

**IN THE DELHI STATE CONSUMER DISPUTES REDRESSAL
COMMISSION**

Date of Institution: 24.12.2020

Date of hearing: 09.01.2026

Date of Decision: 27.02.2026

FIRST APPEAL 150/2020

IN THE MATTER OF

**1. MINISTRY OF RAILWAY,
THROUGH ITS SECRETARY,
RAIL BHAWAN,
NEW DELHI.**

**2. HEAD QUARTER,
NORTHERN RAILWAY,
BARODA HOUSE,
KASTURBA GANDHI MARG,
NEW DELHI-110001**

(Through: Mr. Arun Kumar Sharma, Advocate)

Appellants

VERSUS

**SHRI SAROJ KUMAR SINGH,
R/O, B-40/A,
ANAND VIHAR,
UTTAM NAGAR,
NEW DELHI-110059.**

(Through: Mr. Anjani Kumar Singh, Advocate)

...Respondent

CORAM:**HON'BLE JUSTICE SANGITA DHINGRA SEHGAL (PRESIDENT)****HON'BLE MS. BIMLA KUMARI, MEMBER (FEMALE)**

Present: Mr. Arun Kumar Sharma, Counsel for the Appellant.
Mr. Ajay Kumar Sharma, station superintendent, DRM office.
Respondent in person
Mr. Anjani Kumar Singh, Counsel for the Respondent.

PER: HON'BLE JUSTICE SANGITA DHINGRA SEHGAL, PRESIDENT

JUDGMENT

1. The facts of the case as per the District Commission record are as under:

"The complainant has filed the present complaint against the OPs under section 12 of Consumer Protection Act, 1986. The brief facts as alleged in the complaint are that the complainant booked sleeper ticket for Rs. 399/- for the journey scheduled on 31/10/2012 from Anand Vihar to Katihar Junction bearing PNR no. 214/0132355 in Simanchal Express. On 16/10/2012, the booking status of sleeper availability was RAC/43. The complainant was hope full that his booking would turn confirmed in coming 16 days i.e. by 31/10/2012. On 31/10/2012, the complainant reached at 6:30am at Anand Vihar Railway Station to board the train. After going through the chart prepared, he found that his ticket was waiting 44 instead of confirmed or RAC/43. He immediately complaint about the same to the railway staff and also requested TTE to help him, who instead helping him, informed that some coaches have been removed from the train that is why the status of RAC/43 become waiting. but refuse to give anything in writing, having no other option he had to travel in the train in standing position. The complainant sent a legal notice through his advocate demanding the compensation against the deficiency in services by OPs. The OPs vide its letter dated 15/02/2013 informed the complainant

that one coach SE-1 was removed by the Operating branch due to which RAC/43 become waiting but does not spell a single word about compensation. It is further stated by the complainant that due to deficiency in services on the part of the OPs, he was compelled to travel in a standing position from Anand Vihar to Katihar Junction for which he is entitled for compensation, hence this complaint.

Complaint has been contested by OPs. OPs filed its written statement in which it denied any deficiency in services. It is stated that the complainant does not fall within the definition of consumer under the C.P. Act. OPs has also raised the objection regarding the jurisdiction of this Forum on the ground that only Railway Claim Tribunal has the jurisdiction to entertain and adjudicate the present complaint and prayed for the dismissal of the complaint. It is further stated that due to technical fault in wheel gazing, one coach was not attached in train, even there was no extra coach available at that station, hence berth was not confirmed. The railway administration can take the decision to detach the coach from the train in larger interest and smooth Operation of train as per Indian Railway Conference Association coaching tariff no. 2. Moreover, the complainant himself admitted in his complaint that having no other option he boarded the train, otherwise, option of taking full refund was available to him, being waiting list passenger he should not have boarded the train. The complainant has already completed his journey hence he is not entitled for the relief claimed and prayed for the dismissal of the complaint.

Complainant has filed his evidence by way of affidavit. On behalf of OPs, Ms. Priya Ranjan Parhi, Sr. Divisional operation Manager has filed the affidavit.”

