

BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, PANCHKULA

Consumer Complaint No	:	303 of 2021
Date of Institution	:	22.07.2021
Date of Decision	:	24.07.2023

Harshi Goyal S/o Sh. Varinder Kumar R/o House No.2883, Sector-15, Panchkula.

....Complainant

Versus

1. Rajhans Cinema Forbcorp Pvt. Ltd., Plot No.738, Sector-82, JLPL, Industrial Area, Mohali, Punjab
National Bank, Sector-5, Panchkula.
2. M/s Libra Entertainments (P)Ltd., through its Director Sh.Joginder K Mittal R/o Plot No.198,
Industrial Area, Phase-II, Panchkula(HR)

....Opposite Parties

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019

Before: Sh.Satpal, President.

Dr.Sushma Garg, Member

Dr.Barhm Parkash Yadav, Member

For the Parties: Sh. Sikander Bakshi, Advocate for the complainant.

Defence of OPs No.1 & 2 struck of vide order dated 30.05.2022.

ORDER

(Satpal, President)

1. Briefly stated, the facts, as alleged in the present complaint, are that the advertisement was got published by OPs in the newspaper i.e. The Tribune Life Style edition on 15.08.2019 about providing of free parking facility for the consumers who would visit the Cinema(OP No.1) to see the movie. After going through the said advertisement, the complainant planned to watch the movie i.e. "Mission Mangal" along with his wife and kid on Sunday i.e. 18.08.2019 morning show at 9:45 AM and accordingly, he booked two tickets of 18.08.2019 for Rs.160/- each. It is stated that on Sunday i.e. 18.08.2019, the complainant along with his wife and kid went to the cinema(OP No.1) to see the movie i.e. "Mission Mangal" in his car having registration no.PB29L-3187, which is registered in the name of his brother, namely, Deepak Goyal s/o Sh. Varinder Kumar. It is stated that the complainant reached at the parking spot at about 9:30AM to park his car at the free parking space as mentioned in the given advertisement of Rajhans Cinema in the Tribune Newspapers but the complainant was asked to pay the parking fee by the parking area contractors. The complainant(he) showed them the advertisement published in the newspaper and told them that according to the advertisement, the parking fee was not to be charged. The persons with parking lots told the complainant that they had no such instructions from the shopping mall for providing free parking space to anyone. It is stated that the complainant was forced to pay the parking fee, which was wrongly and illegal charged by the OP's. The OP's have indulged themselves in extorting money from the innocent people by giving wrong and misleading advertisements, so that people get attracted to watch movies and due to this malpractice, the complainant have suffered as the complainant had to deal with the people working in the parking lots, who used lots of abusive language and it was very difficult to interact with these people when the complainant was there along with his wife and kid. The OP's have adopted unfair trade and practice by giving false advertisements in the newspapers and thus mislead the general public, including the complainant also had to bear. Due to the act and conduct of the OP, the complainant has suffered mental agony, harassment and financially; hence, the present complaint.

2. Upon notice, the OPs have appeared through Sh.Parveen Nagar, Authorized Representative to contest the complaint; but he did not file the written statement despite availing several opportunities including the last opportunity. Therefore, the defence of OPs was struck off by the Commission, vide its order dated 30.05.2022.

3. To prove the case, the learned counsel for the complainant has tendered affidavit as Annexure C-A along with documents Annexure C-1 & C-4 in evidence and closed the evidence by making a separate statement.

4. We have heard the learned counsel for the complainant and gone through the entire record available on file, minutely and carefully.

5. The sole grievance of the complaint as alleged in the present complaint is qua the charging of parking fee whereas the same was assured free vide advertisement given by OP in newspaper i.e. the Tribune Life Style edition on 15.08.2019(Annexure C-1) to the consumers, who visited the cinema for watching the Movie i.e. Mission Mangal in Rajhans Cinema(OP No.1). During arguments, the learned counsel for the complainant reiterating the averments as made in the complaint as also in the affidavit(Annexure C-A) has prayed for acceptance of the complaint by granting the relief as claimed for in the complaint.

6. On the other hand, the Ops have failed to file the written statement/reply, despite having taken sufficient time and resultantly, their defence was struck off vide our order dated 30.05.2022 and thus, the assertions and contentions of the complainant go un rebutted and uncontroverted.

7. On the other hand, the version of the complainant qua free parking is evident as per advertisement published in the Tribune Life Style edition on 15.08.2019(Annexure C-1). The Cinema tickets are available on record as Annexure C-2. The copy of Registration Certificate bearing no.PB29L-3187 is found as Annexure C-3. The charging of Rs.20 by Op's contractor is available as Annexure C-4. As stated above, the version of the complainant is un rebutted and uncontroverted; as such we have no option except to conclude that the OPs were deficient while rendering services to the complainant; hence, the complainant is entitled to relief.

8. As a sequel to the above discussion, we partly allow the present complaint with the following directions to the OPs No.1 & 2:-

- i. The OP No.2 is directed to refund a sum of Rs.20/- to the complainant, along with interest @ 9% per annum(S.I.) w.e.f. the date of filing of the complaint till its realization.
- ii. The OP No.2 is also directed to pay a sum of Rs.2,500/- to the complainant on account of mental agony and harassment suffered by him.
- iii. The OP No.1 is burdened with a compensation of Rs. Rs.2,500/- to be paid to the complainant on account of mental agony and harassment suffered by him
- iv. The OP No.1 is further directed to pay a sum of Rs.5,500/- to the complainant on account of litigation charges.

9. The OPs No.1 & 2 shall comply with the directions/order within a period of 45 days from the date of communication of copy of this order to OPs No.1 & 2 failing which the complainant shall be at liberty to approach this Commission for initiation of proceedings under Section 71/72 of CP Act, against the OPs No.1 & 2. A copy of this order shall be forwarded, free of cost, to the parties to the complaint and file be consigned to record room after due compliance.

Announced on: 24.07.2023

Dr.Barhm Parkash Yadav	Dr.Sushma Garg	Satpal
Member	Member	President

Note: Each and every page of this order has been duly signed by me.

Satpal
President