

**BEFORE THE DISTRICT CONSUMER DISPUTES
REDRESSAL COMMISSION, JALANDHAR.**

Complaint No.469 of 2023
Date of Instt. 24.11.2023
Date of Decision: 04.06.2026

Sanjeev Duggal Advocate aged about 50 years son of Sh. Ramesh Duggal resident of Main Bazar, Hadiabad, Phagwara.

.....Complainant

Versus

1. Maya Inss Pvt. Ltd. EH-178, Civil Lines, Jalandhar. through its Manager.
2. The Managing Director/Director Maya Inss Pvt. Ltd. EH-178, Civil Lines, Jalandhar.

..... Opposite Parties

Complaint Under the Consumer Protection Act.

Before: Dr. Harveen Bhardwaj (President)
Smt. Jyotsna (Member)
Sh. Jaswant Singh Dhillon (Member)

Present: Sh. Sanjeev Duggal, Adv. Counsel for Complainant.
Sh. I.S. Bhatia, Adv. Counsel for OPs.

Order

Dr. Harveen Bhardwaj (President)

1. The complainant, Sanjeev Duggal, is a practicing advocate at Jalandhar. On 08.11.2023, he visited the restaurant of the opposite parties along with his family comprising three adults and one minor daughter for buffet dinner. According to the complainant, he specifically informed the restaurant staff that there were three adults and one minor child, but the OPs charged buffet charges for four adults. The complainant further purchased liquor and was issued Bill Nos. RT/205053/23-24 and RT/205052/23-24 dated 08.11.2023. In the said bills, service charges amounting to Rs.128.13 and Rs.23.40 respectively, totaling Rs.151.53, were levied at the rate of 3%. The

complainant alleged that when he objected to the charging of service charges and the charging of buffet charges for the minor child, the staff of the opposite parties misbehaved with him and failed to address his grievance. He also alleged that the quality of certain food items, particularly fish, was not satisfactory. Claiming deficiency in service, unfair trade practice, mental agony, harassment and humiliation, he sought refund of the service charges along with compensation of Rs.5,00,000/- and litigation expenses.

2. The opposite parties contested the complaint and denied all allegations of misbehavior, deficiency in service and unfair trade practice. They pleaded that the complaint was misconceived and filed with mala fide intentions. The opposite parties stated that the amount charged in the bills was shown as staff contribution/service charge, that the same was prominently displayed on the menu card, and that it was their policy to waive such charge if any customer objected to it. They asserted that the complainant never raised any objection at the relevant time. The opposite parties further relied upon the interim orders passed by the Hon'ble High Court of Delhi in proceedings concerning service charges/staff contribution charged by hotels and restaurants. While denying liability, they expressed willingness to refund the total amount of Rs.151.53 charged in the two bills.

3. Rejoinder not filed by the complainant.

4. In order to prove their respective versions, both the parties have produced on the file their respective evidence.

5. We have heard the learned counsel for the respective parties and have also gone through the case file very minutely.

6. It is admitted fact that the complainant visited the Restaurant of OP for availing buffet service on 08.11.2023. The

complainant has alleged the deficiency of service by the OP alleging that the complainant ordered food for himself and three other his family members including minor and also ordered liquor from the OP vide two different bills and the OP charged Rs.128.13 and Rs.23.40 as service charges @ 3% in both the bills. The complainant has proved on record the copy of the bills Ex.C1 and Ex.C2.

7. The OP on the other hand has denied that the complainant ordered food for minor also rather it has been alleged that the complainant availed buffet service for four persons. The OP has alleged that the bills were paid by the complainant without any objection by him. The OP has also produced on record the Menu Card Ex.OP-2. The OP has alleged that the complainant never approached the OP for waiving of the service charges @ 3% as well as the charges for minor. The OPs have denied the unfair trade practice and deficiency of service.

