F. No. CCPA-2/66/2025-CCPA
Central Consumer Protection Authority
Room No. 545, Krishi Bhawan, New Delhi – 110001

In the matter of: Case against Sanchar Wireless Communications Ltd. 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 Sanchar Wireless Communications Ltd.:

Mr. Pankaj Goel, Sanchar Wireless Communications Ltd.

Date: 11.06.2026

ORDER

1. This is a suo moto case taken up by the Central Consumer Protection Authority (hereinafter referred as 'CCPA') against Sanchar Wireless Communications Ltd.[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 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 (https://www.antrikshonline.com/) without compulsory and clear disclosures regarding the requirement of a wireless operating license or compliance with applicable laws. The opposite party was found to be not providing details of licensing requirement 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. 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 appeared 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 appeared 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, 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.

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 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. 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 13.06.2025 was received wherein the company stated that:

i. It complies with all applicable laws, including the Indian Telegraph Act, 1885 and Wireless Telegraphy Act, 1933;
ii. All products marketed as "Licence-Free" operate exclusively within the 446–446.2 MHz band and possess valid ETA certifications;
iii. Licensed products are covered under a valid Dealer Possession Licence (DPL);
iv. PoC radios operate through cellular networks and do not require radio-frequency licensing; and
v. Any disclosure deficiencies were inadvertent and have since been rectified through internal corrective measures.

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

i. Some products (VHF/UHF range) appear to operate outside the exempted frequency band while being displayed without warning or license information;
ii. The website does not consistently specify the need for consumer licensing or clarify regulatory obligations for all listed models;
iii. The representations could mislead consumers regarding product legality and permissible usage; and

iv. The information provided lacks uniformity and clarity, impeding informed consumer choice.

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 17.10.2025, the matter was referred for detailed investigation by the Director General (Investigation).

12. The Director General (Investigation) in its investigation report dated 30.01.2026 submitted the following:

a. During the investigation, it was observed that the company currently displays listings of the walkie-talkie devices on its official website with clear specifications of the applicable frequency ranges and mandatory disclosures regarding licensing requirements under the Indian Telegraph Act, 1885 and Wireless Telegraphy Act, 1933.
b. Further, the company has duly furnished valid Equipment Type Approvals (ETA) Certifications for the concerned devices, along with the Dealership Possession License (DPL) and BIS certification in respect of Push-to-Talk over Cellular (PoC) radios.
c. It was also observed that the company's website does not function as an e-commerce platform, as there is no "Add to Cart" or any similar feature indicative of online sale transactions.
d. The investigation revealed that the company has updated regulatory disclosures across its marketing materials, social media posts and customer communications. The earlier claims such as "100% Legal" have been modified to "Compliant with Table V exemption rules; valid ETA certificate (number); operates within permitted frequency band." The earlier claim was

generic and absolute in nature, lacking necessary regulatory qualifications, and misleads consumers regarding the conditional legality of the product.

e. Similarly, the earlier claim "Suitable for all purposes" has been revised to "Suitable for personal communication within license-free 446.0-446.2 MHz band; commercial applications require regulatory consultation reflecting the earlier claim was unqualified creating the consumer misunderstanding regarding the permissible scope of use of the product.

Conclusion:

Based on the investigation conducted pursuant to the directions of the Central Consumer Protection Authority (CCPA), and upon careful examination of the material facts, relevant statutory provisions, and the company's conduct, the following conclusions were drawn:

a. Sanchar Wireless Communications Ltd. is presently compliant with the applicable regulatory requirements and legal obligations regarding the certification, and operation of its walkie-talkie devices.
b. It has been observed that the company's website is not an e- commerce platform, as it does not feature an 'Add to Cart' option. Therefore, it is not in violation of the Consumer Protection (E- Commerce) Rules, 2020.
c. However, the earlier marketing claims by the company were misleading in nature. Although the company has revised its marketing materials following regulatory intervention, such post-facto compliance does not absolve liability for the period during which the impugned claims were in circulation. Accordingly, the company is in violation of Sections 2(9), 2(28), and 2(47) of the Consumer Protection Act, 2019, read with the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022.

In view of the above, as per the investigation conducted, a case relating to the violations under the Consumer Protection Act, 2019 stands established.

13. The Investigation Report submitted by DG (Investigation) was shared with the opposite party vide letter dated 21.05.2026 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 provide their written comments before the hearing.

14. Thereafter, CCPA conducted a hearing on 03.06.2026, wherein Mr. Pankaj Goel, Sanchar Wireless Communications Ltd., appeared on behalf of the opposite party. During the hearing, the opposite party submitted that it is primarily engaged in the manufacture and supply of wireless communication equipment to Government departments and public authorities, including the Armed Forces, Railways, Police and other Government agencies. It was further submitted that the sale of licence-free radios constituted only a very small portion of its overall business and that the company predominantly deals in licensed radio equipment supplied against requisite authorisations and permissions.

