

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

**REVISION PETITION NO. 1433-1434 OF 2015**

(Against the Order dated 08/04/2015 in Appeal No. 369/2014 & 372/2014 of the State  
Commission Chhattisgarh)

1. YAHOO TOUR AND TRAVELS

SHOP NO-9,PAGARIA COMPLEX, NEW BUS  
STAND,PANDRI,

RAIPUR

C.G

.....Petitioner(s)

Versus

1. DR. AKASH LALWANI & ANR.

S/O LATE GOPAL LALWANI, R/O LALWANI  
CLINIC, LAKHE NAGAR, POLICE

STATION-PURANI BASTI,

RAIPUR,

C.G

2. JET AIRWAYS INDIA LTD.,

THROUGH CHAIRMAN,JET AIRWAYS,INDIA,  
HEAD OFFICE, SIROYA CENTRE,ANDHERI ,

MUMBAI

MAHARASHTRA

.....Respondent(s)

**REVISION PETITION NO. 2094 OF 2015**

(Against the Order dated 08/04/2015 in Appeal No. 372/2014 of the State Commission  
Chhattisgarh)

1. JET AIRWAYS (INDIA) LTD.

THROUGH: CHAIRMAN, JET AIRWAYS  
INDIA,HEAD OFFICE-SIROYA CENTRE, ANDHERI,

MUMBAI

MAHARASHTRA

.....Petitioner(s)

Versus

1. DR. AKASH LALWANI & ANR.

S/O LATE GOPAL LALWANI R/O LALWANI  
CLINIC, LAKHE NAGAR,

RAIPUR

MAHARASHTRA

2. MANAGER, YAHOO TOUR AND TRAVELS,

SHOP NO. 9, PAGARIA COMPLEX, NEW BAS  
STAND, PANDRI,

RAIPUR

CHHATTISGARH

3. AIRPORT AUTHORITY OF INDIA

THROUGH ITS CHAIRMAN, RAJIV GANDHI

BHAWAN, SAFDARJUNG AIRPORT

NEW DELHI-110003

4. DIRECTORATE GENERAL OF CIVIL AVIATION

THROUGH ITS SECRETARY, AURBINDO MARG,

OPP. SAFDARJUNG AIRPORT

NEW DELHI-110003

.....Respondent(s)

**BEFORE:**

**HON'BLE MR. JUSTICE V.K. JAIN, PRESIDING MEMBER**

**For the Petitioner :** Mr. B.S. Sharma, Advocate

**For the Respondent :** For the Yahoo Tour and Travels & Ajay Travels

: Mohd. Anis Ur Rehman, Advocate

For DGCA : Mr. Sanjib Kumar Mohanty, Advocate

Mr. Amit Acharya, Advocate

For Jet Airways : NEMO

**Dated : 07 Aug 2019**

**ORDER**

**JUSTICE V.K. JAIN (ORAL)**

No one is present for Jet Airways India Ltd. petitioner in RP/2094/2015 despite notice having been served upon its Counsel Mr. Nitin Kumar Gupta. Vakalatnama in favour of Mr. Nitin Kumar Gupta is on record and has not been withdrawn. I have, therefore, heard the learned counsel for the petitioners in RP/1433-1434/2015 and have also heard the learned counsel for the complainant.

2. The complainant in these matters, Dr. Akash Lalwani who is a doctor by profession, booked an air ticket through M/s Yahoo Tour and Travels, on Jet Airways Flight No. S-2 3822 from Raipur to Kolkata. The said flight was to depart at 9.25 p.m. on 9.6.2012. The flight, however, was combined with another flight bearing No. S-2 3509 and the combined flight left Raipur at 10.40 a.m. on 9.6.2012. Thus the flight left more than 10 hours before the scheduled time of departure, recorded in the ticket issued to the complainant. When the complainant reached the airport, he came to know that the flight had already left in the morning. As a result, he could not appear in an examination in which he was to appear at 9.00 a.m. on 10.6.2012 at Kolkata. Being aggrieved, he approached the concerned District Forum by way of a consumer complaint claiming compensation under several heads, aggregating to Rs.1138432/-.

