

F. No. CCPA-2/64/2025-CCPA

Central Consumer Protection Authority

Room No. 545, Krishi Bhawan, New Delhi – 110001

In the matter of: Case against M/s Hogar Technologies and Innovations LLP with respect to sale of walkie-talkies for alleged violation of consumer rights, misleading advertisement and unfair trade practice.

CORAM:

Smt. Nidhi Khare, Chief Commissioner

Shri. Anupam Mishra, Commissioner

Appearance on behalf of M/s Hogar Technologies and Innovations LLP:

Er. Nasim Palakkal, CEO & Director, Hogar Technologies & Innovations LLP

Date: 21.10.2026

ORDER

1. This is a suo moto case taken up by the Central Consumer Protection Authority (hereinafter referred as 'CCPA') against M/s Hogar Technologies and Innovations LLP [hereinafter referred to as 'opposite party'] with regard to advertisement and sale of walkie-talkies on its online platform without the 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 exempted 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. All other wireless radio frequency devices, including PMRs operating outside the aforesaid frequency range, are mandatorily required to obtain Equipment Type Approval (ETA) from the Wireless Planning and Coordination (WPC) Wing to ensure regulatory compliance. These ETAs are granted for ensuring compliance with Radio Frequency (RF) regulations. Therefore, ETA holders must obtain No Objection Certificate or other clearances (if applicable) from the Directorate General of Foreign Trade (DGFT) before importing the equipment.

4. Considering the above Rules & Regulations and consumer rights as defined 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 goods, 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 (<https://htiindia.com>) without compulsory and clear disclosures regarding the requirement of a wireless operating license or compliance with applicable laws.

5. CCPA prima facie observed that the Opposite Party was displaying and promoting various models of walkie-talkies on its website as well as through its social media platforms, without disclosing essential information regarding their operating frequency range, licensing requirements and requisite regulatory approvals. The product listings failed to specify whether the walkie-talkies operated within the licence-exempt frequency band or required a valid licence or authorisation from the Department of Telecommunications (DoT) for their use. Such omission of material information deprived consumers of the ability to make an informed purchasing decision and ascertain whether the devices could be

legally operated without obtaining the requisite regulatory approvals. Consequently, the manner in which the walkie-talkies were displayed and promoted appeared to mislead consumers into believing that the devices were permissible for unrestricted use, irrespective of the applicable licensing requirements.

6. 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 appeared to fall within the definition of a misleading advertisement and unfair trade practice under Consumer Protection Act, 2019.

7. It may be noted that, as per the E-commerce Rules, every e-commerce entity including the opposite party, is required to ensure that important information is prominently displayed and accurate and complete product details are provided. In the present case, it appeared that opposite party has failed to meet these obligations, thereby violating the Consumer Protection (E-commerce) Rules, 2020.

8. 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.

9. Accordingly, CCPA issued a notice dated 12.06.2025 to the opposite party. The notice specifically pointed out abovementioned issues and a sample of the screenshot of the advertisement of the impugned product was also enclosed as an annexure to the said notice for their reference and response. 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. List of walkie talkie products and product URLs and listing IDs of the walkie talkie devices;
- ii. Details of frequency specifications and any licensing information displayed on the listings;
- iii. Whether ETA/WPC certification details have been collected or verified for these products; and
- iv. The number of units sold per listing from January 2023 to date.

10. In response to the notice, a reply dated 21.01.2026 was received via email, wherein the Opposite Party stated that:

- i. The Opposite Party is a valid Dealer Possessing Licence (DPL) holder issued by the Wireless Planning and Coordination (WPC) Wing and has not sold any licensed radio equipment without following the requisite regulatory procedures.
- ii. All walkie-talkies sold under the licence-free category operate within the permitted frequency band of 446-446.2 MHz, and the requisite Equipment Type Approval (ETA) certificates have been obtained for the applicable devices.
- iii. The Opposite Party's website and promotional content, including videos on YouTube, clearly distinguish between licence-free radios, Push-to-Talk over Cellular (PoC) radios and licensed radios requiring WPC authorisation. It was further submitted that its promotional content does not misrepresent the applicable regulatory requirements.
- iv. Officials from the WPC Wing had visited the Opposite Party's premises, physically verified the radio equipment and examined their operating frequencies. The Opposite Party stated that it has consistently complied with the guidance issued by WPC and undertaken awareness initiatives regarding the lawful use of walkie-talkies.