15. The opposite party stated that all licence-free radio products marketed by it had obtained the requisite Equipment Type Approval (ETA) from the Wireless Planning and Coordination (WPC) Wing and operated within the licence-exempt frequency band. It was further contended that, during inspections conducted by officials of the WPC Wing, certain earlier ETA approvals obtained by the company were advised to be surrendered/cancelled, pursuant to which the company had requested cancellation of such approvals. The opposite party undertook to furnish documentary evidence in support of the said submissions.

16. During the proceedings, the opposite party further submitted that it possesses the requisite licences issued by the WPC Wing for manufacture and sale of wireless equipment. It stated that licensed radio equipment is sold only to Government entities or authorised dealers and users holding the requisite permissions under the applicable wireless telegraphy and telecommunication laws. The opposite party also stated that records relating to such sales, including details of purchasers and their licence particulars, are maintained by it and can be furnished before the Central Authority.

17. The Central Authority, however, observed that the issue under consideration was not merely whether the opposite party possessed the requisite licences or whether the products were ultimately sold only to authorised entities. The concern before the Central Authority related to the manner in which such products were advertised and displayed on the website of the opposite party. It was noted that several product listings pertaining to radio equipment requiring regulatory permissions did not prominently disclose material information regarding the applicable frequency bands, licensing requirements, usage restrictions, or the fact that such products could be purchased and operated only by duly authorised persons.

18. The Central Authority further observed that such information constituted material information which ought to have been prominently and unambiguously disclosed at the first point of consumer interaction. The Central Authority noted that merely providing such details in catalogues, brochures, downloadable documents or subsequent communications with prospective purchasers would not be sufficient, as consumers accessing the website should be clearly informed, at the outset, whether a particular product is licence-free or whether its purchase, possession or operation is subject to statutory permissions and regulatory restrictions.

19. Further, during the hearing, the website of the company was opened on screen-sharing mode, wherein, it clearly showed that the disclosures regarding licensing requirements and regulatory restrictions were not prominently displayed. The opposite party admitted that the relevant information should have been reflected more clearly on the website and product literature and assured the Central Authority that necessary modifications would be carried out within one week so as to prominently disclose the applicable frequency bands, licensing requirements and other regulatory conditions associated with the products.

20. The opposite party further undertook to furnish, within the stipulated time, complete details of the products sold during the relevant period, including model-wise sales data, details of purchasers, licence particulars of the purchasers and such

other supporting documents as sought by the Central Authority. Thereafter, the matter was reserved for a final order.

21. Pursuant to the hearing held on 03.06.2026, the opposite party furnished additional documents before the Central Authority via email dated 10.06.2026, including copies of licences issued by the Wireless Planning and Coordination (WPC) Wing, records relating to manufacture and possession of wireless equipment, details of licence-free radio products, and statutory records pertaining to the sale of licensed radio equipment. The opposite party submitted that it is a duly authorised manufacturer and dealer of wireless communication equipment and possesses the requisite licences issued by the competent authority for manufacture, possession and sale of such products.

22. The opposite party further submitted that licensed radio equipment is supplied only to Government departments, authorised users or entities possessing the requisite permissions under the applicable wireless telegraphy laws. In support of its submissions, the opposite party furnished purchaser-wise details, licence particulars of purchasers and records maintained under the applicable regulatory framework. The opposite party also reiterated that licence-free radio products marketed by it operated within the licence-exempt frequency bands and had obtained the requisite approvals from the competent authority.

23. The Central Authority has carefully considered the aforesaid submissions and documents furnished by the opposite party. While the said documents may establish that the opposite party possesses the requisite regulatory licences and maintains records relating to the sale of radio equipment, they do not address the core issue involved in the present proceedings. The proceedings are not founded on the legality of manufacture or sale of the products per se, but on the manner in which such products were advertised and displayed on the website of the opposite party. The material placed on record demonstrates that the online listings failed to prominently disclose material information regarding applicable frequency bands, licensing requirements, usage restrictions and eligibility conditions associated with the products. Such information is essential for enabling consumers to make informed

decisions and for preventing unauthorised acquisition or use of wireless communication equipment.

24. The contention of the opposite party that the requisite information was communicated separately to prospective purchasers cannot absolve it of liability. Material information required for a consumer to understand the nature and regulatory status of a product must be disclosed prominently and upfront in the advertisement itself. An advertisement which omits or conceals such material information is capable of misleading consumers regarding the nature, characteristics and lawful use of the product and therefore falls within the ambit of a "misleading advertisement" as defined under Section 2(28) of the Consumer Protection Act, 2019. Consequently, notwithstanding the licences and approvals furnished by the opposite party, the failure to prominently disclose the licensing requirements and regulatory restrictions applicable to the advertised radio equipment renders the impugned advertisements misleading and liable for action under the Act.

