amazon) liable for defective products sold by third-party sellers on its platform?

Simple Summary: The State Consumer Disputes Redressal Commission held that Amazon, as an online marketplace, is liable for a defective mobile phone sold on its platform. The court rejected Amazon's argument that it was merely an intermediary. It ruled that since Amazon facilitates the sale, profits from it, and is projected to the public as the seller, it acts as an agent and is vicariously liable for the quality of the products. The Commission upheld the lower forum's order directing Amazon to provide a full refund for the defective phone, along with compensation for harassment and litigation costs.

Case Name: Amazon Seller Services Private Limited vs Dr. Ajaydeep Singh

Topic: Liability of an online marketplace (Amazon) for selling a product that does not match its description and for a missing promotional item.

Simple Summary: The State Consumer Disputes Redressal Commission held Amazon jointly liable with the seller (Cloutail) for delivering a TV of the wrong size and failing to include a promised free gift. The customer ordered a 43-inch TV but received one that measured 38 inches. Amazon argued it was merely an intermediary platform and that TVs are measured diagonally. The court rejected this, finding that since the purchase, invoice, and payment were processed through Amazon, it could not escape responsibility. The Commission noted that Amazon failed to disclose the diagonal measurement method at the time of purchase and that the invoice it issued explicitly included the free gift, making Amazon deficient in service and liable for a full refund with interest and compensation.

Case Name: Amazon Seller Services Private Limited vs Vishwajit Tapia

Topic: Is an online marketplace (Amazon) liable for selling a used, defective product listed by a third-party seller, especially when the product is "Fulfilled by Amazon"?

Simple Summary: The State Consumer Disputes Redressal Commission held Amazon liable for selling a defective mobile phone that appeared to be old and had an expired warranty from a previous sale on another platform. The court rejected Amazon's argument that it was merely an intermediary. It ruled that since Amazon processed the order, issued receipts, and the product was stored and delivered under its "Fulfilled by Amazon" (FBA) service, it was acting as a co-seller and agent, not just a passive platform. The Commission affirmed that online portals are duty-bound to ensure the quality of products and are vicariously liable for defective goods sold, ordering Amazon to provide a full refund and pay litigation costs to the consumer.

Case Name: Amazon Seller Services Pvt. Ltd. vs Jatinder Pal

Topic: Liability of an online marketplace (Amazon) for defective products sold by third-party sellers on its platform.

Simple Summary: The State Consumer Disputes Redressal Commission modified the lower court's order by differentiating the liability between Amazon and the third-party seller. The court directed the seller (Green Mobiles) to be solely responsible for replacing the defective mobile phone. However, it held Amazon jointly and severally liable with the seller for paying compensation for mental harassment and litigation costs. The Commission reasoned that since Amazon facilitated the sale and invited customers to purchase through its portal, it could not be absolved of its liability to compensate the consumer for the deficiency in service.

Case Name: Amazon Seller Services Pvt. Ltd. vs Mukesh Varma & Anr.

Topic: Is an online marketplace (Amazon) liable when it fails to provide a promised refund or replacement for a defective product returned by a customer?

Simple Summary: The State Consumer Disputes Redressal Commission held Amazon jointly and severally liable with the third-party seller for deficiency in service. A customer purchased a defective mobile phone, returned it as per instructions from Amazon's customer service, but never received the promised replacement or refund. The Commission rejected Amazon's defense that it was merely an intermediary, ruling that by managing the transaction, handling customer service communications, and providing specific assurances regarding the return and refund, it had established a direct service provider relationship. Amazon's failure to act after receiving the returned defective product was deemed a clear deficiency in service, making it liable to refund the product's cost along with compensation and litigation expenses.

Case Name: Amazon Seller Services Pvt.Ltd. vs Neeraj And Another

Topic: Are an online marketplace (Amazon) and the product's manufacturer jointly liable when a product sold on the platform is found to have a manufacturing defect?

