



GRAHAK HITAY
GRAHAK SUKHAY

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MUMBAI GRAHAK PANCHAYAT

E-Magazine

Happy National Consumer Day!

Gift of ODR



Namaskar,

This is the sixth volume of our English e-magazine, which we launched to connect with our non-Marathi readers. This English version of our Marathi in-house magazine Grahak Tituka Melavava contains translations of selected articles from our Marathi magazine and reproduces some articles published by MGP activists in other publications. Please read and share with your family and friends. Feedback is welcome!

- Team, MGP e-Magazine.



CCPA Directs Kesari Tours to Refund Cancelled Tour Amounts with Interest

■ Adv Shirish Deshpande, *Chairman, MGP*

In a landmark order, the Central Consumer Protection Authority (CCPA) has directed Kesari Tours to refund 461 tourists their entire tour costs with nine per cent interest for the tours that got cancelled due to COVID Pandemic. Mumbai Grahak Panchayat (MGP) had filed a class action complaint before the CCPA in 2020 against Kesari Tours seeking directions for full refund of tours that were cancelled during COVID period.

MGP had filed this complaint before CCPA at Delhi by producing a list of 461 Kesari consumers who were denied refund by Kesari although the tours did not take place due to prolonged lockdown compelled by Covid Pandemic. CCPA is a newly created Authority under Consumer Protection Act, 2019 which is mandated to protect interest of consumers as a class and prevent violation of consumer rights and unfair trade practices. MGP had alleged in its Complaint that instead of refunding the tour cost of cancelled tours, Kesari Tours was coercing those consumers to undertake future tours much against their wishes and that too after levying cancellation charges and additionally recovering re-scheduling charges. MGP contended that these acts of Kesari Tours violated Consumer Rights and constitute typical Unfair Trade Practices under Consumer Protection Act.

Kesari Tours initially responded to the CCPA notice and filed their replies.

However, when an interim order was passed by CCPA against Kesari directing it to refund 75 per cent of tour cost and directed further investigations as provided under the Consumer Protection Act, Kesari rushed to Delhi High Court and challenged the jurisdiction of CCPA. However, Delhi High Court directed Kesari to go back to CCPA and satisfy them with proof if they have settled the grievances of all their consumers.

However, Kesari kept raising frivolous issues and once again approached Delhi High Court with a plea for Stay. Kesari did not succeed in getting a stay on the CCPA hearing scheduled on 17th November. Kesari Tours chose to remain absent for the hearing before CCPA on 17th November when the CCPA heard MGP Chairman and closed the prolonged hearings spanning over three years.

It is against this backdrop that the CCPA has finally disposed of the MGP complaint by holding that "refusal to give refund to consumers whose tours were cancelled due to Covid Pandemic lockdown amounts to violation of Consumer right to get full refund, besides being gross Unfair Trade Practice."

Accordingly, the CCPA has directed Kesari Tours:

- 1) to refund the entire amounts paid by 461 consumers alongwith nine per cent interest p.a. from dates of respective payments till the actual repayment.



- 2) to refund the exorbitant cancellation charges recovered from all the consumers.
- 3) to refund the amounts forfeited from those consumers who had only paid initial advance amounts.
- 4) to refund the rescheduling charges recovered from consumers for undertaking future trips.
- 5) Most importantly, CCPA has permanently restrained Kesari Tours

from insisting on consumers against their wish for undertaking future travel/tours to adjust the refund amounts due to consumers.

MGP was represented before CCPA during several hearings by MGP team of Chairman Shirish Deshpande, Dr Archana Sabnis and Adv Pooja Joshi- Deshpande. ■

Money Recovered through Grahak Sangh's Effort

■ Abhay Datar

A complainant received a message one morning that she needed to click on the link in the message and update her KYC with the bank or else her bank account would be frozen. Worried, the lady clicked on the link and actually gave away all her personal data to some cyber thieves. The cyber thieves then downloaded a specific app to her mobile, accessed her personal information available from the mobile and withdrew Rs.60,000/- from her account. The complainant approached Grahak Sangh, Grievance Guidance Centre at Girgaum. There she was advised to first lodge a police complaint and then fill up the dispute form of her bank. Since the complainant had herself had revealed all the information, chances of any recovery were very bleak. Yet MGP members at the guidance cell continued their efforts for recovery.

