

Central Consumer Protection Authority
Krishi Bhawan, New Delhi --110001
Case No: CCPA-2/34/2025-CCPA

In the matter of: Misleading advertisement and unfair trade practice by JioMart (Reliance Retail Limited).

CORAM:

Mrs. Nidhi Khare, Chief Commissioner

Mr. Anupam Mishra, Commissioner

APPEARANCES

For JioMart (Reliance Retail Limited): -

1. Mr. Yuvraj Patil
2. Adithya Jayaraj
3. Mr. Anant Sharma

Date: 21.11.2025

ORDER

1. This is a case taken up by the Central Consumer Protection Authority (hereinafter referred as 'CCPA') against JioMart (Reliance Retail Limited) [hereinafter referred to as 'opposite party'] with regard to sale of walkie talkies on its official website (www.jiomart.com) without necessary disclosures.

2. Taking cognizance of the impugned advertisements, the CCPA, in exercise of powers conferred under Section 19 of the Consumer Protection Act, 2019 (hereinafter referred to as "the Act"), conducted a preliminary inquiry and examined that the use of walkie-talkies is regulated under the Indian Wireless Telegraphy Act, 1933. The Wireless Planning and Coordination (WPC) Wing under the Ministry of Communications and Information Technology regulates the use of walkie-talkies. The Use of Low Power and Very Low Power Short Range Radio Frequency Devices (Exemption from Licensing Requirement) Rules, 2018 provide guidelines and procedures for obtaining a walkie-talkie license, and also lists devices exempt from licensing requirements.

3. It may be noted that Rule 3 Table V of the Use of Low Power and Very Low Power Short Range Radio Frequency Devices (Exemption from Licensing Requirement) Rules, 2018 issued vide Ministry of Communication's Notification dated 18th October 2018 prescribes that Personal Mobile Radios (PMRs) that operate in the frequency range of 446.0 – 446.2 MHz (megahertz), are exempted from the requirement of a license. Rule 5 of the above-stated Rules of 2018 provides that, ***"manufacturers must obtain an Equipment Type Approval (ETA) certificate from the Wireless Planning and Coordination (WPC) Wing to ensure regulatory compliance"***.

4. Considering the above Rules & Regulations and consumer rights under Section 2(9) of the Act which include the right to be informed about the standard and genuineness of goods and services, the right to be protected against the marketing of good, products which are hazardous to life and property and the right to consumer awareness. It was found that walkie-talkies are being sold on opposite party's website (www.jiomart.com) without compulsory and clear disclosures regarding the requirement of a wireless operating license or compliance with applicable laws. The product listings for walkie-talkies do not specify whether the device requires a license from the concerned authority for use. By omitting such crucial information, these listings appear to mislead consumers into believing that the devices are legal for unrestricted use.

5. CCPA prima facie observed that opposite party did not provide details regarding the operating frequency range of the walkie-talkies, making it difficult for consumers to determine whether the product falls under the license-exempt or license-required category. Through such product listing and advertisements, opposite party was attracting consumers to purchase these products while concealing essential information, thereby manipulating informed decision-making. The action appears to fall within the definition of a misleading advertisement and unfair trade practice under Consumer Protection Act, 2019.

6. It may be noted that, as per the E-commerce Rules, opposite party or every e-commerce entity is required to ensure that important information is prominently displayed and that sellers provide accurate and complete product details. In the

present case, it appeared that opposite party and the sellers have failed to meet these obligations, thereby violating the Consumer Protection (E-commerce) Rules, 2020.

7. In light of these facts, and keeping in view Sections 2(28), 2(47) and 21 of the Act, which prohibit misleading advertisements and unfair trade practices, the CCPA took cognizance of the violations. CCPA also took note of Guidelines 4 and 12 of the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022. These Guidelines mandate that advertisements must make only truthful and honest claims, avoid misleading consumers with unsubstantiated assertions, and ensure that any claim based on objectively verifiable facts can be substantiated when required by the Central Authority, without exaggerating the accuracy, performance, or service of the product. The impugned listing/advertisement appeared to be in violation of abovementioned provisions of the Act.

8. Accordingly, CCPA issued a notice dated 07.05.2025 to the opposite party. The notice specifically pointed out abovementioned issues. An opportunity to furnish response within 15 days of the issuance of notice was given to the opposite party to substantiate its claims, along with the following information:

- i. Name and contact details of each seller;
- ii. Product URLs and listing IDs of the walkie-talkie devices;
- iii. Details of frequency specifications and any licensing information displayed on the listings;
- iv. Whether ETA/WPC certification details have been collected or verified for these products; and
- v. The number of units sold per listing from January 2023 to date.