Simple Summary: The State Consumer Disputes Redressal Commission held Amazon jointly and severally liable with the manufacturer (Motorola) for a defective mobile phone sold on its platform. The phone had a manufacturing defect that the authorized service center could not repair. The court rejected Amazon's argument that it was merely an intermediary, holding that as a facilitator and an "active participant" in the sale, it could not be exonerated from liability. The Commission modified the lower court's order, which had incorrectly held only Amazon liable, ruling that both the marketplace and the manufacturer are responsible for the proven manufacturing defect and must jointly provide a refund with interest and compensation.

Case Name: Amazon Seller Services Pvt. Ltd. vs Sanjeev Sharma And Another

Topic: Is an online marketplace (Amazon) liable when a third-party seller delivers a completely wrong and defective product, and then fails to provide a refund or exchange?

Simple Summary: The State Consumer Disputes Redressal Commission held Amazon jointly and severally liable with its third-party seller for delivering a completely wrong and defective product. A customer ordered a high-end Canon EOS 5D Mark III camera for nearly Rs. 2 lakh but received a much cheaper, different, and defective Canon model. Despite the customer's immediate complaints and attempts to return the item as per Amazon's policy, the company failed to facilitate a refund or exchange. The Commission rejected Amazon's defense that it was merely an intermediary platform, finding that both parties were "collectively responsible" for the unfair trade practice. It upheld the lower court's decision, ordering a full refund with interest and compensation, confirming that online marketplaces cannot escape liability when customers receive incorrect and faulty goods.

Case Name: Amazon Seller Services Pvt. Ltd. vs Sh. Jaskaran Singh. & Anr.

Topic: Can an online marketplace (Amazon) be held solely liable for a defective product when the actual third-party seller has not been included as a party in the consumer complaint?

Simple Summary: The State Consumer Disputes Redressal Commission set aside the District Forum's order that had held Amazon solely liable for delivering a faulty TV. The Commission ruled that the lower forum committed a significant procedural error by not including the actual third-party seller, 'Cloudtail India Pvt. Ltd.,' as a party to the complaint. Finding that the seller was a 'necessary party' to properly decide the case, the Commission remanded the complaint back to the District Forum with instructions to implead the seller and then hear the case afresh.

Case Name: Cloudtail India Private Limited vs. Central Consumer Protection Authority

Topic: Liability of an e-commerce platform for selling products (pressure cookers) that do not conform to mandatory domestic quality standards.

Simple Summary: The National Consumer Disputes Redressal Commission (NCDRC) dismissed the appeal filed by e-commerce seller Cloudtail India Private Limited against an order from the Central Consumer Protection Authority (CCPA). Cloudtail had argued that the pressure cookers it sold conformed to European standards, but the Commission found that selling products which do not meet the mandatory Indian standards violates "consumer rights" and constitutes a "defect" under the Consumer Protection Act. The NCDRC upheld the CCPA's order, affirming its authority to take action against e-commerce platforms for selling such non-compliant and potentially hazardous goods.

Case Name: Cloudtail India Pvt Ltd., vs 1. Ande Poshetty

Topic: Liability of an online reseller for a defective product sold on an e-commerce platform.

Simple Summary: The Telangana State Consumer Disputes Redressal Commission dismissed an appeal by Cloudtail, an online reseller. Cloudtail argued it was not responsible for a defective mobile phone it sold, as it was neither the manufacturer nor the warranty provider. The Commission held that, as per settled law, a seller is equally liable with the manufacturer for defective products due to the "privity of contract" with the consumer. It confirmed the District Forum's order making the reseller (Cloudtail), the online marketplace (Amazon), the manufacturer, and the service center jointly and severally liable to refund the customer for the faulty phone.

Case Name: Jatin Bansal vs M/S Amazon Reseller Services Pvt. Ltd.

Topic: Liability of an e-commerce platform and a seller for misleadingly advertising a product under a luxury brand name and delivering a different, local brand.

Simple Summary: The State Consumer Disputes Redressal Commission held Amazon and the product manufacturer jointly and severally liable for an unfair and restrictive trade practice. The complainant had ordered socks advertised as the luxury brand "Marc Jacobs" but received a different local brand called "MARC". The Commission found Amazon guilty of using "Dark Patterns" and deliberately misrepresenting the product for years despite being notified by the manufacturer. It rejected Amazon's "no-return" policy as an "unfair contract," ordering a refund, Rs. 2 lakh in compensation to the consumer, and imposing exemplary damages of Rs. 25 lakh on the companies to be deposited in the Consumer Legal Aid Account.

