

GOVERNMENT OF JAMMU & KASHMIR
DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
BARAMULLA/BANDIPORA

Coram: -

1. Peerzada Qousar Hussian President
2. Ms Nyla Yaseen Member

Consumer Complainant No: 26/2025

1. **Mohammad Maqbool Hakeem S/O of Habibullah Hakeem R/O Nigeen Bagh Krankshivan Colony Sopore, Tehsil Sopore, District Baramulla UT of Jammu & Kashmir.**
2. **Farhat Ara D/O Ghulam Rasool Dand wife of Mohammad Maqbool Hakeem R/O Nigeen Bagh Krankshivan Colony Sopore, Tehsil Sopore, District Baramulla UT of Jammu & Kashmir.**

.....(Complainant)

Versus

1. **Indigo Airlines,
Through its Managing Director/Authorized Representative,
Registered Office CIN: L62100DL2004PLC129768
Upper Ground Floor, Thapar House, Gate No.2,
WesternWing,124Janpath, New Delhi-110001 India, Fax:
+91 11- 43513200**
2. **Also, through its Local Branch at Srinagar Airport at Indigo Airlines Srinagar Airport also known as Sheikh Ul-Alam International Airport Srinagar, UT of Jammu & Kashmir.**

..... (opposite parties)

Date of Institution: 15-04-2025

Date of Decision: 16-03-2026

Appearing Counsel:

For the complainants: - Advocate Umar Bashir

Nemo for the OPs present.

Judgement

Brief Facts

The complainants filed the present complaint before this Commission on 15-04-2025 under CPA 2019 alleging therein deficiency in service on the part of the OPs.

The contention of the complainants is that they planned to perform the religious pilgrimage of Umrah and accordingly booked flight tickets from the OPs bearing PNR No. WSJCTR for the return journey from Dammam, Saudi Arabia to Srinagar, India via Delhi.

The contention of the complainants is that the said PNR reflected not only the names of the complainants but also six other pilgrims who were part of a group of individuals travelling together.

The airlines offered at the Dammam Airport clubbed all the luggage of the entire group collectively, without verifying and checking the baggage of each individual. Resultantly, the baggage was mistagged and mishandled.

The airport officials did not issue the tags to the complainants which are usually pasted on the back of the boarding passes; instead, all tags were stacked together and handed over as a pile to one group leader, namely Mr. Abuzar Ali. The tags were stacked upon each other and inseparable.

The contention of the complainants is further that upon arriving at Delhi Airport, they found one baggage missing, as out of five, only four were received.

The contention of the complainants is further that they were given a Property Irregularity Report (PIR). They informed the airlines and generated a complaint bearing Ticket No. 20439273.

Consequently, upon contacting the OPs, the complainants were asked to provide photographs similar to the luggage, which were properly sent.

The complainants were assured the redressal of their grievance within 14 days; however, despite the lapse of the said period, the lost baggage was not traced.

Eventually, the OPs on 15-03-2025 denied the claim, stating that the liability does not cover delay in delivery of baggage; however, the issue is not of delay but loss of baggage due to alleged sheer negligence of the OPs.

The complainants contended further that the baggage contained approximately Rs. 89,000/- worth of valuables including sacred items bought from Saudi Arabia and costly clothes, which were lost due to negligence of the OPs, and they were put to harassment and mental agony which constrained the complainants to approach the District Consumer Disputes Redressal Commission Baramulla for redressal of their grievances.

Points for determination

1. Whether the luggage of the complainants was lost which was in the custody of the OPs.
2. Whether such loss amounts to deficiency in service.
3. Whether the complainants are entitled to compensation as prayed for.

Findings

It is not disputed that the complainant travelled on the flight of the OPs and checked in five luggage; however, only four luggage were delivered. Despite providing the Property Irregularity Report (PIR), the baggage was not traced. Additionally, the OPs eventually informed the complainant through mail that the baggage is delayed.

As per the provisions governing the Carriage by Air Act, 1972, the liability of loss of baggage in domestic travel is limited and generally calculated at the rate of Rs. 350 per kg subject to a maximum of Rs. 20,000/- per passenger unless the higher value has been declared at the time of check-in. The liability of loss of, damage to, or delay of baggage is limited to 1000 Special Drawing Rights (SDR) per passenger. However, the complainants have restricted the claim to Rs. 89,000/- towards lost baggage and articles.

The complainants have not based the claim strictly but have sought reasonable compensation for loss of baggage and mental agony.

Therefore, considering the nature of articles ordinarily carried in personal luggage, the inconvenience caused to the complainants besides failure of the OPs to trace out the baggage or compensate adequately, we find it just and proper to award reasonable compensation.

In view of the above facts and circumstances, the complaint of the complainants is allowed and disposed of with the following determinations.

1. The OPs are directed to pay an amount of Rs. 89,000/- towards compensation of the loss of the baggage.
2. The OPs are further directed to pay an amount of Rs. 20,000/- for putting the complainants into mental agony, harassment and inconvenience.
3. The OPs are further directed to pay an amount of Rs. 10,000/- to the complainant as litigation charges.

The OPs shall comply with the order within a period of 30 days from the date of order, failing which the entire awarded amount shall carry interest at the rate of 10% from the date of order till its realization.

Order announced

Date: 16-03-2026

Ny
16/03/26

Nyla Yaseen
Member

Peerzada Qousar Hussain
16/03/26

Peerzada Qousar Hussain
President

Copy of this Order be provided to the parties for compliance and file be consigned to records after due completion.