On follow up by the police, bank revealed that the money had been transferred to another account of the same bank, in a branch in Tamil Nadu. Police requested the bank to freeze the account with immediate effect. The bank, however did not return the money to the lady's account but asked

her to bring a court order directing the transfer of funds. This was a time consuming process. So the Grievance Guidance Centre at Girgaum wrote a letter to the Grievance Redressal Officer of the bank. In this letter they mentioned some specific technical points and requested the bank for a detailed explanation. They also inquired with the bank if the account in the other bank branch where the money was transferred was opened in accordance with RBI guidelines.

It was shocking to know that the bank refused to accept this letter sent by post and they sent it back. 'Was it illegal to send a letter by post?'- the grievance centre posted this question on Facebook and X. A letter was also sent to Lokpal of the Reserve Bank of India along with a copy of the letter sent to the bank and requested their view on the said matter. The complainant also sent a mail to the Lokpal of the Reserve Bank of India.

All this follow up resulted in the complainant receiving her money back. The lady thanked Grahak Sangh and its Grievance Guidance Centre, Girgaum for helping her. Redressal of complaints is satisfying for

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Editorial

MGP in Global Setting!

■ Shubhada Chaukar

Mumbai Grahak Panchayat (MGP) undertakes various activities in the interest of consumers. Our monthly distribution system, which is environment-friendly and promotes a sustainable lifestyle, is proof of the relentless work MGP has carried out for the last 48 years. Each member has contributed towards the success of MGP. In this disciplined system, when the goods are delivered to the Sangh, getting it unloaded, distributed, trying to understand the reason for inconvenience if any, washing cloth bags and returning them on time – each member does these things. The Sangh Pramukh plays a very important role in this system. S/he keeps members of the Sangh together, keeps an eye on the bills and distribution of goods.

All this seems very simple and easy to us simply because we have been doing this for a long time. But when we share information about our system at a global conference, everyone is surprised and fascinated that when everything is easily available at the doorstep today, there is still a group of 32,000 hardworking consumers in India that willingly takes extra efforts to practice sustainable consumption.

It is easy to talk about protecting the environment and leading a sustainable lifestyle. But only a few are willing to work hard to achieve it. We are among such few people. The reason for sharing this here again is that three of us - Anita Khanolkar, Prabhakar Gawane, and I - are heading to Nairobi, Kenya to represent MGP and all of you at the Global Congress of Consumers

International this year! This is a unique opportunity, made possible by MGP and our Chairman Adv. Shirish Deshpande, whose vision and hard work have taken our organisation to such a global platform.

Consumers International (CI) is a global consumer organisation with more than 200 consumer organisations from more than 100 countries as its members. MGP is a member of CI too. Adv. Shirish Deshpande has participated in many such conferences over the years. He was a representative on the Council of Consumers International from 2011 to 2015.

A Global Congress of Consumers International is being held in Nairobi from December 6 - 8, 2023. The topics that will be discussed in this year's Global Congress will offer a glimpse of the current developments that affect the interest of consumers in different countries.

Today, the whole world engages in international transactions thanks to online commerce. When a buyer orders something online, the product could be manufactured in one country, the warehouse could be in another country, the marketing is done in a third country, its call center could be in a fourth place... it is commerce without boundaries. At such a time, if any issue arises in the transaction, there is the concern of who will resolve the dispute given the different jurisdictions that the different players lie in. MGP has strongly advocated that there should be an online dispute resolution system at the global level for solving issues arising

in online transactions. The Government of India has also taken this issue seriously. We can get different perspectives on such topics in global conferences.

Alternative dispute resolution methods such as mediation and conciliation are being sought around the world to reduce the burden on the courts. We will be able to share our activities in the global conference - such as Samet, which is helping consumers get justice, and our contribution to MahaRera Conciliation Forum.

Efforts are being made in many countries to bring the consumers together and to design policies in their interest. One gets to hear about what is going on in the world

in many important areas like controlling energy charges, food security, pollution, and protection of data.

MGP has undertaken various activities and achieved success in many... we will be able to proudly present them at the conference. The good wishes of all our members, guidance of Adv. Shirish Deshpande, and the support of the members of the executive committee will be with us. When your work is presented on a global platform and your organisation's name gets displayed there, it is a moment of pride... the realisation that our organisation could earn its reputation due to the vision of its founding members and the contribution of each one of you is intensely inspiring! ■

New Framework for OTT Regulations

The Central Government has introduced a new bill to set up a revised regulatory framework for broadcasting. This bill will bring OTT (Over The Top) platforms and Digital Media within its purview. Self-regulation of content has been emphasised upon in the bill.