Case Name: Khosla Electronics Pvt. Ltd. vs. Uttam Kr. Nag

Topic: The necessity of impleading the manufacturer and advertising platform in a consumer complaint about misleading product specifications.

Simple Summary: The State Commission set aside the District Forum's order, which had held a retailer liable for selling an AC with an aluminium condenser when it was advertised as having a copper one. The Commission ruled that the case suffered from a "non-joinder of necessary parties." It held that to properly determine responsibility for the misleading advertisement, both the manufacturer (Panasonic) and the online platform where the ad was displayed (Amazon) were necessary parties to the complaint. Therefore, the case was remanded back to the lower forum with instructions for the consumer to implead the manufacturer and Amazon before the case could be reheard.

Case Name: M/S Amazon Seller Services Pvt. Ltd. vs Sh. Shyam Mohan Chauhan & Ors.

Topic: Liability of an e-commerce platform when it facilitates a sale but fails to provide a viable mechanism for the return of a defective product.

Simple Summary: The H.P. State Consumer Commission dismissed Amazon's appeal, upholding an order that made it liable to refund and compensate a consumer for a defective television. Amazon argued it was merely an intermediary and not responsible for returns. However, the Commission found that by actively communicating with the consumer, agreeing to the return, and suggesting specific (albeit unworkable) courier services, Amazon had assumed responsibility for the return process. Since the consumer was unable to return the defective product through the means provided by Amazon, the platform could not escape its liability.

Case Name: M/S. Hello Travel vs Harish C. Jain & Anr.

Topic: Joint liability of an online travel portal (aggregator) for the deficient services of a travel agency listed on its platform.

Simple Summary: The National Consumer Disputes Redressal Commission (NCDRC) held the online portal 'Hello Travel' jointly and severally liable with a travel agency for deficiency in service. The

consumer had booked a tour through the portal, paid an advance, but received no services or refund. The NCDRC rejected the portal's argument that it was a mere intermediary, ruling that by listing the agency and facilitating the transaction, it had a duty to ensure the quality of service. The Commission affirmed the compensation award and further imposed an exemplary cost of Rs. 1,00,000 on the portal for indulging in unfair trade practices.

Case Name: M/S Hello Travels vs Harish C Jain

Topic: Liability of an online travel portal (aggregator) for the deficient services of a travel agency listed on its platform.

Simple Summary: The State Consumer Disputes Redressal Commission dismissed the appeal filed by M/s Hello Travels, an online travel portal. The portal had been held jointly and severally liable with a travel agency for failing to provide a tour package after the consumer paid an advance. Hello Travels argued it was merely an intermediary and not responsible for the agency's deficiency. The Commission rejected this, stating that as a 'service provider platform,' it has a duty to ensure the quality of services offered. By listing the agency and facilitating the transaction, the portal became vicariously liable for the subsequent default and the consumer's loss, and thus could not escape liability.

Case Name: Samsung India Electronics Pvt Ltd vs Mahadev Kharbe

Topic: A consumer's right to product replacement versus repair under warranty, especially when the consumer refuses to collect the repaired item.

Simple Summary: The Goa State Commission overturned a District Commission's order that had awarded compensation to a consumer. The consumer had refused to accept his mobile phone after it was repaired under warranty, demanding a new replacement instead due to a delay in the repair. The State Commission ruled that since the phone had been successfully repaired as per the warranty terms, the consumer was not entitled to a replacement. It concluded that the consumer's "adamant behaviour" in refusing to collect the repaired device was his own fault, and therefore, there was no deficiency in service by the manufacturer or service center.

Case Name: Paras Jain vs Amazon Seller Services Pvt. Ltd.

Topic: Whether speculative punitive damages can be included in a claim's value to meet the pecuniary jurisdiction of the National Commission.