- v. The Opposite Party further submitted that it actively promotes responsible market practices by educating consumers regarding the purchase of radio equipment from authorised dealers, avoidance of non-compliant sellers and the legal implications of unauthorised use of radio communication devices.
- vi. The Opposite Party also furnished copies of its WPC DPL licences for the years 2023, 2024, 2025 and 2026, along with ETA certificates and other supporting documents, in support of its submissions.
- vii. The Opposite Party expressed regret for the delay in responding to the notice, attributing the same to the notice having been received at its general email address, which primarily handles marketing and promotional communications.

11. In view of the above, the CCPA examined the opposite party's reply and found that:

- i. Although the Opposite Party submitted that it possessed a valid Dealer Possessing Licence (DPL) and the requisite Equipment Type Approval (ETA) certifications for the applicable devices, the reply did not adequately address the concerns regarding the disclosure of operating frequencies and applicable licensing requirements in the individual product listings displayed on its website.
- ii. The Opposite Party's contention that it categorised its products as licence-free and licence-required devices and undertook consumer awareness initiatives did not sufficiently establish that the relevant regulatory information was clearly and prominently disclosed to consumers at the time of viewing the advertised products.
- iii. The absence of adequate disclosures regarding operating frequencies, licensing requirements and applicable regulatory approvals in the product listings could mislead consumers regarding the conditions under which such devices could be lawfully operated.
- iv. The omission of such material information could impair the ability of consumers to make informed purchasing decisions and expose them to

potential legal and financial consequences arising from the purchase or use of radio communication devices without the requisite authorisations.

- v. Accordingly, the reply furnished by the Opposite Party did not satisfactorily address the concerns raised in the notice regarding the omission of material regulatory information from the advertisements and product listings, thereby warranting further examination of the matter.

12. 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 03.03.2026, the matter was referred for detailed investigation by the Director General (Investigation).

13. The Director General (Investigation) in its investigation report dated 19.05.2026 submitted the following:

- A. The authority, in furtherance of the ongoing investigation, sought information and relevant documents from the company relating to the sale of walkie-talkie devices on the <https://www.htiindia.com> platform. However, the company furnished incomplete response to the said communication. Thereafter, a final reminder was also issued by the authority, granting the company one last opportunity to submit its complete reply. Despite the same, no complete response or documentary evidence was received from the company.
- B. The company has not cooperated with the investigation proceedings and has failed to submit the requisite information as sought by the authority.
- C. It has been observed that although listings of walkie-talkie devices are available for purchase on the platform when searched with the keyword "walkie talkie". However, similar products also continue to appear under the keywords "Wireless Communication Devices" and "Interphones". These listings do not disclose whether the device requires a license from the Department of Telecommunications (DoT) for use. Subsequently, it

was noticed that company has removed the listings of walkie-Talkies from the platform post CCPA Notice. Thus, it is evident to mention and reasonably infer that the company continues to allow sale/listings of non-compliant products particularly walkie-talkie devices. Even though the company claims that it is solely for informational purposes and lead generation. The relevant screenshots and evidence of such listings have been placed on record **(copy enclosed)**.

- D. Further, it has been observed that the said walkie-talkie devices are manufactured in China, and no information or disclosure has been found on the platform that these products possess any valid certification required for sale in India. The absence of such information clearly outlines the violation of consumer rights as they are misled into believing that these products are legal to use.
- E. Such continued availability of uncertified imported products raises serious concerns regarding consumer safety and regulatory compliance.
- F. It has been observed that the company has not implemented any AI based filter or automated mechanism to identify and block such prohibited product listings on the platform.
- G. The company being an intermediary also violates rule 3(d) of The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) rules, 2021 which provides the "Due Diligence by an intermediary" that creates an obligation for intermediaries to remove illegal content upon being notified by authorized government agency.

In view of the above, the Investigation Report concluded that:

- a. In view of the findings recorded, it is conclusively established that Hogar Technologies and Innovations LLP has violated multiple provisions of the Consumer Protection Act, 2019, as well as the Consumer Protection (E-Commerce) Rules, 2020 and Endorsements for Misleading Advertisements, 2022.
- b. Hogar Technologies online marketplace exposes regular hosting Business such as small shop owners and bulk traders to significant risk by featuring walkie-talkies that lack the requisite government approvals

(WPC/ETA certifications) for their restricted radio frequency band as stipulated in Rule 3, Table V of the Indian Wireless Telegraphy (Exemption from Licensing Requirements) Rules, 2018.

