

Date of Filing: 28.12.2023

Date of Disposal: 30.03.2024

**BEFORE THE IV ADDL DISTRICT CONSUMER DISPUTES
REDRESSAL COMMISSION BENGALURU**

**1ST FLOOR, BMTc, B-BLOCK, TTMC BUILDING, K.H ROAD,
SHANTHINAGAR, BENGALURU - 560 027.**

PRESENT:-

**Hon'ble Sri.Ramachandra M.S., B.A., LL.B., President
Smt.Nandini H Kumbhar, B.A., LL.B., LL.M., Member**

ORDER**C.C.No.364/2023****Order dated this the 30th day of March 2024**

Sri Rama Rao,
S/o Narayana Rao,
R/a Blubirch, 2nd floor,
Abhaya Heights, 9th cross, JP
nagar, 3rd phase,
Bengaluru-560078.

(Sri Priyendu Padmaraj, Adv.)**COMPLAINANT/S****- V/S -**

The Authorized Signatory,
IBIBO Group Pvt. Ltd.
(Redbus),
Regd. Office at: No.23, 5th
floor,Indiqube, Leela Galleria,
Hotel Leela, HAL 2nd stage,
Kodihalli, Bengaluru-560008
(EX-PARTE)

OPPOSITE PARTY/S


ORDER***SRI RAMACHANDRA.M.S, PRESIDENT***

1. The complainant files a complaint with this Commission under Section 35 of the Consumer Protection Act of 2019 with a direction to OP to refund a sum of Rs.1,023.50/- along with the compensation of Rs.10,000/- for loss of opportunity, Rs.1,000/- towards mental agony and such other reliefs.

2. The following are the complaint's key facts:

This is the case of the complainant that complainant had booked a ticket for journey from Udupi(Katapadi) to Bengaluru through OP platform, Redbus.in and journey scheduled for 02.09.2023 and departing time at 9.10PM bearing ticket No.TS9W38627288. The complainant submits that the complainant arrived at designated pickup point well in advance and used the Redbus Live tracking App to monitor the arrival of the bus and discovered that the



bus had passed the pickup point a full 05 minutes before the schedule time without waiting for the complainant and immediately the complainant contacted the bus operator through phone and they informed the complainant that already bus 10 to 15 kilometers away from the pickup point and the operator claimed to have made several unsuccessful attempts to contact the complainant by phone. The complainant complained about the incident to OP, but the OP have closed the ticket without any resolution or relief provided till date. This resulted the complainant to loss an opportunity to secure hostel accommodation and the complainant requested OP several times to refund of ticket amount, but till date no resolution took place from the OP side. Due to the act of the OP, the complainant got issued legal notice to OP on 28.09.2023, but the OP have not given any reply to the said notice. Aggrieved by the act and action of the OP, complainant was forced to initiate



the present complaint by seeking relief as prayed in the complaint along with other reliefs.

3. On receipt of notice, OP remained absent and they have been placed ex-parte.
4. The complainant filed chief-examination affidavit along with relevant documents in support of their contention which has been marked as Annexures-C1 to C3.
5. Heard arguments of complainant. The matter is reserved for order.
6. The points that arise for our consideration are;
 - 1) **Whether the Complainant prove that there is deficiency in service on the part of the OP as alleged in the complaint and there by prove that he is entitle for the relief sought?**
 - 2) **What order?**
7. The findings on the above points are as under:



Point No.1 : **Partly in Affirmative**
Point No.2 : **As per final order**

REASONS

8. POINT NO.1:- Despite of service of notice, OP not appeared before the commission and not chosen to file version to contest the matter. The Judgment rendered by **Hon'ble National Consumer Disputes Redressal Commission, New Delhi, which is reported in CPR 2018(1) at Page 325 between Kotak Mahendra Old Mutual V/s Dr.Nishi Gupta**, In this case, Hon'ble National Commission has held that **"Non-filing of Written version in the complaint which amounts to admission of complaint allegations"**. The guidelines of the above ruling is aptly applicable to the case on hand as the OP in this case remained absent and on account of that they are placed ex-parte. In the absence of version and affidavit from their side, the complaint allegations of complainant is to be held as a proved fact. On this point, an inference can be drawn



in favour of the complainant as against the OP that there is a deficiency in service on the part of the OP.