Simple Summary: The National Consumer Disputes Redressal Commission (NCDRC) dismissed a complaint against Amazon, ruling that it lacked the necessary pecuniary jurisdiction. The consumer had claimed a refund of Rs. 9,119 for a phone and added an unprecedented Rs. 743 crores in punitive damages, alleging a misleading "Easy Returns" policy. The NCDRC held that punitive damages, as per Supreme Court precedent, are not part of standard compensation and cannot be arbitrarily claimed to inflate the value of a suit. Since the actual claim was very small, the complaint was not maintainable before the National Commission and was dismissed, advising the complainant to approach the appropriate lower forum.

Case Name: Myntra Design Pvt. Ltd. vs Monika Thakur

Topic: Liability of an e-commerce marketplace for repeatedly delivering the wrong product.

Simple Summary: The State Commission held the e-commerce platform Myntra liable for deficiency in service and unfair trade practice after it twice delivered the wrong coloured blazer to a customer. Myntra argued that it was merely an intermediary and not responsible for the actions of the third-party seller. The Commission rejected this argument, stating that an online platform has a legal obligation to ensure the rightful delivery of products sold through its portal. It upheld the District Forum's order directing Myntra to refund the product cost and pay compensation to the consumer.

Case Name: Yamaha Music India Pvt Ltd vs Karanvir Singh

Topic: The scope of a manufacturer's liability under warranty (repair vs. refund) for a product with a persistent defect.

Simple Summary: The State Commission partially allowed Yamaha's appeal, modifying a District Commission order that had directed a full refund for a defective soundbar. After a live demonstration confirmed a "crackling" defect in the subwoofer, the Commission agreed that the product was faulty. However, it ruled that as per the explicit terms of the product's warranty and established Supreme Court precedents, the company's liability is limited to the repair or replacement of the defective part, not a full refund. The Commission, therefore, directed Yamaha to repair or replace the subwoofer but upheld the lower forum's award for compensation and costs to the consumer.

Case Name: Sri Animesh Baidya vs Amazon Seller Services Private Ltd.

Topic: Liability of an e-commerce marketplace (Amazon) for products with misleading specifications, and whether the third-party seller is a "necessary party" to the complaint.

Simple Summary: The State Commission overturned a District Commission order that had dismissed a complaint for not impleading the third-party seller. A consumer purchased a phone on Amazon which did not match the advertised specifications. The Commission ruled that because Amazon's platform was used, its courier delivered the product, and it played an active role beyond being a passive intermediary, it is a "co-seller." It held that the third-party seller was not a necessary party for the consumer to implead and found Amazon and its courier service jointly liable to refund the phone's price and pay legal costs to the consumer.

Case Name: Sri. Amit Agarwal (Amazon) vs Mr. Biswanath Bhattacharya

Topic: Condonation of delay in filing an appeal when the reasons provided are found to be false or fabricated.

Simple Summary: The State Commission dismissed Amazon's appeal against a lower forum's order, primarily on the grounds of an unacceptably explained delay. Amazon had filed the appeal with a 91-day delay and sought condonation, claiming its lawyer was unaware of the judgment and received the copy late. However, after examining the court's records (the "peon book"), the Commission found that Amazon's lawyer had, in fact, received the judgment copy just eight days after it was

passed and had suppressed this fact. Concluding that the reasons for the delay were "false and fabricated" and lacked 'sufficient cause', the Commission dismissed the condonation petition and, consequently, the appeal.

Case Name: Shankar Mana Choudhari vs Amazon Seller Services Pvt Ltd

Topic: The division of liability between an e-commerce platform and a seller when a used/repaired product is delivered instead of a new one.

Simple Summary: The State Commission dismissed a consumer's appeal, upholding a District Commission's order that distinguished between the liability of Amazon and the third-party seller. The consumer had received a used and repaired laptop instead of a new one and appealed for Amazon to be held jointly and severally liable for the full refund. The Commission affirmed the original order, which made the seller liable for the refund (unfair trade practice) and Amazon liable for a smaller compensation amount (deficiency in service as a platform). It reasoned that while the platform is liable for its deficiency, the primary responsibility for the fraudulent nature of the product itself lies with the seller.