Minister of Information and Broadcasting Anurag Thakur shared via a tweet on the platform X that the Central Government has introduced this bill for regulation of OTT

and digital media.

The 'Broadcasting Services (Regulation) Bill' has been introduced in place of 'Cable and Television Network Regulation' introduced in 1995 and other related regulations. This bill will aid in verifying the content while regulating the broadcasting services. After implementation of this bill, all old rules and regulations would be scrapped. Anurag

Thakur expressed in his post on X that this bill is a comprehensive and futuristic one which will widen the framework of broadcasting regulations. The government has sought the opinions of experts, service providers and citizens for framing the bill effectively.

Compiled from news sources

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Money Recovered...

everybody at the Grievance Guidance Centre, but what is left unanswered is, did the bank set up a system to avoid repetition of such incidents? Was the authenticity of the other bank account holder verified and was some corrective action taken?

Our Grievance Guidance Centre receives many such complaints. An effective solution cannot be attained with a standard model letter. Every case has to be thoroughly evaluated, all nitty-gritty well understood and necessary and appropriate information needs to be gathered to draft case specific complaints.

Some efforts attain success, some don't. ■

Fraudulent Claims by Coaching Class Advertisements – Tip of the Iceberg

■ Vasundhara Deodhar

Candidates aspiring to join Government Administrative Services are tested via written exams, group discussions and interviews for several attributes. The Union Public Service Commission (UPSC) and State Public Service Commissions conduct these exams at national and state level respectively. There exist a large number of coaching classes that train aspirants for these competitive entrance exams, but these classes often make exaggerated or false claims in their advertisements to lure students. The Central Consumer Protection Authority (CCPA) has recently sent a notice to such organisations, and also imposed heavy fines on some.

After thoroughly studying the websites of these classes and the media advertisements published by them, the CCPA has taken suo-moto action against some prominent IAS (Indian Administrative Service) coaching classes. This is an apt action by Chief Commissioner of CCPA Nidhi Khare, taken in the interest of the class of consumers comprising of aspiring students. Noting their inappropriate advertising practices, the CCPA has sought clarification from Khan Study Group (KSG), ICRA, BYJUS, Avadh Oza and many other well-known institutes.

In the press release issued by CCPA on November 9, 2023, it has declared that a fine of Rupees Five Lakh has been imposed on KSG for making the following claims in its advertisement:

- Among the 933 candidates selected in 2022, 682 were students of KSG
- Of the successful candidates of year 2022, the top 5 were from KSG

- Ishita Kishore, who obtained All India Rank One, was from KSG
- KSG is the best institute to get coaching for Indian Administrative Service (IAS) common syllabus and CSAT exam

KSG advertises various kinds of courses. The above advertisement does not specify which of the many courses was attended by the above mentioned candidates. Therefore a notice seeking clarification was sent to KSG on August 3, 2023. From KSG's reply to this notice, the following facts surfaced:

Out of 682 students, 674 had availed of only the mock interview that trains candidates to face the interview round of the exams, which carries a weight of only 13.5 per cent of total marks. (Such free mock interviews are offered by many other coaching classes also). Only eight of the students had taken coaching from KSG for the other (prelims, mains) IAS exam rounds also. The five candidates who ranked first five in the IAS exam had also participated only in the mock interview. These important facts had not been revealed in the advertisements.

The advertisement made by KSG gives the false impression that the successful candidates have taken coaching for all the rounds - the preliminary, mains as well as the interview round - for a total of 1750 marks from the KSG itself. The CCPA concluded that the institute aims to mislead and lure prospective students, and instructed the institute to immediately remove this advertisement from its website.

In an earlier press release on August 29, 2023, the CCPA had exposed the malpractices

of IQRA IAS institute, whereby it imposed a fine of Rs One Lakh on the concerned institute. IQRA IAS institute was founded in 2018, but its advertisement carried the testimonials of successful candidates from the year 2015 and 2017! This was obvious lies and cheating. In addition, the advertisement claimed that they were the best institute for IAS coaching; they justified this claim to the CCPA saying their teachers in Pune and Kanpur enjoy a Google rating of 4.6!

The CCPA has taken cognizance of a very big problem of false advertisements that plagues the IAS coaching class system. There are innumerable classes offering online and offline coaching for the three levels of the entrance exam, and many of them also offer some of these training components free of cost.