The intermediary framework invoked by Hogar Technologies on its electronic data website unequivocally demonstrates that the listed products are offered for sale, which cannot be undermined by Hogar Technologies's contention that it is not an e-commerce platform. Hogar Technologies acts as active seller by endorsing them through hosting of unlicensed products (walkie-talkies) on its website. Despite its claim of not being an e-commerce platform, by promoting non-compliant products, thereby violating Section 2(28) of the Consumer Protection Act, 2019 (CP Act).

- c. Hogar Technologies platform enables the listing and simple search visibility of unauthorized walkie-talkies operating on the restricted frequency, while claiming solely for informational purposes and lead generation, and they do not facilitate online transactions or direct product sales by asserting no interest in user deals, no trade influence, user neutrality, and no promotions. Without compliance with WPC/ETA regulations, these persistent concealments of information without disclosing agreement contract details along with advertisements, thereby trap consumers into non-compliant deals. This exemplifies "unfair trade practices" under Section 2(47) of the Consumer Protection Act, 2019, through its systemic facilitation of such listings.
- d. Hogar Technology by continuing to host these listings without holding valid certifications and relevant disclosures, the platform contravenes the Consumer Protection (E-Commerce) Rules, 2020.

Thus, as per the investigation conducted, a case relating to the violation of consumer rights, misleading advertisement, and unfair trade practice under the Consumer deficiency in services and unfair trade Protection Act, 2019 stands established.

14. The Investigation Report submitted by DG (Investigation) was shared with the opposite party vide letter dated 22.05.2026 to furnish its comments.

Additionally, the opposite party was provided with an opportunity of hearing on 03.06.2026. However, the opposite party failed to appear at the hearing as well as provide their written comments before the hearing. The next date of hearing was scheduled for 15.06.2026.

15. Thereafter, CCPA conducted a hearing on 15.06.2026, wherein Mr. Muhammed Nasim Palakkal, CEO, Hogar Technologies & Innovations LLP, appeared on behalf of the opposite party. During the hearing, the Opposite Party submitted that its website was primarily intended for dissemination of product-related information and lead generation and did not function as an e-commerce platform. It was stated that the website did not have any payment gateway or online shopping cart facility and that interested customers were required to submit their details through a lead generation form, following which representatives of the company would contact them.

16. The Opposite Party further submitted that the walkie-talkies displayed on its website were appropriately categorised as licence-free or licence-required devices, and that the relevant product descriptions contained information regarding their operating frequencies and applicable licensing requirements. It was also submitted that the products were accompanied by the requisite Equipment Type Approval (ETA) certifications and that the Opposite Party possessed the necessary authorisations for dealing in radio communication equipment.

17. The Authority observed that the absence of an online payment gateway or shopping cart facility did not absolve the Opposite Party of its obligation to ensure that advertisements and product-related representations made through its website were not misleading. The Authority emphasised that information regarding the operating frequency of walkie-talkies and the requirement of obtaining a licence or authorisation from the competent authority constituted material information which ought to be prominently disclosed to consumers at the time of displaying or advertising such products.

18. The Opposite Party also submitted that certain products had been removed from its website as they were obsolete models discontinued by the

respective manufacturers and that such removal was undertaken as part of routine updating of its product listings.

19. Further, the Authority enquired whether the Opposite Party had submitted its comments on the Investigation Report shared with it. The Opposite Party stated that it had previously furnished relevant documents, including certifications and details regarding its business operations, to the investigation wing. However, the Authority clarified that specific comments on the findings of the Investigation Report were required to be submitted.

20. The Opposite Party further informed the Authority that it had subsequently shifted its radio communication business to another firm and that Hogar Technologies & Innovations LLP was no longer engaged in the sale of radio communication equipment, having shifted its business activities towards solar and renewable energy-related products.

21. In view of the submissions made during the hearing, the Authority granted the Opposite Party a further period of seven days to submit its written comments on the Investigation Report, along with any additional documents or information in support of its contentions. The matter was thereafter reserved for passing of the final order, subject to consideration of any further submissions received from the Opposite Party within the stipulated period.

