

SUPREME COURT OF INDIA**Bench: Justices Vikram Nath and Satish Chandra Sharma****Date of Decision: 16th February 2024**

SPECIAL LEAVE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. 18343 OF 2021

APPLE INDIA PRIVATE LTD. ...PETITIONER**VERSUS****HARISH CHANDRA MOHANTY & ANR. ...RESPONDENT(S)****Legislation:**

Consumer Protection Act

Subject: Special Leave Petition challenging a portion of the State Commission's order mandating the petitioner, a company, to act as a law enforcement agency in recovering lost products.

Headnotes:

Consumer Law – Obligations of Companies – Role in Recovering Lost Products – The Supreme Court considered whether a company is obligated under the Consumer Protection Act to act as a law enforcement agency in recovering lost products. The case involved Apple India Private Ltd., challenging a State Commission's order that required the company to trace a stolen mobile phone.

State Commission's Order – Paragraph 14 – The court examined Paragraph 14 of the State Commission's order, which imposed an obligation on the company to trace the stolen mobile phone using its unique identity number. This was considered a deficiency of service on the company's part.

Supreme Court's Decision – Obliteration of Paragraph 14 – The Supreme Court held that the obligations imposed by Paragraph 14 of the State Commission's order were unwarranted. Consequently, the court directed the removal of Paragraph 14 from the order, thereby relieving the company of the responsibility to act as a law enforcement agency in recovering lost products.

ORDER

Learned counsel for the petitioner submits that the respondent(s)-complainant(s) has been suitably compensated after the order of the District Forum, before filing of the present Special Leave Petition. He, however, submits that the grievance which still remains with the

petitioner is with regard to Paragraph 14 of the order dated 26th November, 2020 passed by the State Commission.

The said paragraph is reproduced hereunder :

“14. From the above observations, it is clear that on receipt of complain from complainant, it was the duty of O.P. No. 2 to take proper steps to trace the stolen mobile. O.P. No. 2 failed to take immediate steps even after receipt of relevant documents from complainant. This amounts to deficiency of service on the part O.P. No. 2. It was the responsibility of O.P. No. 2 to trace the stolen iPhone with the help of unique identity number provided by O.P. No. 2 specifically for the purpose of stealing missing and damage caused to iPhone.”

According to learned counsel, if such observations/directions are continued to remain, the petitioner-company would become a law enforcing agency of recovering lost products marketed by the petitioner.

Learned counsel for the respondents state that it is true that the respondent has been suitably compensated. However, he has nothing to say so far as the existing grievance of the petitioner is concerned.

Having considered the submissions and having perused the above paragraph, we feel that the said observations were not warranted. Accordingly, we direct that paragraph 14 shall stand obliterated from the order dated 26th November, 2020 of the State Commission.

The Special Leave Petition is disposed of accordingly.

Pending application(s), if any, shall stand disposed of.