A study of the websites of these classes confirms that all classes are competing fiercely to enroll maximum IAS aspirants for 2024 and 2025 in their own institute. The main focus of the advertisement of these classes is to boast how many of the 933 successful candidates of the year 2022 had been students of their institute. If we add up the numbers - KSG claims that 682 of these were their students, Drishiti claims 216 were theirs, and BYJUS website claims 266 successful students as its alumini – the total number of successful candidates should be 1164, which is not the case.

This is what happens - when IAS aspirants pass the first two exams and reach the final level, they approach the institutes (they may go to more than one) for preparing them for the interview round. Many institutes record a video of such candidates for future use in advertisement. Though the mock interviews are free for the students, they are an investment for the coaching class.

Such fraudulent claims and misleading ads are common for all types of coaching classes. Each year, thousands of students pay an average of Rs One to Two lakhs per year as

fees to classes. The turnover of the coaching class industry is estimated to be more than Rs 58000 crore. Imparting education is now perceived as a lucrative business.

Consumers in this sector have been cheated for many years now; but with CCPA taking the matter seriously, there is a ray of hope for them. At the same time, the consumers should also exercise caution when enrolling for these classes:

- Don't just rely on recommendations, do your own research.
- Find a balance between online coaching and in-person teaching/learning
- Do not be in a hurry to pay the fees
- Do not agree to pay additional fee for 'personal mentoring'
- Read the contents of the institute's website in detail.
- Be aware of legal status of the business entity.

Expansion of MahaRERA Conciliation Forum

The MahaRERA conciliator family of Mumbai Grahak Panchayat has now expanded to 47 members with the addition of following seven new conciliators:

Architect A. V. Joglekar, Milind Bhole, Kiran Karanje and Shankar Gound from Mumbai and Thane will now be part of this forum; from Pune, Swati Dhongde, Ketki Agashe and Ujjwala Bhalerao will join the team.

Two of our conciliators are working in Bihar RERA. In this way, MGP is working to resolve conflicts amicably. The Mediation Act is expected to be fully implemented in the next one or two months. After that, the work of our conciliation forum is expected to be done according to the new law. Our organisation is also keeping an eye on all these developments and making plans appropriate for the upcoming changes.

Shirish Deshpande, *Chairman- MGP*

Online Complaint Resolution without Going to Consumer Court!

There is good news for all consumers; the efforts made by the Mumbai Grahak Panchayat for the last five years have finally paid off. The Union Ministry of Consumer Affairs has decided to implement an online dispute redressal mechanism to enable the complainants to redress their disputes without going to the consumer court.

Many complaints are received on the Central Government's National Consumer Helpline portal. The number of these complaints has increased significantly over the past few years. These complaints are forwarded to the respective companies for dispute redressal through the consumer help center. Some

of these complaints are settled. But for those complaints which remain pending, the complainants are advised to approach the consumer court. Many times, due to expected delays in consumer court, cases involving nominal value are not pursued by the consumers; higher value cases are filed by complainants in the consumer court, but they rarely get justice.

Now, for disputes which are not redressed at the consumer help portal, if we could provide an option of a pre-court online alternative dispute redressal platform to resolve these disputes through conciliation, the disputes of the consumers will be resolved at minimal cost and in less time, was the case

being advocated by MGP. With the recently passed mediation Act by Parliament, this demand of Mumbai Grahak Panchayat has got a legal framework. In order to implement this, the Union Ministry of Consumer Affairs has called for tenders for creating the necessary state of the art online dispute redressal platform.

How will the online complaint redressal work?

Once the Online Dispute Redressal Platform is operationalised through mediation, it will become an effective alternative for complainants who wish to go to Consumer Court. This will be a completely online process. It will try to solve the disputes through direct mediation by using artificial intelligence. If this does not resolve the dispute, efforts will be made to resolve the dispute through a trained, experienced mediator. If the complaint is redressed by such efforts, an agreement of understanding will be entered between the complainant and the concerned parties accordingly. This Agreement shall be treated as a court order under the Mediation Act and shall be binding on both parties. As the dispute is settled by mutual agreement, there will be no need for anyone to appeal against it. Also, this will be of great convenience to the customers as the dispute redressal is done online through mediation. If for some reason no settlement is reached between the two parties, the complainants always have an option to go to the consumer court.

This new online dispute redressal platform is likely to become operational from January.