22. Thereafter, in furtherance of the hearing held on 15.06.2026, the Opposite Party furnished a reply dated 15.06.2026 via email, wherein it reiterated its earlier submissions made before the Director General (Investigation Wing) on 18.03.2026. The Opposite Party stated that it did not undertake the sale of walkie-talkies through any e-commerce platform and that its website and social media channels were maintained solely for informational purposes, product awareness and lead generation, without facilitating online transactions or direct product sales.

23. The Opposite Party further submitted that it promoted licence-free radio devices operating within the permitted frequency band of 446-446.2 MHz with Equipment Type Approval (ETA) certification. It was stated that the company

regularly educated its customers regarding applicable licensing requirements, Wireless Planning and Coordination (WPC) approvals and the lawful use of radio communication equipment in India. The Opposite Party also claimed to have discouraged the use of unauthorised and non-compliant imported radio devices. In support of its submissions, the Opposite Party referred to documents previously furnished to the Investigation Wing, including incorporation details, GST registration, product information, supplier engagement details, ETA/WPC compliance documents and sales summary records.

24. Subsequently, the Opposite Party furnished an additional reply dated 18.06.2026 via email, wherein it reiterated that its website did not operate as an e-commerce platform and was primarily used for information dissemination, customer education and lead generation. It further submitted that all licence-free radio devices displayed on its website were identified under dedicated headings or sections to enable consumers to distinguish between licence-free devices and those requiring regulatory approvals or licensing.

25. With regard to the removal of certain product listings from its website, the Opposite Party clarified that such removals were undertaken as part of its routine product management process, owing to the discontinuation of older models by manufacturers and suppliers, particularly certain Motorola and Sanchar licence-free radio models. It was submitted that the removal or updating of such listings was intended to ensure that accurate and updated product information remained available to consumers and was not undertaken with any intention to conceal or modify information in response to the investigation.

26. The Opposite Party further submitted that it had undertaken various initiatives to educate consumers, dealers and online sellers regarding the distinction between licensed and licence-free radio devices, applicable ETA/WPC requirements, permissible operating frequencies and the risks associated with unauthorised radio equipment. It also claimed to have conducted awareness campaigns through its website, social media channels and educational videos, particularly discouraging the sale and use of unauthorised Baofeng-type radio devices that may operate outside the permitted licence-free frequency bands.

27. Lastly, the Opposite Party reiterated its commitment towards ensuring compliance with the applicable regulatory framework governing radio communication equipment and expressed its willingness to cooperate with the Authority and furnish any further information or clarification as may be required.

28. For the purposes of the present proceedings, it is clarified that references to “listings” on the opposite party’s platform are to be understood as including the hosting and publication of product-related information amounting to advertising activity. Under the Consumer Protection Act, 2019, any digital dissemination of information that promotes, offers, or invites consumers to purchase goods constitutes advertising directed at consumers. Accordingly, where a structured digital platform enables the public display and discovery of goods, with the objective of attracting potential buyers, such listings assume the legal character of advertisements hosted and published through an intermediary system. The use of the term “listing” in this Order therefore includes its nature as an advertisement hosted on its platform.

29. The Authority observes that the Opposite Party was displaying and promoting walkie-talkie devices through its website in furtherance of its commercial activities. The contention that the website was maintained solely for informational and lead generation purposes, without facilitating direct online transactions, does not, by itself, exclude the representations made thereon from the ambit of an advertisement under Section 2(1) of the Consumer Protection Act, 2019. The said provision encompasses publicity, representation, endorsement or pronouncement made through electronic media or the internet. Accordingly, the product-related representations made through the Opposite Party’s website are required to be examined in light of the provisions governing misleading advertisements under the Act.

30. 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.

31. 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.

32. It may also be mentioned that Section- 2(16) of the Act defines "e-commerce" as *"buying or selling of goods or services including digital products over digital or electronic network"*.

Further, Rule 3(g) of The Consumer Protection (E-Commerce) Rules, 2020, defines "marketplace e-commerce entity" means *an e-commerce entity which provides an information technology platform on a digital or electronic network to facilitate transactions between buyers and sellers;*

Furthermore, Rule 5 of the above-mentioned Rules provides for the "Liabilities of marketplace e-commerce entities as: –

(1) A marketplace e-commerce entity which seeks to avail the exemption from liability under sub-section (1) of section 79 of the Information Technology Act, 2000 (21 of 2000) shall comply with sub-sections (2) and (3) of that section, including the provisions of the Information Technology (Intermediary Guidelines) Rules, 2011.