2. The District Commission after taking into consideration the material available on record passed the judgment dated 11.03.2020, whereby it held as under:

“We have heard arguments advanced at the Bar and have perused the record.

In its written statement, OPs has taken the objection that this Forum does not have the jurisdiction to entertain and adjudicate the present complaint, there were catena of judgment of Hon'ble Supreme Court in which it was held that the provision of Section 3 of C.P. Act are not in derogation of those provided under other law, the said Act supplements and not supplants the jurisdiction of the Civil Court or other statutory authorities. Hence, the contentions of the OPs that the Consumer Forum does not have the jurisdiction have no force. It is argued by Ld. Counsel for OPs that the complainant boarded the train, otherwise, option of taking full refund was available to him, being waiting list passenger he should not have boarded the train. The complainant has already completed his journey hence he is not entitled for the relief claimed

This contention of OPs is not acceptable, particularly, when there is an admission on the part of the OPs that due technical fault in wheel gazing, one coach was not attached in train, even there was no extra coach available at that station, hence, berth was not confirmed.

In view of the above facts, we are of the considered view that the OPs ought to have informed the complainant about his ticket status well in time so that he could make a necessary arrangement for his journey. Due to failure on the part of the OPs in assigning the berth, the complainant had to suffer the mental agony and harassment. We therefore hold OPs guilty of deficiency in service and direct it as under:

Pay to the complainant a sum of Rs. 5,000/- as compensation on account of pain and mental agony suffered by him which will also include the cost of litigation.

The order shall be complied within 30 days of the receipt of the order. If the said amount is not paid by the OPs within a period of one month from the date of receipt of this order, the same shall be recovered by the complainant along with simple interest at the rate of 9% per annum from the date of this order till recovery of the said amount. This final order be sent to server (www.confonet.nic.in.)”

3. Aggrieved by the impugned order, the Appellants/Opposite Parties have preferred the present appeal contending that the District Commission erred in holding the Appellants deficient in service. The counsel for the Appellants submitted that the Respondent was not holding a confirmed

ticket and the booking status was only RAC-43. Therefore, the mere expectation of the Respondent that the ticket would get confirmed by the date of journey does not confer any enforceable right in law and cannot be treated as deficiency in service on the part of the Appellants. He further submitted that the District Commission failed to appreciate that the Respondent was not entitled to board the train in the absence of a confirmed berth as he himself admitted that he travelled from Anand Vihar Railway Station to Katihar Junction by standing.

4. The counsel for the Appellants further submitted that one coach was removed due to technical reasons and owing to non-availability of an extra coach at Anand Vihar Railway Station, the status of ticket of the Respondent changed from RAC-43 to WL-44. He lastly submitted that the District Commission lacked jurisdiction to adjudicate matters governed by the Railway Claims Tribunal Act, 1987. He further submitted that in view of Sections 13, 15 and 28 of the Railway Claims Tribunal Act, 1987, such disputes fall within the exclusive jurisdiction of the Railway Claims Tribunal. Accordingly, the Appellants prayed for setting aside the impugned order.
5. The Respondent has filed his Reply to the present appeal and denied all the contentions and submissions of the Appellants. He further that there is no error in the impugned judgment as the entire material available on record was properly scrutinized before passing the said impugned judgment.
6. The Appellants have filed its written arguments, reiterating the contentions raised in the present appeal. The same have been duly considered.
7. The Respondent has also filed its written arguments.
8. We have perused the material available on record.

