Ministry of Consumer Affairs, Food & Public Distribution

# CCPA Intensifies Action Against Misleading Advertisements and Non-Compliant Sale of Walkie-Talkies

### CCPA Imposes ₹1 Lakh Penalty on Hogar Technologies and Innovations LLP for Misleading Advertisements of Walkie-Talkies

### Over 16,970 non-compliant listings identified across online platforms; notices issued to 13 e-commerce entities

### Advertisements must clearly disclose operating frequencies, licensing requirements and other essential regulatory information to enable informed consumer decisions

### CCPA has passed final orders against 12 entities, imposing cumulative penalties of ₹58 lakh for misleading advertisements and unfair trade practices relating to walkie-talkies

Posted On: 25 OCT 2026 4:28PM by PIB Delhi

The Central Consumer Protection Authority (CCPA) has imposed a penalty of **₹1 lakh on M/s Hogar Technologies and Innovations LLP** for misleading advertisements and product listings of walkie-talkies that failed to disclose essential regulatory information, including operating frequencies and applicable licensing requirements. The order was passed by the CCPA, headed by Chief Commissioner Smt. Nidhi Khare and Commissioner Shri Anupam Mishra, under the Consumer Protection Act, 2019.

The action forms part of the CCPA's ongoing enforcement measures against misleading advertisements and unfair trade practices relating to the listing, advertisement and sale of walkie-talkies (Personal Mobile Radios) across online platforms and websites.

**CCPA finds inadequate disclosure of regulatory requirements**

In its latest order, the CCPA examined advertisements and product listings of various walkie-talkie models displayed on the website of M/s Hogar Technologies and Innovations LLP. The Authority observed that the listings did not clearly disclose the operating frequencies of the devices, applicable licensing requirements and regulatory approvals. Such omissions could mislead consumers into believing that the devices could be legally operated without obtaining the requisite regulatory authorisations.

Under the *Use of Low Power and Very Low Power Short Range Radio Frequency Devices (Exemption from Licensing Requirement) Rules, 2018*, personal mobile radios operating within the prescribed frequency range of **446.0–446.2 MHz** are exempt from the requirement of obtaining a licence, subject to applicable conditions. Other wireless radio frequency devices operating outside the exempted frequency range are subject to the relevant regulatory requirements.

During the proceedings, the company submitted that it possessed a valid Dealer Possessing Licence (DPL) and that the devices were covered by applicable Equipment Type Approval (ETA) certifications. It also contended that its website was primarily intended for informational and lead-generation purposes and did not facilitate direct online transactions.

After examining the company's submissions, investigation findings and material available on record, the CCPA observed that **possession of regulatory approvals does not absolve an advertiser of its obligation to provide accurate, complete and material information to consumers at the pre-purchase stage**.

**Website-based product promotions also subject to consumer protection requirements**

The CCPA further observed that the absence of an online payment gateway or shopping cart facility does not exclude promotional representations made through a website from the ambit of misleading advertisements under the Consumer Protection Act, 2019. Advertisements and product listings **must provide adequate information regarding applicable regulatory requirements,** irrespective of the mode through which the products are ultimately sold.

The Authority noted that omission of material information concerning operating frequencies and licensing requirements was likely to mislead consumers about the conditions under which the advertised devices could lawfully be operated. Such omissions could expose consumers to potential legal and financial consequences and undermine their ability to make informed purchasing decisions.

Accordingly, the CCPA found the conduct of M/s Hogar Technologies and Innovations LLP to be in violation of the relevant provisions of the Consumer Protection Act, 2019, relating to misleading advertisements and unfair trade practices.

**CCPA's action against online listings of walkie-talkies**

The CCPA had earlier taken *suo motu* cognisance of the large-scale listing and sale of walkie-talkies on e-commerce platforms without mandatory regulatory disclosures. During its examination, **over 16,970 non-compliant listings** were identified across platforms, and notices were issued to 13 e-commerce entities, including Amazon, Flipkart, Meesho, Meta (Facebook Marketplace), JioMart, IndiaMART and TradeIndia, among others.

The Authority has so far passed final orders against **12 entities, imposing cumulative penalties of ₹58 lakh** for misleading advertisements and unfair trade practices relating to walkie-talkies. These include penalties of ₹10 lakh each on Amazon Seller Services Pvt. Ltd., Flipkart Internet Pvt. Ltd., Meesho Pvt. Ltd., Meta Platforms and TradeIndia (Infocom Network Pvt. Ltd.), and ₹1 lakh each on JioMart (Reliance Retail Ltd.), Chimiya, MaskMan Toys, Talk Pro (Iconet Services Pvt. Ltd.), Sanchar Wireless Communications Ltd., Antriksh Technosys Pvt. Ltd. and Hogar Technologies and Innovations LLP.

Certain entities have challenged the orders and proceedings initiated by the CCPA before judicial forums. Amazon Seller Services Pvt. Ltd. and Flipkart Internet Pvt. Ltd. have approached the Hon'ble Karnataka High Court challenging the orders passed by the Authority. Meta Platforms and TradeIndia (Infocom Network Pvt. Ltd.) have approached the National Consumer Disputes Redressal Commission (NCDRC) against the orders imposing penalties of ₹10 lakh each. In the case of TradeIndia, the NCDRC has directed the company to deposit the penalty amount. IndiaMART InterMESH Ltd. has also approached the Hon'ble Delhi High Court challenging the proceedings initiated by the CCPA, while the matter remains under consideration before the Authority.

**CCPA reiterates the importance of transparent regulatory disclosures**

The CCPA reiterated that advertisements and product listings of walkie-talkies must clearly disclose operating frequencies, applicable licensing requirements and other material regulatory information to enable consumers to make informed decisions. Such disclosures are particularly important for products whose lawful use is subject to specific regulatory conditions.

The Authority reaffirmed its commitment to safeguarding consumer interests, preventing misleading advertisements and addressing unfair trade practices, particularly in relation to products involving regulatory compliance and public safety considerations.

**The final order is available on the CCPA website: https://ccpa.doca.gov.in/**

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**RT/SB/ARC**

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