CONSUMER PROTECTION LAW — CASE BRIEF

Coca-Cola Beverages Pakistan Limited v. Ashiq Ali

PLD 2014 Lahore 196 • Lahore High Court

Coca-Cola Beverages Pakistan Limited v. Ashiq Ali (PLD 2014 Lahore 196) is a landmark consumer protection judgment delivered by the Lahore High Court. The ruling defines strict statutory limitation rules, clarifies the interpretation of provisos governing delay, and establishes evidentiary standards for product defect claims under the **Punjab Consumer Protection Act, 2005 (PCPA)**.

1. CASE OVERVIEW

Case Attribute	Details
Citation	PLD 2014 Lahore 196
Forum	Lahore High Court (Appellate Jurisdiction)
Appellant	Coca-Cola Beverages Pakistan Limited
Respondent	Ashiq Ali (Consumer)
Statutory Provisions	Sections 4, 10, 25, 28(4), 30(1)(c), 31, and 33 of the Punjab Consumer Protection Act, 2005

2. BACKGROUND AND FACTUAL HISTORY

1. **The Incident:** Ashiq Ali purchased soft drink bottles manufactured by Coca-Cola Beverages Pakistan Limited. He alleged that one of the sealed bottles contained a foreign object (a dead worm/insect), rendering the beverage defective and hazardous to health.
2. **Consumer Court Action:** Following the discovery, Ashiq Ali filed a claim for damages against the manufacturer before the District Consumer Court under Section 25 of the PCPA, 2005. However, he instituted the complaint after the statutory 30-day limitation period from the accrual of the cause of action had expired, without submitting a formal application seeking condonation of delay.
3. **Trial Court Decision:** The District Consumer Court entertained the complaint despite the procedural delay, accepted the consumer's assertion regarding the contaminated product, and awarded damages against Coca-Cola Beverages Pakistan Limited.
4. **High Court Appeal:** Aggrieved by the Consumer Court's order, Coca-Cola Beverages Pakistan Limited preferred a First Appeal against Order (FAO) under Section 33 of the PCPA before the Lahore High Court, challenging both the maintainability of the time-barred complaint and the evidentiary foundation of the damages award.

3. KEY LEGAL ISSUES

1. **Limitation Period under Section 28(4):** Whether a Consumer Court has jurisdiction to entertain a claim filed after the prescribed 30-day limitation period in the absence of a formal application demonstrating sufficient cause for condonation of delay.
2. **Scope of Provisos to Section 28(4):** Whether the second proviso to Section 28(4)—which references an outer ceiling of one year—creates an independent one-year limitation period for filing consumer claims as a matter of right.
3. **Standard of Proof & Laboratory Testing (Section 30):** What evidentiary protocol a complainant must satisfy to establish product contamination or defect and substantiate actual loss or damages.

4. DECISION AND RATIO DECIDENDI

> **Holding:** The Lahore High Court **allowed the appeal** and set aside the District Consumer Court's judgment, holding that a time-barred complaint unaccompanied by an application for condonation of delay must be dismissed, and that awards of damages require verified laboratory proof and substantiated loss.

- **Strict 30-Day Limitation:** Under **Section 28(4)** of the PCPA, 2005, a consumer claim must be filed within **30 days** from the date the cause of action arises (such as the expiry of the 15-day statutory notice period or formal denial of the claim).
- **Mandatory Condonation Application:** When a complaint is filed beyond the 30-day window without an application for condonation of delay explaining sufficient cause under the first proviso to Section 28(4), the Consumer Court lacks jurisdiction to entertain the claim and is bound to dismiss it as time-barred.
- **Proviso Does Not Extend Base Limitation:** The one-year period mentioned in the second proviso to Section 28(4) operates solely as an outer statutory ceiling on the maximum delay a court *may* condone upon proof of sufficient cause; it does not grant a litigant a full year to initiate proceedings.
- **Evidentiary Proof of Defect and Damages:** In claims involving allegedly contaminated food or beverages, strict evidentiary protocols—including preserving the integrity of the sealed container and obtaining chemical or laboratory analysis under Section 30(1)(c)—along with proof of proximate loss are essential prerequisites before damages can be awarded.