

Date of Filing: 19-12-2022

Date of Order: 13-10-2023

BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION – II, HYDERABAD

P R E S E N T

SRI VAKKANTI NARASIMHA RAO ... PRESIDENT
SRI P.V.T.R JAWAHAR BABU ... MEMBER
SMT. D.SREEDEVI MEMBER

FRIDAY, THE 13TH DAY OF OCTOBER, 2023

CONSUMER CASE NO. 818/2022

BETWEEN:

Shaik Abdul Khader, S/o Shaik Mohammed Hayath Aged about 29 years, Occ: Advocate, #204, 16-2-851/A/1, Saidabad, Hyderabad-500059. Mobile No: +919492035015.

...Complainant

AND

Hyderabad Metro Rail Authorized Personnel Hyderabad Metro Rail Administrative Building, Hyderabad Metro Rail Depot, Uppal Main Road, Uppal, Hyderabad, Telangana-500039 phone: +914023332555.

.... Opposite Party

This complaint is coming before us on this the 14th day of September, 2023 in the presence of Complainant as a Party in Person, and Learned Counsel Sri. M. Yateendra Raju, Advocate, appearing for the opposite party and on perusal of material papers available on record, having stood over for consideration till this day, the Commission passed the following:

O R D E R

(BY SRI VAKKANTI NARASIMHA RAO, HON'BLE PRESIDENT
ON BEHALF OF THE BENCH)

This complaint is filed on 19th December, 2022 by the complainant under Section 35 of Consumer Protection Act, 2019 vide SR No. 4814 with a prayer to direct the opposite party to:-

1. Compel to submit written apology for the misconduct.
2. Order to change the direction boards as soon as possible for public interest.

3. Compensate with Rs. 3, 00,000/-(Rupees Three Lakhs Only) for their misconduct and defaming him in front of the public.
 4. Compensate with a sum of Rs. 10,000/-(Rupees Ten Thousand Only) towards costs of the proceedings.
 5. Grant any other further relief or reliefs as the commission deemed fit and proper in the interest of justice.
1. The brief averments as made-out under the complaint are that on 16.12.2022, as the complainant had plans to visit Hafizpet and to save time and to reach the destination in fast mode, he booked a MMTS ticket to Hafizpet through UTS App and after booking the ticket, he boarded a Metro train at Dilsukhnagar Metro Station and de-boarded the Metro train at around 9.45 AM at Malakpet Metro Station. As a literate civilian, he followed the direction boards that were displayed at Malakpet Railway Station and the direction board was placed at three places pointing to the same direction.
 2. On tapping his card at the counter and walking few steps ahead for which he noticed that the MMTS station is on the other side. The 3 signage Boards that were displayed by placing its direction were pointing to the wrong direction for which he approached the Customer Care counter, and told her that the displayed signage direction Boards are pointing to the wrong direction, and as he followed the directions that lead him the wrong side and requested to please allow him to exit to the gate that points actually to the MMTS station. The Lady at the counter agreed and acknowledged the misdirection but they are helpless and not possible to allow the complainant to exit from the other side after tapping and she further directed to get down from this direction only and cross the busy road all the way by himself and reach MMTS station for which he got amazed to see her illogical convincing skills.
 3. Then the complainant informed her by showing his reluctantness, to cross the busy road as the traffic will be always terrible at Chaderghat during peak hours for which she wasn't convinced and started arguing. Then the complainant revealed that he is an Advocate and he is not risking his life by crossing the busy road and allow him to talk to the in-charge and then she got convinced and asked a man in Safari dress to allow him to pass through the

gates. There was so much drama till this point of time because she got convinced.

4. The Man in Safari Suit tapped only on entry but no exit for which the complainant asked about for exit for which he started arguing very loudly at the Concourse and most importantly there was no logic in his argument. He stated 'when three boards are displaying the direction then MMTS is there only'. When the complainant asked the Safari suit person to walk with him in that direction for which he got offended and continued his illogical argument.
5. The MMTS got shifted after construction of Metro station and hence aren't responsible and can't allow the complainant. When the complainant asked for logics, the security check personnel stepped in and started abusing the complainant but he remained calm and started smiling at him, presuming that it may calm them down but it triggered them.
6. The entire embarrassment and defamation was happened in front of the public and finally after multiple requests they allowed the complainant to exit from the other gate.

Now, the questions of the complainant:-

1. When L&T Metro Rail department urges the pedestrians and common people to use the Metro Station as a foot-over bridge, how could they not allow a person who has a valid Metro Card?
2. When they all can see, acknowledge and admit that the boards (3 Boards) are point to the wrong direction, why didn't they allow the complainant?
3. When I was talking logically and in a normal tone, how could a Security check personnel join and argument and talk rubbish?

The acts upon the part of the opposite party by placing the signage boards of the MMTS station in a wrong direction and non-co-operational services upon the part of the receptionist and Security personnel of the opposite party in permitting the complainant to make entry and exit through the gate for which they committed mistake by placing wrong signage boards to MMTS are amounts to

deficiency of service that leads to adoption of un-fair trade practice for which the opposite party is held liable.