9. The main question for consideration before us is *whether the District Commission erred in holding the Appellants deficient in service towards the Respondent.*
10. At the outset, it is not in dispute that the Respondent/Complainant had booked a sleeper class ticket for the journey bearing PNR No. 214/0132355 scheduled on 31.10.2012 from Anand Vihar to Katihar Junction in Simanchal Express, after paying a fare of Rs. 399/-. It is also a matter of record that as on 16.10.2012, the booking status of the Respondent was RAC-43.
11. Thereafter, the Respondent reached Anand Vihar Railway Station at about 6:30 AM on 31.10.2012 and found from the reservation chart that his status had changed from RAC-43 to Waiting List No. 44. The Respondent immediately approached the railway staff and also requested the TTE to assist him. However, he was informed that certain coaches had been removed, due to which his status of the ticket had changed. In these circumstances, the Respondent was compelled to undertake the journey by standing.
12. On the other hand, the Appellants have taken the plea that the Respondent was not holding a confirmed ticket and does not guarantee allotment of a berth. However, on perusal of the record, it is evident that the change in status from RAC-43 to WL-44 occurred due to technical reasons i.e., technical defect noticed during wheel gazing, due to which one coach could not be attached to the train.
13. It is also clear that no prior intimation regarding the change in ticket status was given to the Respondent. The Respondent came to know about the same only at the time of journey after the chart was prepared. Thus, the Appellants failed to inform the Respondent in time, due to which the Respondent could not make any alternative arrangements. Therefore, the lapse on the part of the Appellants amounts to a shortcoming in service.

14. The Appellants further contended that the Consumer Forum had no jurisdiction and that the dispute falls within the Railway Claims Tribunal Act, 1987.
15. At this stage, it is relevant to refer to Section 3 of the Consumer Protection Act, 1986, which provides that the provisions of the Act are in addition to and not in derogation of the provisions of any other law for the time being in force. Thus, the remedy under the Consumer Protection Act is an additional remedy and the jurisdiction of the Consumer Fora is not barred merely because another forum is available under a different statute.
16. In the present case, the Respondent has approached the Consumer Forum alleging deficiency in service on the part of the Appellants. The expression 'service' in Section 2(1)(o) of the Consumer Protection Act, 1986 is defined as:

(o) "service" means service of any description which is made available to potential users and includes, but not limited to, the provision of facilities in connection with banking, financing insurance, transport, processing, supply of electrical or other energy, board or lodging or both, housing construction, entertainment, amusement or the purveying of news or other information, but does not include the rendering of any service free of charge or under a contract of personal service"

17. Also, the expression deficiency of services is defined in Section 2 (1) (g) of the Consumer Protection Act, 1986 as:

“(g) "deficiency" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been

undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service”

18. From the analysis of the aforesaid definition, it is clear that deficiency refers to any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by any person in pursuance of a contractual obligation.
19. In the present matter, the grievance of the Respondent pertains to the manner in which the service was rendered. It is an admitted position that the status of ticket of the Respondent was changed from RAC-43, to WL-44 due to removal of a coach on account of technical reasons. Also, the Respondent came to know about the said change at the time journey.
20. Therefore, the complaints relating to deficiency in service are maintainable before Consumer Fora and the existence of another remedy does not bar the jurisdiction of Consumer Fora. Therefore, the District Commission rightly rejected the objection regarding jurisdiction.
21. In view of the aforesaid facts and discussion, we are in agreement with the District Commission that the Appellants failed to provide proper and timely intimation to the Respondent regarding the change in ticket status. As a result, the District commission rightly held the Appellants deficient in providing its services to the Respondent. More so, the compensation of Rs. 5,000/- awarded by the District Commission towards mental agony, harassment and litigation costs is reasonable in the facts and circumstances of the present case.
22. In light of the aforesaid discussion, we find no reason to interfere with the order dated 11.03.2020 passed by the the District Consumer Disputes Redressal Commission VI, ‘M’ Block, 1st Floor, Vikas Bhawan, I.P. Estate, New Delhi.

23. Accordingly, the present Appeal stands dismissed with no order as to costs.
24. Application(s) pending, if any, stand disposed of in terms of the aforesaid judgment.
25. The judgment be uploaded forthwith on the website of the Commission for the perusal of the parties.
26. File be consigned to record room along with a copy of this Judgment.

(JUSTICE SANGITA DHINGRA SEHGAL)
PRESIDENT

(BIMLA KUMARI)
MEMBER (FEMALE)

Pronounced On:
27.02.2026

LR-ZA