Compiled from Loksatta

Self-redevelopment can be a Game Changer

■ Adv. Shirish V. Deshpande, *Chairman – Mumbai Grahak Panchayat*

What are the risks and benefits of self-redevelopment? Is it really beneficial to go for self-redevelopment? Is 100 per cent consent required for self redevelopment? Adv Shirish Deshpande, Chairman MGP, answers these questions....

These questions are very important and are currently haunting many housing societies. Let's first see the benefits in the self-redevelopment model.

Maharashtra Government has issued a GR dated September 13, 2019 in which lot of concessions/benefits are promised for housing societies that will undertake self-redevelopment. They are:

- A. Single window system for approvals
- B. Time-bound approvals within 6 months of submissions
- C. 10 % additional FSI for self-development projects
- D. 50 % concession in TDR rates and suitable concessions in premium rates
- E. Interest subsidy upto 4 % for project loans
- F. Installments for payment of premiums to MCGM/MHADA
- G. Fixed stamp duty of Rs 1000/- for existing flat owners
- H. Exemption from Land Under Construction(LUC) Tax, if project completed in 3 years
- I. 3 years deadline for completion of project
- J. Concessions in Open Space Deficiency
- K. Concessions in GST
- L. Non-performing /Defaulting contractors to be penalised/terminated and blacklisted.

Of course, the concessions/benefits

promised in this GR dated September 13, 2019 are yet to be implemented. But even if half of these concessions/benefits actually materialise in the near future, commercially they will far outweigh the risks involved in the self-redevelopment model.



The major hurdle in successfully implementing self-redevelopment project is lack of trust or presence of suspicion in the minds of members of the Society about the honesty of the office-bearers and the Committee members. Unless the society members are united and have full faith in its Committee, self-redevelopment would not even take off.

There is also an issue of “illegal premium” expected by various government / town planning authorities at every permission stage. The selling rights for new flats also vests in the Society. In such case, at what rates the flats are to be sold can also become an issue of debate and dispute among members of the Society since every member has some “bright ideas” and as such decision-making at General Body becomes very critical.

Thus, if internal differences and disputes can be managed by an effective and trustworthy leadership of the Society, self-redevelopment will be a real bonanza.

Further, if Government can really mercilessly curb corruption at all permission stages, self-redevelopment can be a real game changer and will also lead to lowering the real estate prices in the state.

100% Consent Not Required for Self-redevelopment

The redevelopment process is governed by the Guidelines/Directions issued by Government of Maharashtra vide GR dated July 4, 2019. In this GR it is categorically stated that these directions shall apply to all kinds of redevelopment including self-redevelopment, cluster redevelopment etc. The quorum for the General Body to decide for redevelopment shall be 2/3 rd of the total membership strength. Once the quorum is

present, the preliminary decision as to whether society should go for re-development or not shall be approved by the simple majority of the members present which shall not be less than 51 % of the total membership strength.

The same procedure applies for selection of a Developer or appointing a Contractor in case of self-redevelopment. Such decision taken by the majority shall be binding on all members of the Society. Thus, whether it is self-redevelopment or redevelopment through a developer, 100 % consent is not required.

Modified from column Consumer Connect in Free Press Journal, November 20, 2023.

Traffic Regulations and Challans

■ **Vasundhara Deodhar**

For easy movement of vehicles, traffic regulations are put in place and traffic police ensure their implementation. Rule breaking drivers are penalised, usually with a fine. The traffic police have advanced systems and equipment to ensure that rules are followed. For e.g, the alcohol level of a drunk driver can be tested easily. Also, a challan gets registered against the vehicle number for exceeding speed limits and due penalty is recovered by the department.

It is the responsibility of the driver to ensure that all details mentioned on the challan are correct. For e.g., if the speed limit is 100 kms/hr and a speed of 105 kms/hr are recorded on the challan, a conscious driver should verify the details before paying the penalties, as the most transparent systems can also have some technical errors. For such verifications, the following questions can be

raised on the 'mahatraficapp':

1. The date on which the concerned speed gun has been installed.
2. The calibration certificate of the speed gun, and when it was last calibrated. The calibration should have been done in an NABL approved Lab and according to BIS standards.
3. Name of the speed gun manufacturing company.
4. According to the Bureau of Indian Standards, all measuring equipment must be calibrated at regular intervals.

Queries or complaints raised on the app are addressed quite efficiently and wrongly raised challans are deleted. One can also raise a complaint against wrongly issued challans by sending an e-mail to helpdesk@mahatraficchallan.gov.in.

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