(2) Every marketplace e-commerce entity shall provide the following information in a clear and accessible manner, displayed prominently to its users at the appropriate place on its platform:

(a) details about the sellers offering goods and services, including the name of their business, whether registered or not, their geographic address, customer care number, any rating or other aggregated feedback about such seller, and any other information necessary for enabling consumers to make informed decisions at the pre- purchase stage

33. From a plain reading of the above Rules, it is clear that the said platform falls within the very scope of the Consumer Protection Act, 2019 and the Consumer Protection (E-Commerce) Rules, 2020. The opposite party's contention that the online platform of M/s Hogar Technologies and Innovations LLP is maintained solely for informational purposes, product awareness and lead generation, without facilitating online transactions or direct product sales, does not carry much weight. The statutory definition of "e-commerce" under the Act is deliberately broad and encompasses the buying or selling of goods over a digital network, irrespective of the mode of payment or checkout functionality. The platform enables listing, hosting, categorisation, discovery, and facilitation of transactions between buyers and sellers, thereby playing an active role in the sale process. CCPA is of the view that regulatory obligations under consumer law must be determined by the functional role and consumer impact of the platform, and cannot be avoided by platform design choices or self-characterisation.

34. In the present case, M/s Hogar Technologies and Innovations LLP is required to exercise heightened due diligence to prevent the hosting, listing, publication, promotion, or facilitation of unlawful or misleading content, particularly where such content relates to regulated radio-communication devices requiring statutory approvals/licences under Indian law. The company's assertions that the website is only maintained for informational purpose and no sale is done through e-commerce platform cannot dilute its statutory duty to ensure due diligence, user safety, and compliance with Indian law, particularly when unlawful commercial content has been allowed to appear and be accessible on its platform.

35. 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.”

36. The CCPA has carefully examined the submissions made by the opposite party dated 21.01.2026, 15.06.2026 and 18.06.2026, the oral submissions made during the hearing held on 15.06.2026, and the Investigation Report dated 19.05.2026. Upon consideration, the following findings are recorded:

- i. The Opposite Party was displaying and promoting various models of walkie-talkie devices through its website. The investigation identified product listings wherein material information concerning operating frequencies and applicable licensing requirements was either absent or inadequately disclosed.
- ii. The operating frequency of a walkie-talkie device and the requirement of obtaining the necessary licence or authorisation are material considerations for consumers, particularly in view of the regulatory framework governing the use of radio communication equipment in India.
- iii. The Opposite Party has contended that it possesses a valid Dealer Possessing Licence and that the relevant devices are covered by applicable ETA certifications. However, the possession of regulatory authorisations does not, by itself, establish that the relevant product advertisements adequately disclosed the applicable licensing requirements and conditions of use to consumers.
- iv. The Opposite Party has further contended that its website was maintained for informational and lead generation purposes and did not facilitate direct online transactions. The Authority observes that the absence of online transaction facilities does not exclude promotional

representations made through the website from the scope of the provisions governing misleading advertisements under the Consumer Protection Act, 2019.

- v. The Authority further notes the submissions of the Opposite Party regarding the categorisation of licence-free devices, its consumer awareness initiatives and the removal of certain discontinued product models. However, such explanations must be considered in light of the contents of the impugned advertisements as they existed at the relevant time.
- vi. In view of the foregoing, the Authority finds that the omission of material information regarding the operating frequencies and applicable licensing requirements from the identified product advertisements was likely to mislead consumers regarding the conditions under which the advertised devices could lawfully be operated, thereby attracting the provisions of Section 2(28) of the Consumer Protection Act, 2019.

37. The CCPA further observes that the possession of a valid Dealer Possessing Licence (DPL) or Equipment Type Approval (ETA) certification, as claimed by the Opposite Party, does not, by itself, discharge its obligation to provide accurate, complete and material information to consumers at the pre-purchase stage. The requirement to obtain regulatory authorisations for dealing in radio communication equipment is distinct from the obligation to disclose the operating frequency, licensing requirements and conditions governing the lawful use of such devices. Even where the requisite regulatory approvals have been obtained, the omission of such information from product advertisements may create a misleading impression regarding the permissible use of the advertised devices. Therefore, compliance with the applicable licensing framework cannot be regarded as a substitute for compliance with the provisions of the Consumer Protection Act, 2019, particularly those relating to misleading advertisements and the consumer's right to be informed.

