

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
CHANDIGARH DISTRICT COMMISSION
CONSUMER COMPLAINT NO. DC/44/CC/215/2026**

RAHUL GOYAL S/o. Amrit pal goyal

PERMANENT ADDRESS - 120B IMPERIAL GARDEN , ZIRAKPUR , PEERMUCHALA ,
PATIALA,PUNJAB.

BUSINESS ADDRESS - PUNJAB AND HARYANA HIGH COURT , CHANDIGARH , SECTOR 1 ,
CHANDIGARH,CHANDIGARH.

.....Complainant(s)

Versus

CAPER ROOFTOP BISTRO Through its Authorised representative

BUSINESS ADDRESS - MCB Z-4 07666 , NEAR 3 CINEMAS BATHINDA , TERRACE LEVEL
FTV LOUNGE GT ROAD , BATHINDA,PUNJAB.

.....Opposite Party(s)

BEFORE:

**AMRINDER SINGH SIDHU , PRESIDENT
BRIJ MOHAN SHARMA , MEMBER**

FOR THE COMPLAINANT:

RAHUL GOYAL S/o. Amrit pal goyal

FOR THE OPPOSITE PARTY:

CAPER ROOFTOP BISTRO Through its Authorised representative

DATED: 19/06/2026

ORDER

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-II, U.T. CHANDIGARH

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Consumer Complaint No : 14 of 2026

now

215 of 2026

Date of Institution : 09.01.2026

Rahul Goyal Date of Decision Sh.Amrit : 19.06.2026
s/o Pal

Goyal R/o 120-B Imperial

Garden Peermuchala Zirakpur, District S.A.S. Nagar Mohali currently practicing/working at Punjab and Haryana High Court, Sector 1, Chandigarh. Mobile No.7307102094.

... .. Complainant

Versus

Caper Rooftop Bistro, A Unit of Mazbot Ventures Private Limited through its authorized representative having registered address at MCB/Z-4/07666, Terrace Level, FTV Lounge, G.T. Road, Near 3 Cinemas Bathinda-151001 Mobile No.9478669999.

... .. Opposite Party

BEFORE: MR.AMRINDER SINGH SIDHU, PRESIDENT

MR.B.M.SHARMA, MEMBER

Argued by: Sh.Rahul Goyal, Complainant in person (on VC).

Opposite party (OP) ex-parte.

ORDER BY B.M.SHARMA, MEMBER

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1] The complainant has filed the present consumer complaint pleading that he visited OP's restaurant on 05.10.2025 and availed food and beverage services. After completion of the meal, the OP issued Bill No.3840 dated 05.10.2025 for an amount of Rs.2291/- (Annexure C-1) and bill No.3841 dated 05.10.2025 for an amount of Rs.1191/- (Annexure C-2). The bill

No.3840 included a charge described as "Service Charge" amounting to Rs.79.10 and bill No.3841 included a charge described as "Service Charge" amounting to Rs.49.90, which was added to the total bill amount without obtaining complainant's consent. The OP did not inform the complainant that a service charge would be levied while issuing the bill, nor such information was conveyed to the complainant prior to placing the order.

It is pleaded that as per the guidelines on Levy of Service Charge in Hotels and Restaurants issued by the Central Consumer Protection Authority (CCPA) on 4 July 2022, service charge is optional and voluntary; cannot be imposed or collected forcibly; cannot be added automatically to the bill and cannot be collected under any other name. The act of the OP automatically levying service charge constitutes a direct violation of the aforesaid CCPA guidelines. The OP failed to inform the complainant that payment of service charge was optional and refused to remove the said charge upon objection. Alleging the aforesaid act of OP amounts to deficiency in service and unfair trade practice on its part. Hence, the present consumer complaint has been filed by the complainant with a prayer to direct the OP to refund Rs.129/- illegally collected as service charge; to pay compensation for mental agony and harassment and cost of litigation expenses.

2] OP did not appear before this Commission despite service of notice, hence, it was proceeded against ex-parte vide order dated 11.03.2026.

3] Complainant led evidence in support of his contention.

4] We have heard the complainant in person and gone through the documents on record.

5] From the unrebutted evidence led by the complainant, it stands established that the complainant visited the restaurant of the OP on 05.10.2025 and was issued Bill No.3840 for Rs.2291/- and Bill No.3841 for Rs.1191/-. Perusal of Annexures C-1 and C-2 reveals that a sum of Rs.79.10 and Rs.49.90 respectively was added towards "Service Charge", totaling Rs.129/-.

6] The OP did not appear to contest the claim of the complainant and preferred to be proceeded ex-parte. This act of the OP draws an adverse inference against it. The non appearance of the OP shows that it has nothing to say in its defence against the allegations made by the complainant. Therefore, the assertions of the complainant go unrebutted and uncontroverted.

7] In the present case, there is nothing on record to establish that the complainant had voluntarily agreed to pay service charge or had consented to its inclusion in the bill. Rather, the evidence of the complainant shows that the service charge was automatically added to the bills. The consumer cannot be compelled to pay any amount over and above the price of goods and services availed unless the same is legally permissible and duly disclosed.

8] The OP failed to appear and contest the claim of the complainant or produce any evidence to justify the levy of the said service charge. The act of

the OP in automatically levying and collecting service charge without obtaining the consent of the complainant amounts to deficiency in service and also constitutes an unfair trade practice.

9] In view of the above discussion, the present consumer complaint succeeds, the same is accordingly partly allowed and the OP is directed as under:-

- i) to refund to the complainant a sum of Rs.129/- illegally collected towards service charge.
- ii) to pay lump sum compensation of Rs.5000/- to the complainant towards the harassment caused as well as litigation expenses.

This order be complied with by the OP within 45 days from the date of receipt of its certified copy.

10] The pending application(s) if any, stands disposed of accordingly.

The Office is directed to send certified copy of this order to the parties, free of cost, as per Rules under The Consumer Protection Rules, 2020. After compliance file be consigned to record room.

Announced

19.06.2026

Sd/-
(AMRINDER SINGH SIDHU)
PRESIDENT

Sd/-

(B.M.SHARMA)

MEMBER

as

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AMRINDER SINGH SIDHU

PRESIDENT

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BRIJ MOHAN SHARMA

MEMBER