9. The complainant filed chief examination affidavit by re-iterating the complaint averments as against the OP, which is supported by annexure documents produced by the complainant are marked as Annexure-C1 to C3. On perusal of annexure documents, it clearly shows that the complainant has booked ticket from Kalapadi (Udupi) to Bengaluru and journey schedule on 02.09.2023 and scheduled departure time at Katapadi is at 9.10PM. The contention of complainant is supported by annexure document i.e. tracking information clearly shows that the bus left Katapadi station at 9.54PM early by 05 minutes of schedule departure time. The complainant booked the ticket through online and in the booking ticket departure time is mentioned at 9.10PM and when the complainant reached the



pickup point on time, but the bus departed early by 05 minutes. The OP have not even contacted the complainant to inform about bus is arriving early by 05 minutes. When such being the case, the complainant contacted the operator of the bus, but they give answer bus is already moved 10 to 15kms away from the pickup point. The bus operators have not waited for 05 minutes to pick-up the schedule passengers in the pickup point and due to missing of bus the complainant has lost the opportunity to get the accommodation at destination. The complainant also complained the OP in this regard, but they have closed the ticket without solving the issue and not refunded the amount paid by the complainant for booking of the ticket. This attitude of OP clearly attract deficiency in service to the complainant during the course of service. All the allegations as against the OP are proved fact beyond reasonable doubt for the reason that the annexure documents-C1 to C3 which clearly supports entire complaint allegations as



against the OP. Under such circumstances, for their willful, diligent and negligent service, the OP is held liable to refund the amount claimed by the complainant.

10. Further, in the absence of OP and not chosen to contest the matter by participating in the proceedings in the complaint is fatal to the case on hand. Their absence in the complaint and not filing version and affidavit is a clear admission from the OP side that, whatever the complainant alleges as against OP is to be held as proved fact by relying on the judgment rendered by the Hon'ble NCDRC, New Delhi referred above.

11. In view of the above judgment and by considering the facts of complaint and taking note of annexure documents produced and also by applying the ratio laid down by the Hon'ble NCDRC, New Delhi, the Commission has no hesitation to hold that there is



clear deficiency which is rendered by the OP during the course of service to the complainant, for which OP is held liable to refund the amount claimed by the complainant along with other reliefs which is granted in the complaint. Accordingly, we answer **Point No.1** in **Partly Affirmative**.

13.POINT NO.2:- In the result, we passed the following:

ORDER

1. Complaint is allowed in part.
2. The OP is directed to refund booking amount Rs.1,023.5/- along with interest at 6% p.a. from the date of booking till payment of entire amount to the complainant.
3. OP is directed to pay compensation of Rs.5,000/- for deficiency in service along with Rs.5,000/- towards cost of the proceedings.
4. The OP shall comply this order within 45 days from the date of this order.



5. Furnish free copy of this order to both the parties.

(Dictated to the Stenographer, got it transcribed, typed by him and corrected by me, then pronounced in the Open Commission on 30th March 2024)


(RAMACHANDRA M.S.)
PRESIDENT


(NANDINI H KUMBHAR)
MEMBER

Witness examined on behalf of the complainant by way of affidavit:

Sri Rama Rao- who being the complainant.

Documents produced by the complainant:

1.	Annexure-A: Copy of Aadhaar card
2.	Annexure-B: Copy of purchase and payment details
3.	Annexure-C: Copy of legal notice

Witness examined on behalf of the OP by way of affidavit: Nil

Documents produced by the OP: Nil


(RAMACHANDRA M.S.)
PRESIDENT


(NANDINI H KUMBHAR)
MEMBER