

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION ERNAKULAM**Dated this the 29<sup>th</sup> day of October 2025

Filed on: 28/01/2023

**PRESENT**

Shri.D.B.Binu  
 Shri.V.Ramachandran  
 Smt.Sreevidhia.T.N

President  
 Member  
 Member

**C.C. No. 66/2023****COMPLAINANT**

K.B.Suresh Babu, S/o.T.Balakrishna Menon, Anjana Bhavan (Hari vihar), Karyanappillil, House No.II, Maradu P.O., Ernakulam-682 304

Vs.

**Opposite Parties**

- 1) The IRCTC ( Indian Railway Catering and Tourism Corporation Ltd.)  
 Salih Arcade, Building No.40/8194, 1<sup>st</sup> Floor, Convent Road,  
 Ernakulam, Pin-682 035  
 (Op 1 rep. by Adv.Terry V.James, MTS Legal, D-7, 2<sup>nd</sup> Floor, Metro  
 Plaza, Market Road, Cochin-682 018)
- 2) Senior Divisional Commercial Manager, Office of the Divisional Railway  
 Manager, Southern Railway, Thycaud, Thiruvananthapuram-14  
 (op 2 rep. by Adv.Vishnu T.C., Additional Standing Govt. Counsel, Govt.  
 of India)

**FINAL ORDER****V.Ramachandran, Member****1) A brief statement of facts of this complaint is as stated below:**

This consumer complaint is filed by Sri.K.B Suresh Babu, S/o.T.Balakrishna Menon, Anjana Bhavan (Hari vihar), Karyanappillil, House No.II, Maradu, Ernakulam against the Division Divisional Commercial Manager and Indian Railway Catering and Tourism Corporation Ltd alleging deficiency in service and unfair trade practice from the side of the opposite party. The complainant states that lured by the advertisement of the opposite party, the complainant had obtained ticket and participated in Aastha Punya Theerth Yatra conducted by the opposite party to Puri, Konark, Gaya,

Varanasi, Ayodhya, Prayagraj etc and accordingly got ready for the journey. Eventhough the complainant reached the railway station in time, the train arrived highly delayed for one day after the scheduled date and reached on 11<sup>th</sup> day of December by around 2 '0' clock. The complainant further states that the train was not at all clean and since the travel was planned for 11 days the complainant and other travellers cleaned the train and travelled. The train reached into its destination where there was no convenient facilities arranged by the opposite party. The travellers had to wait inside the bus for 2 hours due to the deficiency of service from the side of the opposite party. Even at Konark temple, sufficient time was also not granted to the travellers. Moreover, the food provided to the travellers during the journey was like that of those provided to refugees. No doctor or medical services was provided inside the train. Above this, though 11 days' journey was promised by the opposite party, they had provided only 9 days which amounts to unfair trade practice. Alleging as above, the complainant had submitted that the opposite party had committed deficiency of service and unfair trade practice and there was mental agony and physical hardships for which he had approached this Commission for getting compensation and other reliefs.

## **2) Notice**

Upon notice from this Commission, the 1<sup>st</sup> opposite party filed their version in time and version of the 2<sup>nd</sup> opposite party was belated.

## **3) Version of the 1<sup>st</sup> opposite party.**

The 1<sup>st</sup> opposite party stated that the averments in the complaint are false and the complainant had booked the Budget Package amounting to Rs.20,500/- of the SZSD04 Aastha Punya Theerth Yatra of IRCTC vide

Txn ID No.5200423206. The Budget Package had the train travel in Slpper Coaches, Dormitory accommodation and Non-AC Road Transfers. The tour was advertised with the source and terminating railway station as Kochuveli during the period from 10.12.2022 to 20.12.2022. The tour was planned to start from Kochuveli on 10.12.2022 morning and end by early morning of 20.12.2022. The destinations planned in the tour were Puri-Konark-Gaya-Varanasi-Ayodhya-Prayagraj etc. The train was scheduled to commence from Kochuveli by 10.12.2022 morning and reached at Ernakulam on the same day afternoon but due to operational constraints of the railways, the tour was revised to commence from Ernakulam Junction on 10.12.2022 afternoon. Owing to the cyclonic effect experienced on 09.12.2022 night at Chennai, the movement of the train got delayed. The delay in the departure was communicated to the guests boarding from Ernakulam over phone by 10.12.2022 morning. The train departed from Ernakulam by 01:47 hrs on 11.12.2022. Further it is stated by them that they have cleaned the train within the limited time available since the passengers were waiting for the train, they rushed into the train. The programme was scheduled to reach Malatipatpur Railway Station on 12.12.2022 morning. In spite of the delay in the commencement of the journey, IRCTC and Railways had coordinated to provide a preferential run to reach the destination. The train reached MLT by 14:20 hrs on 12.12.2022. The guests were transferred to their respective accommodation centres in mini vans owing to the traffic restrictions near the temple. The accommodation was arranged near the temple where the streets are narrow and plying of buses and large vehicles is not possible.



