

**District Consumer Disputes Redressal Commission-I (North District)**  
[Govt. of NCT of Delhi]  
Ground Floor, Court Annexe -2 Building, Tis Hazari Court Complex, Delhi- 110054  
Phone: 011-23969372; 011-23912675 Email: confo-nt-dl@nic.in

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**Consumer Complaint No.: 121/2018**

Saurabh Sinha, Advocate  
Seat Bar Room No. 1,  
Gole Canteen Civil Side,  
Tis Hazari Court, Delhi-110054.

... Complainant

Vs

The Chairman  
Railway Board, Rail Bhawan,  
New Delhi.

... Opposite Party No.1

The General Manager,  
Northern Railway, Baroda House,  
New Delhi.

... Opposite Party No.2

**ORDER**  
**13/10/2023**

Ashwani Kumar Mehta, Member:

(1) The present complaint has been filed under Section 12 of the Consumer Protection Act, 1986, alleging that the Complainant has purchased, a ticket on 28.04.2018 for Rs.1,355/- at 11:19 AM from Tis Hazari Court Railway Reservation Counter Window No.1302 for travelling from New Delhi to Bilaspur by Train No.18508 Heerkund Express (3rd AC) for 29.04.2018, which was not confirmed, and was on waiting list. Next day, when the ticket of the deponent was not confirmed then the deponent reached the window of Railway Station, New Delhi for cancellation of ticket at about 06:00 AM on 29.04.2018. The Complainant was in queue from 06:00 AM and when the turn of the Complainant came, the Complainant was told about 07:20 AM that the computer was not in functioning order and he was asked to wait for some time. When the turn of the Complainant came on window, the official told him that the amount is forfeited, due to new circular. The OP's officials did not supply the new circular to the deponent inspite the repeated requests of the deponent and straightway stated to contact the senior officials. The Complainant personally contacted senior officials and higher authority of the OPs and requested for refund of the ticket amount but the OPs did not consider and refused to entertain the Complainant. The Complainant has

alleged that there is deficiency in service for not functioning the computer. Due to the said reason, the amount of was illegally and unlawfully forfeited by the OP.

(2) The Complainant has, therefore, alleged that the OPs have caused deficiency in service and not returning the amount of the said ticket. Due to this act of the OPs, the Complainant has suffered harassment, mental pain and agony and financial loss as the Complainant was unable to attend his urgent and important case at Chhattisgarh, Hon'ble High Court at Chhattisgarh on 01.05.2018. The Complainant has filed copy of the diary mentioning the case at Chhattisgarh as Ex.CW1/2. Therefore, the complaint has been filed praying that the OPs are liable to refund for a sum of Rs.1,355/- alongwith interest @ 24% p.a. from 29.04.2018 till its realization and Rs.3,00,000/- as compensation towards harassment, mental pain and agony and financial loss alongwith Rs.11,000/- towards litigation charges.

(3) Accordingly, notices were issued to the OPs and in response, the OPs have filed reply jointly stating that the present complaint is liable to be dismissed as in view of the provisions contained in Section 3, 15 and 28 of the Railway Claims Tribunal Act, 1987 which bars jurisdiction of any other Court in respect of claims for refund of fare, freight and part thereof since its inception. The OPs have contended that the true facts are that the complainant approached the ticket counter for refund after the due time and thus the system did not accept any input for refund and the same fact was conveyed to the Complainant. It is further contended by OPs that even the screen display was also shown to the Complainant at the same time.

(4) It is further stated by the OPs that PRS system was working properly at New Delhi station and it was the Complainant's own fault that the Complainant did not reach the window in time and as the time was up therefore the system did not accept the cancellation of ticket as per rule and the Complainant then came up with the cooked up story before this Hon'ble Forum. The Complainant never reached the OP to refund ticket or to remove any defect and the Complainant made false allegations in this regard in his complaint. There was no deficiency of service on part of the Opposite Party nor was there any harassment, mental pain and agony and financial loss to the Complainant for which any amount should be

given to the Complainant. In support of its case, the OPs have also filed a report of Sr. Divl. Commercial Manager/Chg. dated 20-07-2018 alongwith copy of Diary book dated 28-04-2018 and the statements of three employees who were deployed on the counters on 28-04-2018.

(5) The complainant has also filed Rejoinder to the reply of the OP wherein he has denied the statement of the OP and has affirmed the allegations levelled in the complaint against the OP.

(6) Accordingly, the complaint has been examined in view of the facts of the case and averments/documents/Evidence put forth by the complainant & OPs and it has been observed that:-

- a. The complaint pertains to the incident of 29.04.2018 when the Complainant went to the OPs Counter for cancellation & refund of the ticket which was denied by the OP (in the reply of the complaint) on the basis of the statements dated 02-07-2018 of Sh. Ratish Kumar Jha, Deepak Kumar and Sh. Hari Om Verma who were stated to be on duty on the OPs counters during relevant period. Sh. Ratish Kumar Jha and Sh. Deepak Kumar had stated that the Complainant has not visited their counters whereas Sh. Hari Om Verma has confirmed that the Complainant has visited his counter when the time was over and he informed the Complainant about the rules on the issue and after feeding the data of the Complainant in the computer, the computer displayed “timed out” and it was also informed & displayed to the Complainant. This statement does not appear credible because he is narrating in a subdued manner as if the photograph of the complainant or video footage showing the complainant has been placed in front of him. We generally observe that it is very difficult for a staff, dealing with the public, to remember the identity of a person after the lapse of 63 days whereas no video recording identifying/ displaying the picture of that person has been filed. Moreover, copy of the Diary Book filed with the reply of OP, does not have any mention about the incident of the complainant. Besides, the statements have not been given on oath.
- b. The OP has claimed that the PRS system was working properly at the New Delhi station and the Complainant did not reach window/ counter in time, therefore, the system did not accept the cancellation of ticket. To substantiate the claim of proper functioning of PRS system during complete 24 hours on 29.04.2018, the OP has not filed any report/ certificate from the System Management Agency deployed by the Railway.

(7) In view of the above observations, we are of the considered view that the complainant has suffered directly due to deficient service of the OPs in terms of the deficiency defined in the Act which includes any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained in relation to any service and includes any act of negligence or omission or commission by such person which causes loss or injury to the consumer.

(8) Therefore, we feel appropriate to direct the OPs to refund Rs.1,355/- (Rupees One Thousand Three Hundred Fifty Five only), jointly and severally, within thirty (30) days from the date of this order, with interest at the rate of 9% p.a. from 01-06-2018 till the date of payment. Besides, the OPs are also directed to pay Rs.5000/- (Rupees Five Thousand only), jointly and severally, as compensation to the Complainant, for the mental pain, agony and harassment. It is clarified that if the abovesaid amount is not paid by the OPs to the Complainant within the period as directed above, the OP shall be liable to pay interest @12% per annum from the date of expiry of 30 days period

(9) Order be given dasti to the parties in accordance with rules. Order be also uploaded on the website. Thereafter, file be consigned to the record room.

**ASHWANI KUMAR MEHTA**  
Member  
DCDRC-1 (North)

**HARPREET KAUR CHARYA**  
Member  
DCDRC-1 (North)

**DIVYA JYOTI JAIPURIAR**  
President  
DCDRC-1 (North)