

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

Complaint No.: 241/2023
Presented on: 13.09.2023
Decided on : 27.02.2024

Shaurya Vir Singh Pathania,
Son of Dr. Kulwant Singh Pathania,
Resident of 28 Set Jutogh View Teacher Colony,
Summer Hill, Shimla, H.P.

....Complainant

Versus

1. Himachal Road Transport Commission,
Office at Old Bus Stand, Cart Road, Shimla, H.P.

2. Redbus India Private Limited,
Indiqube Leela Galleria,
5th Floor, # No.23, Old Airport Road, HAL
2nd Stage, Kodihalli Village, Varthur Hobli,
Ward No.74, Bengaluru, Karnataka-560008.

....Opposite Parties

Coram :

Dr. Baldev Singh, President.
Ms. Yogita Dutta, Member.

For the Complainant: Mr. Sachin, Advocate, vice
Mr. Chandan Goel, Advocate.
For the Opposite Parties: Ex-parte.

ORDER:

Present complaint has been filed by Shaurya Vir Singh Pathania (hereinafter referred to as the complainant) under Consumer Protection Act (hereinafter referred to as the Act) against Himachal Road Transport Commission Corporation (hereinafter referred to as the OP No.1) & Redbus India Private Limited (hereinafter referred to as the OP No.2), on account of deficiency in service and unfair trade practice, seeking relief therein that OPs be directed to refund Rs.430.50/-, to pay Rs.50,000/- as compensation, to pay Rs.25,000/- as costs of litigation etc.

2. The case of the complainant in brief is that complainant is working as Assistant Professor IDOL, Chandigarh University, Mohali, Punjab, and had come to Shimla to meet his parents and had to go back to Chandigarh on

06.08.2023 as there was some urgent meeting in his office on 07.08.2023 and he was to attend the same. It is stated that the buses were going to Chandigarh via alternative route i.e. by Nahan due to blockage of road near Chakki Mord Parwanoo HP. It is stated that the complainant made online booking for his ticket on 05.08.2023 via Redbus to Chandigarh in Himsuta Volvo Bus, which departs from ISBT Shimla at 1:45 P.M. It is stated that the OPs issued a ticket bearing number TS9214634199, PNR No. 202308050000655 and allotted seat No. 12. It is stated that the complainant on 06.08.2023 alongwith his luggage reached ISBT at 1:30 P.M. to board the bus, but to his utter dismay and surprise the conductor of the bus told him that the bus will not go to Chandigarh and the route has been changed. It is stated that the complainant took the number of Regional Manager and told him that if the route is to be changed then no ticket to Chandigarh should have been issued and the complainant and the other ticket holders should have been intimated about the same and their ticket amount should have been refunded immediately. It is stated that the complainant asked the Regional Manager that why the route is being changed but no answer to that query was given and further complainant tried to persuade the Regional Manager that the original route shall be followed to avoid inconvenience to the passengers who have got their tickets booked for Chandigarh, as he alongwith other passengers of Chandigarh were feeling cheated and harassed as the OPs unilaterally took the decision for not taking the bus to Chandigarh, despite selling tickets online. It is stated that complainant could not travel to Chandigarh on 06.08.2023 due to arbitrary decision taken by the OPs for not plying the bus to Chandigarh, despite selling tickets to the customers online. It is stated that the complainant wrote email dated 06.08.2023 to the OPs, whereby he made his grievances and requested to redress his grievances in time bound manner and demanded compensation to the tune of Rs.50,000/- in lieu of mental agony

and harassment suffered by him. It is stated that OPs never replied to the said email and what to say about reply to the said email, the OP No.1 even did not return the ticket amount of Rs.430.50/-. It is stated that aforesaid acts on the part of OPs, amount to deficiency in service and unfair trade practice. It is prayed that the complaint may be allowed.

3. After admission of complaint, notices were issued to the OPs. The OP No.1 was duly served and when failed to appear on 16.12.2023, then was ordered to be proceeded against ex-parte. Similarly, the OP No.2 was also deemed served and when failed to appear on 16.12.2023, 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 had to go to Chandigarh on 06.08.2023 as there was some urgent meeting in his office on 07.08.2023 and so he made online booking for his ticket on 05.08.2023 via Redbus to Chandigarh in Himsuta Volvo Bus, which departs from ISBT Shimla at 1:45 P.M and the OPs issued a ticket bearing number TS9214634199, PNR No. 202308050000655 and allotted seat No. 12 to the complainant. The fact regarding booking of ticket for 06.08.2023 from Shimla to Chandigarh is also proved from perusal of Annexure C-2. It is further plea of the complainant that buses were going to Chandigarh via alternative route i.e. by Nahan, due to blockage of road near Chakki Mord, Parwanoo, H.P., and when the complainant on 06.08.2023 alongwith his luggage reached ISBT

Shimla at 1:30 P.M. to board the bus, the conductor of the bus told him that the bus will not go to Chandigarh and the route has been changed. It is further plea of the complainant that the complainant took the number of Regional Manager and told him that if the route is to be changed then no ticket to Chandigarh should have been issued and the complainant and the other ticket holders should have been intimated about the same and their ticket amount should have been refunded immediately. It is the plea of the complainant that he wrote email dated 06.08.2023 to the OPs for redressal of his grievance and refund of amount, but to no avail. The fact regarding sending e-mail is also proved vide Annexure C-1. The facts alleged in the complaint has been supported by the affidavit filed with the complaint and also affidavit filed in evidence. Notice of complaint was issued to the OPs and OPs opted to be proceeded against ex-parte, rather than to contest the same. Since the OPs 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 OPs that he booked ticket to perform journey on 06.08.2023 from Shimla to Chandigarh and when he reached the ISBT Shimla on 06.08.2023 to board the bus, he was told by the conductor that bus will not go to Chandigarh and the route has been changed and in this regard no information was given to him by the OPs. Accordingly, it is held that the complainant is required to be compensated adequately by directing the OPs 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 OPs are directed to pay jointly and severally a lump-sum amount of Rs.5,000/- to the complainant as compensation on all accounts i.e. ticket amount, mental harassment and litigation

charges. The OPs are 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 the 27th day of February, 2024.

(Dr. Baldev Singh)
President

(Yogita Dutta)
Member

GUPTA