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CONSUMER

Free Drinking Water Is Not Optional: Consumer Commission Reaffirms Restaurants Statutory Duty Towards Customers

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Introduction

Access to safe and free drinking water is not a matter of generosity or courtesy extended by restaurants to their patrons. It is a legally enforceable obligation grounded in consumer protection law, food safety regulations, and public health governance. In a recent and significant order, the District Consumer Disputes Redressal Commission, Faridabad, reaffirmed this settled position by holding a restaurant liable for refusing to provide free potable drinking water and compelling a customer to purchase packaged mineral water.

The decision in *Akash Sharma v. M/s Garden Grills 2.0 (Consumer Compliant No. 518/2025)*, is a clear reiteration that commercial practices cannot override statutory duties and that consumers cannot be coerced into purchasing bottled water under the guise of "restaurant policy". Though the monetary compensation awarded in the case was modest, the legal principle reaffirmed is of wide public importance and has implications for food establishments across the country.

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Statutory and Regulatory Framework Governing Free Drinking Water

The obligation of restaurants to provide free potable drinking water is not derived from a single provision but flows from a combined reading of consumer protection law, food safety regulations, and government advisories issued in public interest.

Under the Consumer Protection Act, 2019, a consumer is entitled to services that are free from *deficiency*. Section 2(11) defines "deficiency" to include any fault, imperfection, shortcoming, or inadequacy in the quality, nature, or manner of performance required to be maintained under any law or contract. Restaurants and eateries fall squarely within the definition of "service providers", and once a consumer enters a restaurant and orders food, a service relationship is established. Any denial of basic amenities essential to the consumption of food directly impacts the quality and manner of service.

More importantly, the issue of free drinking water has been specifically addressed by the Food Safety and Standards Authority of India (FSSAI) under the Food Safety and Standards Act, 2006. In exercise of its regulatory powers, the FSSAI has consistently mandated that food business operators must ensure the availability of *clean and potable drinking water* for customers free of cost. These directions are rooted in public health concerns and form part of the obligations imposed on licensed food establishments.

In July 2017, the FSSAI issued a clarification directing all restaurants, hotels, and food establishments to ensure that potable drinking water is provided free of charge to customers. The authority categorically clarified that while packaged drinking water may be offered as an option, forcing customers to purchase bottled water is impermissible and contrary to food safety norms.

Parallelly, the Department of Consumer Affairs, Government of India, through its advisory issued in June 2017, expressly stated that compelling customers to buy bottled water instead of providing free drinking water amounts to an unfair trade practice and a deficiency in service under consumer law. The advisory clarified that charging for water when free potable water is available violates consumer rights and basic principles of fairness in service delivery.

These regulatory clarifications leave no scope for ambiguity: restaurants are under a statutory obligation to provide free potable drinking water, and any attempt to monetise this basic necessity is illegal.

Facts Leading to the Consumer Complaint

- The complainant, Akash Sharma, visited *M/s Garden Grills 2.0* at Faridabad along with his friends on 18 June 2025 for dinner. While placing their food order, the complainant requested drinking water. Instead of being served free potable water, the restaurant staff categorically refused and informed him that only packaged bottled water was available.
- When the complainant objected and pointed out that forcing customers to buy bottled water was illegal and contrary to law, both the waiter and the manager allegedly remained adamant.
- The complainant was clearly told that free drinking water was not provided by the restaurant and that water could be consumed only by purchasing bottled water.
- Left with no real choice and acting under compulsion, the complainant purchased two bottles of packaged drinking water for ?40. Being aware of his legal rights, he subsequently approached the District Consumer Disputes Redressal Commission alleging deficiency in service, unfair trade practice, and mental harassment.

Proceedings before the Consumer Commission

Despite being duly served with notice, the restaurant failed to appear before the Consumer Commission. Consequently, the Commission proceeded *ex parte* against the opposite party.

The complainant appeared in person and led evidence, including his affidavit narrating the incident, the bill evidencing the forced purchase of bottled water, and proof of service of notice. There was no rebuttal, explanation, or contrary evidence produced by the restaurant to disprove the allegations.

Judicial Findings and Legal Reasoning

After examining the material on record, the Consumer Commission held that the complainant's version remained unrebutted and deserved full acceptance. The Commission categorically observed that:

- Restaurants are under a legal obligation to provide free potable drinking water to customers
- Compelling customers to purchase packaged bottled water amounts to deficiency in service
- Such conduct violates settled consumer protection principles and regulatory mandates

The Commission emphasised that once a consumer enters a restaurant and avails its services, the establishment is duty-bound to provide basic amenities essential for the consumption of food. Drinking water is not a luxury or an optional add-on, but an intrinsic part of the service.

The refusal to provide free drinking water, coupled with the compulsion to purchase bottled water, was held to be arbitrary, exploitative, and violative of consumer rights.

Relief Granted by the Commission

Allowing the complaint, the District Consumer Commission directed the restaurant to:

- Refund ?40 charged for the bottled water
- Pay ?3,000 as compensation for mental agony and harassment

The Commission clarified that litigation costs were not awarded since the complainant had pursued the matter in person. The order was directed to be complied with within 30 days.

Why This Decision Is Legally Significant

Though the financial compensation awarded in the case may appear limited, the decision carries substantial legal and social significance. It reinforces the principle that basic necessities cannot be commercialised and that consumers cannot be coerced into purchasing goods they do not wish to buy.

The order also strengthens regulatory enforcement by reaffirming that FSSAI directions and government advisories are not mere guidelines but binding obligations for food establishments. It sends a clear signal that "restaurant policy" cannot override statutory mandates.

Consumer Awareness and Practical Implications

Consumers must be aware that:

- Restaurants are legally bound to provide free potable drinking water
- Bottled water may be offered, but cannot be forced
- Refusal to provide free water amounts to deficiency in service
- Consumers have the right to approach Consumer Commissions for redressal

Preserving bills, documenting incidents, and asserting legal rights can be central to ensuring accountability.

Conclusion

The Faridabad Consumer Commission's decision in *Akash Sharma v. M/s Garden Grills 2.0* is a timely reaffirmation of consumer dignity, statutory compliance, and public health governance. It reinforces that access to drinking water is a right, not a privilege dependent on a restaurant's commercial preferences.

For restaurants and food establishments, the message is unequivocal: free drinking water is not optional. For consumers, the ruling stands as a reminder that the law remains firmly on their side.

For more details, write to us at: contact@indialaw.in

Reference:

1. District Consumer Disputes Redressal Commission, Faridabad (Case No. 518/2025)

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Consumer Dispute