9. In response to the notice, a reply dated 21.05.2025 was received wherein the opposite party made the following submissions:-

- i. Opposite party affirms its dedication to continuous compliance with all applicable regulatory obligations, including product-level requirements.
- ii. The Use of Low Power and Very Low Power Short Range Radio Frequency Devices (Exemption from Licensing Requirement) Rules, 2018 specify frequency bands and technical parameters for license exemption.

Responsibility for type approval under these rules lies with the manufacturer/importer/seller, not with the intermediary.

- iii. Opposite party, as a marketplace intermediary, is not liable for any non-compliance with the Exemption Rules.
- iv. Upon receiving the notice, opposite party delisted the subject products.
- v. Consumer Protection (E-commerce) Rules, 2020: Rule 6 places primary responsibility on sellers to provide accurate and complete product information.
 - a. Specifically, Rules 6(5)(c) and 6(5)(d) require sellers to:
 - Provide all mandatory notices and legal information.
 - Disclose expiry dates (if applicable) and country of origin to help consumers make informed decisions.
 - b. The accuracy of content in the product listing is the seller's responsibility.
- vi. Complies with Rule 5, which mandates e-commerce entities to display seller details and other information as per Rules 4 and 5.
 - a. Fulfills due diligence requirements under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
- vii. The manufacturer, importer, or seller is directly responsible for the product's quality, safety, and accuracy of information. Any misleading or deficient product information is attributable to the seller, not the platform.
- viii. Opposite party has a robust seller onboarding process to ensure legal compliance. As a marketplace, its role is limited to facilitating online transactions while maintaining regulatory compliance.
- ix. In response to the notice:
 - a. All identified products have been taken down.
 - b. Restrictions have been implemented to prevent future listings of similar wireless devices without appropriate permissions and mandatory information.
- x. Opposite party has submitted seller details, product URLs, listing IDs, and units sold as directed by CCPA.

10. In view of the above, the CCPA examined the opposite party's reply and found that in total 58 walkie talkies were ordered by customers on opposite party's platform through various sellers. However, opposite party failed to provide the following:

- i. Details of frequency specifications and any licensing information displayed on the listings.
- ii. Whether ETA/WPC certification details have been collected or verified for these products.

11. Thus, keeping in mind the above observations and as per Section-19 of Consumer Protection Act, 2019, CCPA was satisfied that there exists prima facie case of violation of consumer rights, misleading advertisement and unfair trade practice read with Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022 and Consumer Protection (E-commerce) Rules, 2020. Therefore, vide letter dated 28.05.2025, the matter was referred for detailed investigation by the Director General (Investigation).

12. The Director General (Investigation) in its investigation report dated 19.08.2025 submitted the following:

- i. Non-disclosure & Misleading Information: Opposite party listed walkie-talkie devices without mandatory disclosures on licensing, frequency range, or certification (ETA/WPC/BIS), violating consumer rights under the Consumer Protection Act, 2019.
- ii. False Compliance Claim: Though opposite party claimed delisting of non-compliant products, investigation confirmed continued availability of uncertified devices, showing failure to take effective remedial action.
- iii. Non-cooperation: Opposite party ignored CCPA's Investigation Authority notices (May & Aug 2025), failed to appear before the Investigation Authority, and did not furnish any certifications, seller verification records, or compliance documents.
- iv. Regulatory Violations: Devices were found operating outside the license-exempt frequency band (446.0–446.2 MHz) prescribed under the 2018 Rules, with no proof of ETA/WPC/BIS compliance.
- v. Deficiency in Governance: Opposite party lacked due diligence and verification mechanisms for onboarding sellers or auditing product compliance.
- vi. Findings:
 - a. Violation of Consumer Rights (Sec. 2(9))

- b. Misleading Advertisement (Sec. 2(28))
 - c. Deficiency in Services (Sec. 2(11))
 - d. Unfair Trade Practices (Sec. 2(47))
 - e. Non-compliance with CCPA Guidelines, 2025 on radio equipment listings
- vii. Conclusion: A case is established against JioMart for misleading advertisements, unfair trade practices, deficiency in services, and violation of consumer rights under the Consumer Protection Act, 2019, along with breach of frequency regulations.