25. 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. Simultaneously, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 recognise that intermediaries host, display and make available third-party commercial communications on their platforms. 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.

26. 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.

27. 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.

28. 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.

(3) 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

29. 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 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.

30. Further, it is pertinent to note that the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, under the Information Technology Act, 2000, cast specific duties and obligations upon intermediaries. Rule 3(1) mandates that every intermediary shall exercise due diligence while discharging its functions, including making reasonable efforts to ensure that unlawful or misleading information is not hosted or published on its platform, and promptly removing such unlawful information upon receiving actual knowledge.

31. In the present case, Sanchar Wireless Communications Ltd.is required to exercise heightened due diligence to prevent the hosting, 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.

32. 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.****"*

33. The CCPA has carefully examined the submissions made by the opposite party dated 13.06.2025 and 10.06.2026, the oral submissions made during the hearing held on 03.06.2026, and the Investigation Report dated 30.01.2026. Upon consideration, the following findings are recorded:

i. The opposite party hosted and advertised 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 number of walkie-talkies were made accessible to consumers through the opposite party's platform, without any disclosure of licensing requirements, frequency specifications, or ETA/WPC certification.

iv. The walkie-talkie devices listed, hosted and advertised on the platform were operating on radio frequency bands without adequate disclosure regarding the specific frequency range utilized and licensing requirements including whether such frequencies fell within or exceeded the limits permissible under law. Such omission constitutes a 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 platform and the seller. The opposite party thus concealed crucial information from consumers.

v. Accordingly, the listing, hosting and advertising of walkie-talkies on the opposite party's platform without disclosing ETA (WPC) certification amounts to a violation of the provisions of the Consumer Protection Act, 2019 relating to unfair trade practice and misleading advertisements.

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 passively. Platforms are required to take reasonable steps to prevent the listing, hosting and

advertising 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, hosted and advertised on its platform. While it may contend that it is impugned devices are listed merely for informational purpose, it nonetheless has a legal duty to ensure that such products are not offered for sale or permitted to be listed, hosted and advertised without mandatory disclosures and compliance with applicable laws. This responsibility arises particularly because the opposite party provides an organised platform for hosting, listings and advertisements, thereby playing a facilitative role in enabling and effectuating buyer-seller interactions. It is further observed that the opposite party incorporated necessary changes on its platform only after the issuance of the CCPA notice, indicating that no due diligence or 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 display of walkie-talkies that did not comply with mandatory legal requirements amounts to misleading consumers and exposing them to potential regulatory risks and national security implications.

xii. The DoT public advisory reproduced in abovementioned para 32 explicitly places responsibility on intermediaries to ensure that sellers and purchasers comply with statutory requirements. Opposite party's failure to verify or display ETA and licensing information constitutes non-compliance with the advisory and demonstrates disregard for regulatory obligations.

34. (a) Section- 2(28) of the Consumer protection Act, 2019 defines "misleading advertisement" in relation to any product or service, means an advertisement, which—

v. falsely describes such product or service; or

vi. 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

vii. 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

viii. deliberately conceals important information;

(b) From a bare reading of the above provisions of the Act, any advertisement should: -

i. Contain truthful & honest representation of facts,

ii. Have assertions, guarantees only when backed by underlying credible and authentic material, study etc.

iii. Not indulge in unfair trade practice as defined in Section 2(47) of the Act. It should be free from false representation that the goods/services are of particular standard, quality [(section 2(47) (a)] and should not make false or misleading representation concerning the need for or usefulness of any goods or services [(section 2(47) (f)] of the Act with respect to unfair trade practice.

iv. Disclose the important information in such a manner that they are clear, prominent, and extremely hard to miss for viewers/consumers to not conceal important information.

(c) 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".

The aforementioned provisions clearly establish the right of consumer to be informed, which also includes right to be protected from withholding of important information.

35. 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 as required by the Information Technology (Intermediaries Guidelines) Rules, 2011. 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.

41. Therefore, 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. The Consumer Protection (E-commerce) Rules, 2020

g. Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022.

41. 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.

42. CCPA also examined the violations of the opposite 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. Sanchar Wireless Communications Ltd.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 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 manner of operation of the platform in a matter involving national interest is not in public interest in general and consumer interest in particular.

In light of the above, the CCPA finds it appropriate to impose a penalty on the opposite party for dissemination of misleading and non-compliant advertisements on a platform with significant consumer outreach, coupled with its failure to exercise due diligence and adequately monitor its platform, thereby causing detriment to public and consumer interest.

43. 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, hosted, advertised or sold on its platform without full compliance with applicable laws and mandatory disclosures.

c) 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.

d) 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, read with section 21 of the Consumer Protection Act 2019.

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Nidhi Khare
Chief Commissioner

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Anupam Mishra
Commissioner