3. The complaint was contested by both Jet Airways India Ltd. and Yahoo Tour and Travels. In its written version, Jet Airways India Ltd. interalia stated that flight No.S-2 3822 was combined with flight No. S-2 3509 for commercial reasons and this was duly intimated to Yatra Online Pvt. Ltd. It was also alleged that Yatra Online Pvt. Ltd. was also informed in this regard by the call centre of Jet Airways India Ltd., but it had failed to inform the complainant with respect to the change in the schedule, though they had received intimation from Jet Airways India Ltd. on 6.6.2012.

4. In its written version, Yahoo Tour and Travels claimed that it was an agent of ITZ Korea.Com and used to book tickets on behalf of Jet Airways. It was further stated in its written version that mobile number of the complainant having been given to Jet Airways, it was for the Airline to inform the complainant regarding change in the time of the flight.

5. The District Forum allowed the complaint against both Jet Airways India Ltd. as well as Yahoo Tour and Travels by directing them to refund the amount of Rs.38432/- comprising the expenditure which the complainant had incurred on examination form, air ticket, taxi fare, examination fee and cost of books for the examination. Compensation quantified at Rs.11 lakhs was also awarded to the complainant.

6. Being aggrieved from the order passed by the District Forum, both Jet Airways India Ltd. as well as Yahoo Tour and Travels approached the concerned State Commission by way of separate appeals. Vide impugned order dated 8.4.2015, the State Commission modified the order passed by the District Forum by reducing the compensation to Rs.1 lakh while maintaining the direction for payment of Rs.38432/- with interest. Being aggrieved from the order passed by the State Commission, both Jet Airways India Ltd. as well as Yahoo Tour and Travels are before this Commission.

7. It is not in dispute that the flight on which the complainant was booked for traveling from Raipur to Kolkata in the night of 9.6.2012 was rescheduled by Jet Airways India Ltd. The case of the Jet Airways is that the intimation of change in the time of the flight was given by them to Yatra Online Pvt. Ltd. but they failed to inform the said change to the complainant. Jet Airways did not even claim having directly intimated the change in the time of the flight to the complainant. As noted earlier, the tickets were booked through Yahoo Tour and Travels. The tickets were not booked by the complainants through Yatra Online Pvt. Ltd. Therefore, as far as Yahoo Tour and Travels is concerned, there is no evidence that the intimation of change in the schedule time of the flight in which the complainant Dr. Akash Lalwani was booked had been given to the aforesaid firm. Having not received any information from Jet Airways India Ltd. with respect to the change in the time of the flight in which the complainant was booked, Yahoo Tour and Travels had no opportunity or occasion to intimate the said change in the time of the flight to the complainant. Therefore, Yahoo Tour and Travels cannot be said to be deficient in rendering services to the complainant merely because the ticket was booked by the complainant through the said agency. However, as far as Jet Airways India Ltd. is concerned, it does not even claim to have intimated the change in the schedule time of the flight to the complainant. Though the case of Yahoo Tour and Travels is that it had provided all the details of the complainant to Jet Airways assuming that the details were not provided, it was for Jet Airways to ascertain the details of the passenger from the travel agent and intimate the change of time to him. That admittedly was not done. Therefore, Jet Airways India Ltd. was clearly deficient in rendering services to the complainant it having not intimated the change in the schedule time of the flight to him.

8. As far as the quantum of compensation is concerned, considering all the facts and circumstances of the case, an all-inclusive compensation of Rs.1 lakh in my opinion would be sufficient to meet the ends of justice. It is accordingly directed that only Jet Airways India Ltd. will pay a sum of Rs.1 lakh as compensation to the complainant alongwith simple interest @ 9% p.a. from the date of the order of the District Forum. The payment in terms of this order shall be made within three months from today. RP/1433-1434/2015 thus stands allowed, whereas RP/2094/2015 stands disposed of in terms of this order. No order as to costs.

.....J  
**V.K. JAIN**  
**PRESIDING MEMBER**