13. The Investigation Report submitted by DG (Investigation) was shared with the opposite party vide letter dated 12.09.2025 to furnish its comments. Simultaneously an opportunity of hearing was provided to the opposite party on 23.09.2025 wherein opposite party was represented by Mr. Yuvraj Patil, Adithya Jayaraj and Mr. Anant Sharma. They submitted the following:-

- i. Opposite party operates as an intermediary marketplace. It has an active agreement with its sellers, under which the sellers are responsible for displaying and obtaining all necessary licenses for the products they sell. After receiving the first notice from CCPA on 07.05.2025, the opposite party immediately took down all products listed in contravention of the Act and the applicable guidelines. Since then, there have been zero sales on the platform as all such products were removed.
- ii. Some products were visible as per the investigation report. But that is largely because these products were lying in the cache of the Google search engine. So even if we look at the investigation report, it says that the product is not available at that particular location. That is because they have already been taken down. These were copies that were in the cache of the Google search engine. And today if we search, because the engine has probably updated itself, we cannot find any such instances anywhere.
- iii. So post our submission on 21st of May, we have also ensured that our seller agreements are even more watertight. And no listing of wireless products has been since allowed on our platform.
- iv. Whenever a seller is on-boarded for any particular category, we have certain agreements with them where we specify that any products that are to be

sold need to be legally available in India. We cannot sell any products which cannot be sold in India.

14. Thereafter, CCPA received a letter dated 26.09.2025 via speed post from the opposite party wherein following submissions were made:-

- i. Opposite party has fully complied with all applicable regulatory frameworks and immediately acted upon the CCPA's notice dated 07.05.2025 by permanently delisting all walkie-talkie products from its platform and restricting future listings of similar items. It stated that it duly complies with the Consumer Protection (E-commerce) Rules, 2020 and the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 by providing all seller-related information and ensuring due diligence.
- ii. Opposite party submitted that under the Consumer Protection Act, 2019, responsibility for product quality, safety, and accuracy of information rests with the manufacturer, importer, or seller not the intermediary platform. Reliance also cited the Supreme Court judgment in *Shreya Singhal v. Union of India* to contend that intermediaries are required to take down content only upon receipt of notice from a competent authority, which it did promptly, demonstrating good-faith compliance.
- iii. It further stated that no units of the said products were sold after 21.05.2025, and that the product pages appearing in search results were cached copies of already delisted pages, not active listings. According to opposite party, the delisting took place prior to issuance of the Guidelines for Prevention and Regulation of Illegal Listing and Sale of Radio Equipment including Walkie-Talkies on E-commerce Platforms, 2025, and hence no violation of those Guidelines occurred.
- iv. JioMart expressed regret for non-participation in the investigation proceedings, explaining that the emails from the Investigation Wing were missed due to an internal administrative lapse. It assured full cooperation in future matters and reiterated that it remains a law-abiding, responsible corporate entity committed to compliance with all applicable laws, while clarifying that the letter should not be construed as admission of any liability.

15. It may be mentioned that Section- 2(28) of the Act defines “misleading advertisement” in relation to any product or service means an advertisement, which—

- i. falsely describes such product or service; or
- ii. gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service; or
- iii. conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice; or
- iv. deliberately conceals important information.

16. From a plain reading of the above provisions of the Act, it is evident that any advertisement must adhere to the following principles:-

- i. It should present a truthful and honest representation of facts.
- ii. Any assertions or guarantees made in the advertisement must be supported by credible and authentic evidence, studies, or materials.
- iii. Must not engage in unfair trade practices as defined under Section 2(47) of the Act. Specifically:
- iv. It should not make false or misleading claims regarding the necessity or usefulness of any goods or services [Section 2(47) (f)].
- v. It should not adopt any unfair trade practice as defined under Section 2(47) of the Act, including making a materially misleading warranty, guarantee, or promise, or one that has no reasonable prospect of being carried out [Section 2(47)(h)].
- vi. Important information must be disclosed in a clear, prominent, and hard to miss manner to ensure that no critical details are concealed from consumers.