8. Now the controversy is as to whether the service charges charged by the OP amounts to deficiency of service or unfair trade practice. Perusal of the written statement clearly shows that the OPs have admitted that they have charged the said amount and have agreed to refund the same also, therefore, it is proved that the service charges were levied by the OPs. The OP in their Written Statement has alleged that as per the order dated 05.09.2023 of the Hon'ble High Court of Delhi, the terminology to be used is staff contribution and the amount was charged as staff contribution which was permissible. The OPs have also relied upon the guidelines issued by the Central Consumer Protection Authority dated 04.07.2022 regarding the levy of service charges by the Hotels and Restaurants, which were challenged before the Hon'ble High Court of Delhi and in compliance with the order of the Hon'ble High Court of Delhi, the usage of the terms service charges

has been ceased and the terminology 'staff contribution' is being used. Even if for the sake of arguments, it is assumed that the terminology 'staff contribution' is being used, but even then it is duty of the Restaurant to disclose the customers about the guidelines and about the levy of such charges. The entire pleadings and even the documents, nowhere show that the complainant was ever informed before hand in a clear and unambiguous manner regarding the compulsory levy of such service charges/staff contribution. Even the bills produced by the complainant Ex.C1 and Ex.C2 nowhere shows that these charges were levied as staff contribution. It is clearly mentioned in the bills that service charges @ 3% have been levied in both the bills. The OP though has relied upon the guidelines, but those guidelines and the order of the Hon'ble High Court of Delhi has not been complied with by the OP nor there is any evidence led by the OP to show that the complainant has ever consented to mandatory payment of service charges/staff contribution as alleged by the OP.

9. The complainant in his complaint alleged that when he approached the OPs and requested the officials that he cannot charge the amount, the officials of the OP misbehaved with the complainant and threatened the complainant to take action against him, if he opts to take any action against them, whereas these allegations have been denied by the OP in their Written Statement rather it has been alleged by the OP that no such incident ever took place. It has further been alleged by the OP that the complainant has never approached the OP raising objection of the service charges. There is no evidence on the record to substantiate the allegations of mis behavior, threat, humiliation of the complainant. The complainant has not examined any independent witness to prove this fact. The complainant has not lodged

any complaint with the higher authorities of the OP or the hotel management immediately after the incident. The complainant himself is an advocate and he knows the steps/measures to be taken in such type of incidents, but the complainant has not proved on record these allegations. Similarly, the complainant has raised the objection on the standard quality of food and these allegations also remained unsubstantiated. The complainant has not written any complaint to the food inspectors or food authorities under the Food and Adulteration Act to prove that the quality of the food was sub-standard. Merely raising allegations do not prove that the food was of sub-standard quality. The complainant has alleged that they ordered for buffet for three adults and one minor, but again there is no such evidence from where it can be ascertained that there were three adults and one minor. All these allegations of mis behavior, food of sub-standard quality and the ordering of the buffet for three adults and one minor child require proper evidence to prove these allegations subject to cross examination by the OPs. The proceedings before the consumer commission are summary proceedings and the complainant is at liberty to avail any other remedy available as per law for alleged acts if he intends to avail.

10. It is proved that the OP charged service charges and not the staff contribution, without obtaining consent from the consumer which constitutes an unfair trade practice and the complainant is entitled to refund of the said amount. He has suffered mental harassment also and thus, the complainant has proved the unfair trade practice.

11. In view of the above detailed discussion, the complaint of the complainant is partly allowed and OPs are directed to refund a sum of Rs.151.53 on account of service charge @ 3% from the date of filing

complaint till its realization. Further, OPs are directed to pay a compensation including litigation expenses of Rs.15,000/- for causing mental tension and harassment to the complainant. The entire compliance be made within 45 days from the date of receipt of the copy of order. This complaint could not be decided within stipulated time frame due to rush of work.

12. Copies of the order be supplied to the parties free of cost, as per Rules. File be indexed and consigned to the record room.

Jaswant Singh Dhillon
Member

Jyotsna
Member

Dr. Harveen Bhardwaj
President

Pronounced in Open Court
Dated: 04.06.2026
*Shiv*JSS*
Direct typed

Present: Sh. Sanjeev Duggal, Adv. Counsel for Complainant.
Sh. I.S. Bhatia, Adv. Counsel for OPs.

Vide our separate detailed order of today, the present complaint is partly allowed. Copies of the order be sent to the parties free of costs under the rules. File be consigned to the record room.

Dated	Jaswant Singh Dhillon	Jyotsna	Dr. Harveen Bhardwaj
04.06.2026	Member	Member	President