38. As already noted, the product under examination is a sensitive device and has a bearing on national security. The opposite party had to carry out the due diligence while listing, hosting and advertising such products on its platform.

However, the gravity of the violation is further compounded by an implied misleading representation that the product may not need licensing. It is further observed that the walkie-talkies listed, hosted and displayed on the platform were advertised as offering high-range communication, indicating potential operation on frequency bands not exempted under the applicable Rules, and are hosted and advertised without the mandatory disclosures required under law. This misrepresentation has pushed unsuspecting consumers towards the risks of legal troubles for use of unapproved products. The action of the opposite party has seriously undermined consumer interest as well as national security.

39. The Authority observes that information regarding the operating frequency of walkie-talkies and the requirement of obtaining the necessary licence or authorisation constitutes material information directly affecting the consumer's decision to purchase and use such devices. Where walkie-talkies are advertised without adequately disclosing the applicable licensing restrictions, consumers may reasonably be led to believe that such devices can be purchased and operated without any further regulatory authorisation. Such an implied representation is capable of misleading consumers regarding the lawful use and characteristics of the advertised products. The omission of material regulatory information from the impugned advertisements, as identified during the investigation, therefore attracts the provisions of Section 2(28), particularly clauses (ii) and (iv), of the Consumer Protection Act, 2019.

40. The Authority further observes that the promotion of radio communication devices without adequate disclosure of the regulatory conditions governing their lawful operation is capable of distorting the consumer's purchasing decision. By presenting the advertised devices without clearly communicating the applicable licensing requirements and restrictions on their use, the Opposite Party failed to provide material information necessary for consumers to assess the suitability and lawful usability of such products. Such conduct, insofar as it involves misleading advertisements in the course of promoting the sale or use of goods, is liable to be examined as an unfair trade practice within the meaning of Section 2(47) of the Consumer Protection Act, 2019. The Authority accordingly finds that the misleading character of the impugned advertisements is not confined to the

omission of technical specifications but extends to the potential misrepresentation of the conditions under which the products may lawfully be used.

41. The Authority also takes note of the Opposite Party's submission that certain product listings were subsequently removed or updated owing to the discontinuation of older models by the manufacturers. However, such subsequent removal or modification does not, by itself, negate the existence of any contravention during the period when the impugned advertisements remained accessible to consumers. The obligation to ensure that material regulatory information is accurately and prominently disclosed arises at the time of publication and dissemination of the advertisement. Accordingly, subsequent corrective measures, while relevant for assessing the Opposite Party's conduct and determining the appropriate regulatory response, do not automatically absolve it of responsibility for misleading representations made during the relevant period.

42. It is pertinent to clarify that the licensing, technical certification and enforcement requirements governing radio communication equipment fall within the jurisdiction of the competent authorities under the applicable telecommunications and wireless regulatory framework. The present proceedings do not seek to determine or adjudicate upon any contravention of such licensing requirements. Rather, the examination undertaken by the CCPA is confined to determining whether the manner in which the Opposite Party advertised and promoted the impugned devices, particularly the omission of material information regarding their operating frequencies and licensing requirements, constituted a misleading advertisement, unfair trade practice or violation of consumer rights under the Consumer Protection Act, 2019. The existence of a separate regulatory framework governing the products does not exclude the applicability of consumer protection law to representations made in the course of their commercial promotion.

43. 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:-

- i. the population and the area impacted or affected by such offence;
- ii. the frequency and duration of such offence;
- iii. the vulnerability of the class of persons likely to be adversely affected by such offence.

44. CCPA also examined the violations of the opposite⁴ party in light of the penal provision under section 21(2) of the Act .