1. The opposite party filed their written version by denying all the allegations except those that are specifically admitted hereunder. They mentioned that signage was already covered, which just withered over a period and would have been anyway addressed as per their periodic review of the signage. LTMRHL also would like to state that this direction also leads to MMTS, by crossing the road at a signal which is safe and secured.
2. The customer approached the ticketing officer and spoke about wrong exit boards. The ticketing officer, considering his request took 5 minutes to understand and has taken necessary approvals for allowing the complainant for Free, as strict adherence to safety and security protocols which is mandatory for all the employees of Metro which needs to be documented too.
3. She asked Security personnel to help with the free exit as she could not leave her designated place of work. The security in-charge helped the complainant with free entry and informed that the staff at the other counter could help him with the free exit. The complainant wanted the security personnel to accompany him to the exit on the other side, which could not be fulfilled as the security personnel cannot leave his designated place of work for obvious reasons of monitoring the security of the station. The discussions was took place merely to understand the requirement. The ticketing officer made sure that the reason to enter a paid area for the customer is justified and post approvals she agreed to let the customer cross. The complainant has been permitted to exit as required for which the complaint is liable to be dismissed.
4. In inquiry, Evidence Affidavit of the complainant has been filed by examining himself as Pw-1 by reiterating the contentions of the complaint and marked Ex. A-1 to Ex. A-6 and also M.O. No. 1 on his behalf. Evidence of the opposite party filed through Chandrachud D. Paliwal who is its Legal Head and Company Secretary by examining himself as Dw-1 by reiterating the contention of the written version. No documents marked for the opposite party.

5. Both parties filed their Written Arguments and heard. The opposite parties filed some Photographs on 12.10.2023 vide SR No. 2924 through a Memo without serving notice to the complainant and on its perusal those photographs are not visible for which the same shall not be taken on record. Considering the facts of the case and on perusal of material available on record, the points to be answered for determination are:-

1. Whether any deficiency of service is made-out by the complainant against the opposite party?
2. Whether the complainant is entitled for the relief sought?
3. To what relief?

POINT NO. 1 AND 2:-

1. It is an admitted fact that the complainant boarded a Metro train at Dilsukhnagar Metro Station and de-boarded the Metro train at around 9.45 AM at Malakpet Metro Station and as he wants to proceed to MMTS Station from Malakpet Metro Station and being a literal person followed the direction boards/ Signage boards which were displayed at Malakpet Metro Station and the direction board was placed at three places pointing to the same direction.
2. It is also an admitted fact that on tapping his card at the counter and walking few steps ahead, he noticed that the MMTS station is on the other side. The opposite party admitted in its written version that this direction also leads to MMTS, by crossing the road at a signal which is safe and secured.
3. It is also an admitted fact that the complainant approached the ticketing officer and spoke about wrong exit boards for which the ticketing officer by considering his request took 5 minutes to understand and has taken necessary approvals for allowing the complainant for Free, as strict adherence to safety and security protocols which is mandatory for all the employees of Metro which needs to be documented too. No one can dare to go through the road such an heavy traffic and more over at peak time of the traffic, by getting down the steps from the Metro station when the customers have got facilitated direct access to the MMTS station from the Metro Station and the same is not

advisable in view of safety and security measures of the customers.

4. The opposite party clearly admitted in their written version about the signage boards which were kept at that time in some wrong direction that was facilitated the customers through road by getting down from the Metro Station for which the opposite parties are supposed to be rectified, enabling the literal persons to reach the MMTS by following the signage boards. The above lapses upon the part of the opposite party are amounts to deficiency of service that leads to adoption of grave un-fair trade practice. With the above discussions and observations, we answered these points accordingly in favour of the complainant.

Point no. 3:-

In the result the complaint is allowed in part directing the opposite party to:-

1. Change the direction boards with correct signage towards MMTS station at Malakpet Metro station and submit compliance report, to the satisfaction of the complainant within 30 days from the date of receipt of this order.
 2. Pay Rs. 5,000/- (Rupees Five Thousand Only) towards compensation for inconvenience caused to the complainant.
 3. Pay costs of Rs. 1,000/- (Rupees One Thousand Only).
 4. Time for compliance is 45 days from the date of receipt of this order. Rests of the claims made under this complaint is dismissed.
- Applications pending if any, stand disposed of in terms of the aforesaid order.
 - A copy of this judgment be provided to all parties free of cost as mandated by the Consumer Protection Act, 2019.
 - The judgment be uploaded forthwith on the website of this commission for the perusal of the parties.
 - File be consigned to record room along with copy of this judgment.

Dictated to Stenographer, Typed by her, corrected and pronounced by us in the open Commission today the 13th day of October, 2023.

MEMBER

MEMBER

PRESIDENT

APPENDIX OF EVIDENCE

Witnesses examined for Complainant:-

Mr. Shaik Abdul Khader (PW1)

Witnesses examined for Opposite party:-

Mr.Chandrachud D. Paliwal (DW1)

Exhibits marked on behalf of the Complainant:-

Ex.A1: is the copy of Screenshot of MMTS Booking History.

Ex.A2: is the copy of Screenshot of Metro Travel History.

Ex.A3: is the copy of Photographs of Wrong Sign Boards (and DVD of the same)

Ex.A4: is the copy of Tweet of Hyderabad Metro Rail.

Ex.A5: is the copy of Few Articles from Concession Agreement.

Ex.A6: is the copy of Contact Us from It metro/Hyderabad Metro Rail website. And Material Object No.1(CD)

Exhibits marked on behalf of the Opposite party:-

--Null--

MEMBER

MEMBER

PRESIDENT