17. It is important to mention that Department of Telecommunication’s Spectrum Management on Online Sale or Purchase of Wireless Sets and Equipments which can be accessed via below link <https://dot.gov.in/spectrummanagement/online-sale-or-purchase-wireless-sets-and-equipments> states the following:-

“ii) It is the responsibility of these intermediaries to follow certain due diligence guidelines as stated in the Information Technology (Intermediaries guidelines) Rules, 2011, which includes signing of "User Agreement" for access or usage of the

intermediary's computer resource by any person (Sellers and Purchasers under the referred context). These IT rules clearly indicate the typical aspects this "User Agreement" should address including the need for compliance of any laws by these sellers and the purchasers.

iii) In the instant case, there is a need for the Dealer Possession License (DPL) under the relevant provisions of the Indian Wireless Telegraphy Act 1933 by the seller for wireless equipment if it is in the licensed bands or "Equipment Type Approval (ETA)" if it is in the de-licensed band. The purchaser needs to obtain "frequency authorization/agreement in principle letter" from WPC Wing, DoT under Indian Telegraph Act 1885 before purchasing any equipment in the licensed bands and subsequently wireless operating license for the same after submitting required documents and spectrum charges/ fees. **Therefore, the on-line intermediaries need to ensure that these statutory requirements are fulfilled.**

4. Therefore, it is reiterated that if there is any licensing/ statutory requirement on telecom equipment being sold or purchased, **it will be the responsibility of those selling it or purchasing it, as well as of the online intermediaries facilitating such sale and purchase, that the relevant statutes of the Government are not violated."**

18. The CCPA has carefully examined the submissions made by the opposite party through letters dated 21.05.2025 and 26.09.2025, the oral submissions made during the hearing held on 23.09.2025, and the Investigation Report dated 19.08.2025. Upon consideration, the following findings are recorded:

- i. The opposite party listed walkie-talkie devices on its platform without providing mandatory disclosures relating to:
 - a. Licensing requirements under the Indian Telegraph Act, 1885 and the Wireless Telegraphy Act, 1933;
 - b. Frequency range and spectrum compliance;
 - c. Equipment Type Approval (ETA) and Wireless Planning & Coordination (WPC) certification status.
- ii. The omission of such material information constitutes a violation of consumer rights under Sections 2(9), 2(11), 2(28), and 2(47) of the Consumer Protection Act, 2019, and reflects a failure to ensure lawful and well-informed product promotion.
- iii. A total of 58 walkie-talkies were purchased by consumers through the opposite party's platform without any disclosure of frequency specifications, licensing

- requirements, or ETA/WPC certification. No evidence has been submitted to establish that these devices possessed the requisite ETA certification.
- iv. The walkie-talkies sold on the platform operated on frequency bands such as UHF 400–470 MHz, VHF 130–176 MHz, and UHF 400–520 MHz, which is in violation of Rule 3 of the “Use of Low Power and Very Low Power Short Range Radio Frequency Devices (Exemption from Licensing Requirement) Rules, 2018”. ETA certification is mandatory for any person listing, manufacturing, or selling wireless equipment in India, as it ensures consumer safety and adherence to the authorized frequency spectrum. Therefore, ETA constitutes essential information that must be disclosed by both the e-commerce entity and the seller. The opposite party thus deliberately concealed crucial information from consumers.
 - v. Accordingly, the listing of walkie-talkies on the opposite party’s e-commerce platform without disclosing ETA (WPC) certification amounts to a violation of the provisions of the Consumer Protection Act, 2019.
 - vi. Section 2(9) of the Consumer Protection Act, 2019 recognizes the consumer’s right to be informed, and mandates that e-commerce entities disclose all material information necessary to safeguard consumers against unfair trade practices.
 - vii. The Consumer Protection (E-commerce) Rules, 2020 impose a duty on e-commerce entities to disclose, in a clear and accessible manner, all information necessary to enable consumers to make informed decisions at the pre-purchase stage, and to ensure such information is prominently displayed.
 - viii. Platforms such as the opposite party cannot function merely as passive intermediaries. E-commerce entities are required to take reasonable steps to prevent the listing and sale of prohibited or non-compliant products, as well as other illegal activities on their platform.
 - ix. The opposite party is not merely a passive facilitator; it exercises substantial control over the products listed on its platform. While it may contend that it is not the direct seller of the impugned devices, it nonetheless has a legal duty to ensure that such products are not offered for sale or permitted to be listed without mandatory disclosures and compliance with applicable laws. This responsibility arises particularly in view of the commission and revenue earned by the opposite party from the sale of such products. The opposite party failed

to take timely and appropriate action to prevent the sale of non-compliant products. It is further observed that the opposite party delisted the impugned products from its platform only after the issuance of the CCPA notice, indicating that no proactive measures were taken prior to regulatory intervention.