- a. The approach of the opposite party to not consider as an e-commerce platform and merely a website maintained for informational purpose is not in the best interest of consumers and public in general. 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 Notification of the Ministry of Communications dated 18th October 2018, stipulates that Personal Mobile Radios (PMRs) operating within the frequency band of 446.0-446.2 MHz are exempt from the requirement of obtaining a licence. However, all other wireless radio frequency devices, including walkie-talkies operating beyond the aforesaid frequency range, are mandatorily required to secure Equipment Type Approval (ETA) from the Wireless Planning and Coordination (WPC) Wing, in order to ensure conformity with the applicable regulatory framework. The grant of ETA is intended to ensure compliance with the prescribed Radio Frequency (RF) norms. Accordingly, ETA holders are further required to obtain a No-Objection Certificate or other requisite clearances, as applicable, from the Directorate General of Foreign Trade (DGFT) prior to import of such equipment.
- b. The statutory prescription of a fixed and limited frequency band for licence-exempt Personal Mobile Radios is premised upon regulatory considerations of spectrum management, consumer safety, and national

security. The underlying intent is to confine unregulated radio communication to low-power, short-range civilian usage like hotel or resort staff coordination, which does not interfere with licensed spectrum users, including public safety agencies, defence communications, emergency services and commercial telecom operators. By restricting licence-free operation to a narrow frequency range and prescribed technical parameters, the law seeks to minimise the risk of harmful radio interference, prevent misuse for unlawful or clandestine communications, and ensure traceability and regulatory oversight in respect of higher-risk devices. Thus, the exemption operates as a narrow and carefully-calibrated exception within an otherwise regulated spectrum framework, striking a balance between consumer convenience and the imperatives of national security and orderly spectrum utilisation.

- c. In this context, the Consumer Protection Act, 2019 places paramount importance on the consumer's right to be informed and protected against practices that pose potential safety risks. Where radio communication devices operating beyond the licence-exempt band are marketed or made available without adequate disclosure of licensing requirements, frequency parameters or compliance status, consumers are deprived of the ability to make an informed purchasing decision. Such omission not only exposes consumers to the risk of inadvertent violation of law but also to possible interference-related hazards and disruption of essential communications. The absence of accurate and complete information therefore constitutes a serious consumer detriment within the meaning of the Act.
- d. M/s Hogar Technologies and Innovations LLP is a platform architected and administered by the opposite party for the facilitation of such transactions on a regular and ongoing basis, and therefore falls outside the protective ambit of the Act and allied Rules.
- e. The defence of maintaining the website for informational purposes and the advertisements and product listings related to warlike talkies, being prepared on the basis of specifications provided by the manufacturers,

cannot be invoked to negate responsibility for failure to exercise due diligence at the relevant time.

Therefore, the conduct of the opposite party attracts the applicability of Section 21(7) of the Consumer Protection Act, 2019. Section 10 of the Consumer Protection Act mandates the CCPA to regulate matters prejudicial to the interest of public and consumer as a class.

The CCPA has considered the nature and gravity of the contravention, the potential implications for consumer safety and public interest, and the circumstances of the present case in light of Section 21(7) of the Consumer Protection Act, 2019. The Authority notes that the impugned advertisements concerned radio communication devices whose lawful operation is subject to prescribed regulatory conditions. The omission of material information regarding operating frequencies and licensing requirements was likely to mislead consumers and expose them to the risk of purchasing devices without being adequately informed of the conditions governing their lawful use.

At the same time, the Authority has taken into consideration the submissions of the Opposite Party regarding its possession of regulatory authorisations, the subsequent removal or updating of certain product listings, and its stated commitment towards compliance with the applicable regulatory framework. In light of the foregoing, having regard to the nature and gravity of the contravention, the material available on record, the mitigating circumstances and the relevant considerations prescribed under Section 21(7) of the Consumer Protection Act, 2019, the CCPA finds it appropriate to impose a penalty on the Opposite Party under Section 21(2) of the Act for disseminating misleading advertisements concerning regulated radio communication devices without adequate disclosure of material regulatory information, coupled with its failure to exercise due diligence, thereby adversely affecting consumer rights and interests.

45. 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:-

- i. 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.

- ii. The opposite party shall ensure that in future no walkie-talkies or any product requiring statutory approval/certification is listed, hosted, advertised or sold on its platform without full compliance with applicable laws and mandatory disclosures.
- iii. The opposite party shall periodically carry out self-audit of its platform so that such violations of law through deceptive listings/ hostings and advertisements are not prevalent. It shall further publish certificate of such self-audit on their website in public and consumer interest.
- iv. Submit a compliance report of the directions (a) & (b) above within 15 days of receipt of the Order.

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



Nidhi Khare

Chief Commissioner



Anupam Mishra
Commissioner



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