



CIVIL

Consumer Rights Vs. Corporate Responsibility: A Legal Perspective

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Introduction

The District Consumer Disputes Redressal Commission, Mumbai Suburban has recently addressed a consumer complaint under Section 35(1)(a) of the Consumer Protection Act, 2019. The case, Gargi Prakash Joshi & Another v. Wow Momos Foods Pvt. Ltd., centered on allegations of deficiency in service and emotional distress caused by serving non-vegetarian food instead of vegetarian, raising pertinent issues about consumer rights evidentiary standards, and corporate responsibility in India.

Background of the Case

On December 19, 2020, the complainants ordered a “Steam Darjeeling Momo Combo,” specifically requesting vegetarian momos at a Wow Momos outlet in Mumbai. Despite stating their preference, they were allegedly served non-vegetarian chicken momos. They argued that this alleged negligence caused mental trauma and hurt their religious sentiments. After a failed attempt at resolution with the company and a subsequent legal notice, the complainants demanded Rs. 6,00,000 as compensation for deficiency in service, emotional distress, and hurt sentiments.

Legal Provisions

The case was filed under the [Consumer Protection Act](#), 2019, with a focus on Section 35(1)(a), which empowers consumers to raise complaints regarding unfair trade practices or deficiencies in service. The Act reinforces the broader framework of consumer rights, highlighting essential protections such as the right to safety, informed choice, and freedom from unfair practices, thereby ensuring a balanced and fair approach to addressing consumer grievances.

Rival Contentions

Complainants' Argument

The complainants alleged negligence on the part of the opposite party in serving non-vegetarian food despite explicit requests for vegetarian items. They claimed that this error caused emotional distress and violated their religious sentiments due to the consumption of non-vegetarian food. They also highlighted a lack of clear labelling on the display board, which they argued led to the confusion and demanded Rs. 6,00,000 in damages and other appropriate reliefs.

Opposite Parties' Defense

The opposite party denied all allegations, stating that the complainants ordered non-vegetarian food, as evidenced by the invoice. They claimed that the staff involved were physically abused by the complainants and highlighted the availability of clear labelling on food options and a complaint mechanism, which the complainants allegedly ignored. Further, they argued that the complainants do not qualify as “consumers” under the Act, asserting that a refund had been processed and thus no deficiency remained, and noted that their goodwill compensation offer was rejected.

Final Decision

The Commission dismissed the complaint, citing insufficient evidence to prove that the complainants ordered vegetarian momos or consumed non-vegetarian items against their intent. It observed that the labelling on the display board did provide some clarity about food types and noted contradictions in the complainants' claims including their choice to dine at a restaurant that primarily serves non-vegetarian food despite asserting strict vegetarian beliefs. .

Conclusion

In the author's opinion, this judgment highlights the essential principles of evidence and consumer protection law. The dismissal of the complaint reinforces the necessity for complainants to substantiate their claims with convincing proof to establish deficiencies in service. By scrutinising the allegations and the defense critically, the court upheld the principle that consumer rights must be balanced with fairness to service providers. The case emphasises the importance of precision in claims and responsible consumer behaviour. This decision is a valuable example for handling consumer grievances judiciously. For further

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