

BEFORE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
SHIMLA (H.P.)

Complaint No.: 70/2023
Presented on: 28.02.2023
Decided on : 19.10.2023

Durgesh Kanchan,
Son of Shri Ganesh Prasad Kanchan,
Resident of Lalit Cottage near Grand White Hotel,
Tuti Kandi, Shimla, H.P.

....Complainant

Versus

General Manager,
Uttar Pradesh State Road Transport Corporation,
Lucknow-226001.

....Opposite Party

Coram :

Dr. Baldev Singh, President.
Ms. Yogita Dutta, Member.
Mr. Jagdev Singh Raitka, Member.

For the Complainant: Mr. Sukh Dev Sharma, Advocate.
For the Opposite Party: Ex-parte.

ORDER:

Present complaint has been filed by Durgesh Kanchan (hereinafter referred to as the complainant) under Section 35 of the Consumer Protection Act 2019 (hereinafter referred to as the Act) against General Manager, Uttar Pradesh State Road Transport Corporation (hereinafter referred to as the OP), on account of deficiency in service and unfair trade practice, seeking relief therein that OP be directed to pay the interest on the delayed refund, to pay Rs.1,00,000/- per person as compensation, to pay Rs.0.95 lakh as litigation costs etc.

2. The case of the complainant in brief is that the complainant for the journey to be performed from Lucknow to Delhi on 16.04.2022, booked tickets online with the OP for himself and three family members, for a total consideration of Rs.5,676/-. It is stated that on reaching boarding point i.e. Alambagh bus stand, the complainant came to know that tickets have been cancelled and no reasons were given for arbitrary cancellation. It is stated that the complainant had to make alterative arrangement for journey from Lucknow to Delhi. It is

stated that the complainant lodged complaint for refund of amount of tickets, but the same was refunded to him after almost three months without any interest. It is stated that aforesaid acts on the part of OP, amount to deficiency in service and unfair trade practice. It is prayed that the complaint may be allowed.

3. After admission of complaint, notice was issued to the OP. The OP was duly served and when failed to appear on 04.08.2023, then was ordered to be proceeded against ex-parte.

4. The complainant adduced evidence in support his contentions. On behalf of complainant affidavit of complainant has been tendered in evidence. Complainant has also filed documents in support of his contentions.

5. We have heard Ld. Counsel for the complainant and have also gone through the entire record carefully.

6. After hearing the submissions made by Ld. Counsel for the complainant and perusing the entire record carefully including pleadings and evidence on record, it is clear that plea of the complainant is that he alongwith his three family members booked tickets from Lucknow to Delhi for Rs.5,676/- on 16.04.2022 and they were to board the bus of OP at Alambagh bus stand. It is further stated that when the complainant alongwith his family members reached at Alambagh bus stand on 16.04.2022 then he came to that that the tickets had been cancelled without any reason and without prior information to the complainant. It is further stated that the complainant immediately had to make alternate arrangement for undertaking journey from Lucknow to Delhi. It is also stated that the complainant lodged online complaint in this regard but the OP made refund of ticket amount the complainant in the month of July 2022. It is further stated that due to cancellation of tickets by the OP without any reason and giving prior information to the complainant, the complainant has to make alternative arrangement and mental harassment and agony was caused to the complainant and his family members. The fact alleged in the

complaint has been supported by the affidavit filed with the complaint and also affidavit filed in evidence. Further, the complainant has placed on record the copy of tickets alongwith terms and conditions. It is evidently clear from the perusal of the record that the complainant has purchased tickets for himself and three of his family members to perform journey on 16.04.2022 from Lucknow to Delhi for which they were to board the bus from Alambagh bus stand. It is further clear that the tickets booked by the complainant and his family members were cancelled without the prior information to the complainant as per terms and conditions appended with the tickets and the complainant has to make alternate arrangement immediately and the same has caused harassment to the complainant and his family members. The OP took about three months for the refund of amount for which no reason has been assigned. Notice of complaint was issued to the OP and OP opted to be proceeded against ex-parte, rather than to contest the same. Since the OP chose not to contest the complaint and opted to be proceeded ex-parte, hence, there is nothing on record to disbelieve the case and evidence of the complainant, which goes unrebutted. Therefore, we are of the considered opinion that the complainant has been able to prove his case against the OP that firstly tickets were cancelled without the prior information and thereafter the amount was refunded after three months which caused mental harassment to the complainant and complainant has to approach this Commission for redressal of his grievance. Accordingly, it is held that the complainant is required to be compensated adequately by directing the OP to make payment of the lump-sum amount of compensation to the complainant.

7. In view of the foregoing discussion and reasons assigned therein the complaint is ordered to be allowed partly and the OP is directed to pay a lump-sum amount of Rs.6,000/- to the complainant as compensation on all accounts i.e. delayed refund, mental harassment and litigation charges. The OP is

directed to comply this order within 45 days from the date of receipt of the order. Copy of this order be supplied to the parties free of cost as per rule. The file after its due completion be consigned to the Record Room.

Announced on this 19th day of October, 2023.

(Dr. Baldev Singh)
President

(Yogita Dutta)
Member

(Jagdev Singh Raitka)
Member

GUPTA