- x. A critical aspect of the matter concerns the protection of consumers who may have been misled into purchasing the impugned products under confusion and deception.
- xi. It is important to note that consumers rely heavily on online descriptions, specifications, and images while shopping on e-commerce platforms, as they do not have physical access to the product. The sale of walkie-talkies that did not comply with mandatory legal requirements amounts to misleading consumers and exposes them to potential regulatory risks and national security implications.
- xii. The DoT public advisory reproduced in abovementioned para 17 explicitly places responsibility on intermediaries to ensure that sellers and purchasers comply with statutory requirements. Opposite party failure to verify or display ETA and licensing information constitutes non-compliance with the advisory and demonstrates disregard for regulatory obligations.
- xiii. The opposite party has violated the following provisions of the Consumer Protection Act 2019:-
 - a. Section 2(28) (i)- Falsely describes such product or service
 - b. Section 2(28)(ii)- gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service
 - c. Section 2(28)(iii) - Unfair Trade Practice (conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice; or)
 - d. Section 2(28)(iv) – Deliberately conceals important information
 - e. Section 2(47)- Unfair Trade Practice (Clause (d) of said Section representing that the goods have approval) by failing to disclose that it did not have approval
 - f. Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022.

19. Further section 2(47) of the Consumer Protection Act 2019 states that:

“unfair trade practice means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provisions of any service,

adopts any unfair method or unfair or deceptive practice (d) represents that the goods or services have sponsorship, approval, performance, characteristics, accessories, uses or benefits which such goods or services do not have”.

20. The Consumer Protection Act, 2019 upholds the right of consumers to make informed decisions. Misrepresentation of facts or concealing important information in product listing interferes with this right. By presenting an untrue, incomplete and misleading claim, the opposite party has engaged in unfair trade practices, warranting corrective measures. Therefore, CCPA is satisfied that opposite party has engaged in unfair trade practice, false and misleading advertisement as envisaged under the Act and therefore CCPA is of the opinion that it is necessary to impose a penalty in consumer interest.

21. The CCPA is empowered under Section- 21 of the Consumer Protection Act, 2019 to issue directions to the advertiser of false or misleading advertisement to discontinue or modify the advertisement and if necessary, it may, by order, impose a penalty which may extend to ten lakh rupees and for every subsequent contravention may extend to fifty lakh rupees. Further, Section 21 (7) of the above Act prescribes that following may be regarded while determining the penalty against false or misleading advertisement:-

- a) the population and the area impacted or affected by such offence;
- b) the frequency and duration of such offence;
- c) the vulnerability of the class of persons likely to be adversely affected by such offence.

22. It may be noted that opposite party operates as an e-commerce platform engaged in listing and facilitating sale of various consumer goods across India through online mode. The platform is accessible nationwide through its website, thereby enabling consumers from different States and Union Territories to access and purchase the listed products. Accordingly, it is evident that the activities of the opposite party have a substantial consumer reach and market presence, and any misleading or non-compliant listing on such a platform has the potential to affect a large number of consumers. Therefore, the conduct of the opposite party attracts the applicability of Section 21(7) of the Consumer Protection Act, 2019, necessitating imposition of

penalty for dissemination of misleading and non-compliant advertisements on a platform with significant consumer outreach.

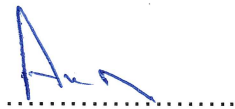
23. In view of the above, under Section- 20, 21 read with Section 10 of the Consumer Protection Act 2019, CCPA hereby issues the following directions:-

- a) In light of the nature of the violations detailed in the foregoing paragraphs, it is necessary that the opposite party is directed to Pay a penalty of ₹ 1,00,000 for indulging in misleading advertisement and unfair trade practice.
- b) The opposite party shall ensure that in future no walkie-talkies or any product requiring statutory approval/certification is listed or sold on its platform without full compliance with applicable laws and mandatory disclosures.
- c) Submit a compliance report of the directions (a) & (b) above within 15 days of receipt of the Order.

The above order and directions are passed in exercise of the powers conferred upon CCPA under section 10, 20, 21 of the Consumer Protection Act 2019.



Nidhi Khare
Chief Commissioner



Anupam Mishra
Commissioner