



CONSUMER

Dark Pattern in E-Commerce: Flipkart, Seller Ordered to Refund for Misrepresented Nokia Phone

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Introduction

In a notable victory for consumer rights, the District Consumer Disputes Redressal Commission, Gurugram, on July 2, 2025, ruled in favour of Vedant Verma, a consumer who received a second-hand Nokia phone falsely sold as new on Flipkart. The Commission found Flipkart and its seller guilty of deficiency in service and unfair trade practice, directing them to refund the purchase amount with interest and compensate the complainant for harassment and litigation expenses.

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The Dispute

On June 17, 2024, Vedant Verma ordered a Nokia 6310 Dual SIM Feature Mobile Phone via Flipkart for ₹2,999. The product was delivered two days later by Flipkart's seller, M/s Dhayal Trading, based in Rajasthan. However, within weeks of use, the phone began to malfunction. Upon taking the device to a Nokia Authorized Service Centre in Gurugram, Verma was shocked to learn, based on the IMEI and internal records that the phone had already been activated on June 25, 2017, in Pakistan, and was originally a Nokia 3310, not a Nokia 6310 as sold.

The activation record showed the phone was shipped to and sold in Pakistan in 2017, strongly suggesting that an old or refurbished handset had been repackaged and misrepresented as new. Despite raising the issue and demanding a replacement or refund, Verma received no redress from Flipkart or the seller. He eventually filed a formal complaint with the Commission under Section 35 of the Consumer Protection Act, 2019, which allows a consumer to file a complaint before the appropriate Consumer Commission regarding defective goods, deficient services, unfair trade practices, or overcharging.

Ex-Parte Proceedings and Evidence

The seller (OP No.2) and manufacturer (OP No.3 – Nokia India) did not appear before the Commission and were proceeded against ex-parte. Flipkart (OP No.1) failed to file its written statement within the stipulated time and its defence was struck off.

Verma supported his claim with documentary evidence, including the invoice, the activation report from Nokia, email correspondence, photographs of the phone, and a police complaint. The Commission accepted this unchallenged evidence and held that the complainant had proved his case beyond doubt.

The Commission's Findings

The Commission held that selling a previously used or misidentified phone under the pretext of a new model not only constitutes **deficiency in service** but also amounts to **fraud** and a **deceptive trade practice**. It further described such conduct as indicative of a **"dark pattern"**, a manipulative online business strategy that misleads consumers.

The Commission, comprising Shri Sanjeev Jindal (President), Ms. Jyoti Siwach, and Ms. Khushwinder Kaur (Members), directed the opposite parties to refund ₹2,999 to the complainant, along with interest at the rate of 9% per annum from the date of purchase, i.e., June 19, 2024. In addition, the Commission awarded ₹15,000 as compensation for mental harassment and agony, and ₹11,000 towards litigation expenses. The 12% interest applies only if the 45-day deadline is missed, and it starts after a 24-hour buffer post uploading the order.

The Commission also noted that failure to comply with the order could invite execution proceedings under Section 71(1) (empowers a consumer to file an execution application for enforcement of any order passed by the Consumer Commission if the opposite party fails to comply) of the Consumer Protection Act, 2019. Additionally, the parties may be liable for prosecution under Section 72, which includes penalties of imprisonment up to three years and/or fines up to ₹1 lakh.

Conclusion

This case is a stern reminder to e-commerce platforms and their sellers about the consequences of misrepresenting products. It also underscores the utility of consumer forums in addressing digital marketplace fraud, especially when direct support channels fail. With courts increasingly recognizing patterns of deception in online transactions, such rulings could prompt greater accountability in India's booming e-commerce space.

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