The visit to the Puri Jagannath Temple was facilitated in the evening of 12.12.2022 itself. The visit to Konark Temple was on 13.12.2022. The guests were transferred from the accommodation centre to the bus stand in mini vans and later the guests were transferred from Puri to Konark in coaches. The opposite party denied the allegations of the complainant that they had to wait for long time. Eventhough the breakfast was arranged between 7.30 am to 9 am the guests were arrived at the boarding point only after 9 am. Moreover, sufficient time was given to the guests to visit the Konark Sun Temple as provided in the schedule. The allegation regarding quality of food like those provided to refugees are false and unfortunate. The food provided during the tour was idli-vada, upma, bread, poori etc for breakfast, veg.pulao veg meals veg.biriyani were also available. There is no service of an on-board Doctor for the tour as seen from the brochure. The services of on call Doctor was arranged throughout the journey. The medical assistance for guests were available during the journey. There is no deficiency in service on the part of the opposite party and there is no cause of action against the opposite party and therefore the complaint is to be dismissed.

#### **4) Evidence**

The complainant produced documentary evidences which are marked as Exbt.A1 to A4. The complainant was examined in box as 'PW1'. The opposite party filed Exbt.B1 and B2 documents. The complainant had produced 3 CDs having 2 discs which are also marked by the Advocate Commissioner appointed for recording the depositions of the 'PW1'.

Exbt.A1 filed by the complainant is a package transaction data in which it can be seen that the complainant had booked the ticket on 07.12.2022 and the tour commenced on 10.12.2022 where the boarding station is at Ernakulam Junction. The complainant had paid an amount of Rs.20,500/- towards the tour package.

Exbt.A2 is a brochure issued by the opposite party.

Exbt.A3 and A4 are CDs.

The opposite party produced Exbt.B1 and B2 among which B1 is the press release No.PUB/MAS/2022/12/03 dated 09.12.2022 issued by the Public Relations Officer, Chennai Division, Southern Railway.

Exbt.B2 is a notification regarding the rescheduling of the train issued by the opposite party.

5) The following are the points to be analysed to come into a fair inference of the case.

- (i) Whether the complainant has sustained to any sort of deficiency of service or unfair trade practice from the side of the opposite parties.
- (ii) If so, whether the complainant is entitled to get any quantum of compensation from the side of the opposite parties?
- (iii) Cost of the proceedings if any?

**6) Point No. (i)**

Lured by the advertisement of the opposite party, the complainant had booked the Budget Package amounting to Rs.20,500/- of the SZSD04 Aastha Punya Theerth Yatra of IRCTC vide Txn ID No.5200423206. The tour was planned to start from Kochuveli on 10.12.2022 morning and end by early morning of 20.12.2022. The destinations planned in the tour were Puri-Konark-Gaya –Varanasi-Ayodhya-Prayagraj. Eventhough the complainant reached the railway station in time, the train arrived by highly delayed for one

day after and reached on 11<sup>th</sup> day of December by around 2 '0' clock. The complainant further states that the train was not at all clean and since the travel was planned for 11 days the complainant and other travellers cleaned the train and travelled. The train reached its destination where there was no convenient facilities arranged by the opposite party. The travellers had to wait inside the bus for 2 hours due to the deficiency of service from the side of the opposite party. Moreover, the food provided to the travellers during the journey was like that of those provided to refugees. No doctor or medical services was provided inside the train. Above this, though 11 days' journey was promised by the opposite party, they had provided only 9 days which amounts to unfair trade practice.

On verification of records and the documents produced from either side and on perusal of the complaint and version it can be seen that the train was initially scheduled its journey from Kochuveli. Unfortunately, the time was rescheduled thereafter due to some operational constrains and the date of reversed time was on 10.12.2022. The reasons stated by the opposite party is due to Cyclonic effect experienced on 09.12.2022 night at Chennai. In order to substantiate this, the opposite party had produced a copy of the press release issued by the Southern Railway Chennai Division. On this sad stage the opposite party had not made any arrangements for the passengers who participated in the tour. The passengers were expecting the train on the stipulated time and date. If such circumstances had arisen the opposite party had to provide accommodation and food to those who have expect the arrival of the train at the right time and destination. The opposite party also had not produced even an aota of the evidence to prove that they had given intimation



to the guest passengers regarding the change of time of the train. It can be seen from the version of the opposite party itself that people rushed into the train when it was departed from Ernakulam on 11.12.2022 at 1.47 hrs. This statement of the opposite party indicates that they did not get any time to make proper cleaning in the train. This particular statement emphasis all the points on which the complainant alleges deficiency of service. Eventhough there is no proof from their side to establish regarding the quality of food, the Commission do not go into that aspect. It can also be seen from the admission of the opposite party that the roads very narrow and crowed so that the conveyance of difficulty for the guests. From all the above, it can be seen that the complainant and his co-passengers were miserably undergone difficulties. Taking into these aspects as while, it can be seen that the complainant had undergone bitter difficulties as large during the course of travel arranged by the opposite party and thereby the complainant had sustained deficiency of service and unfair trade practice from the side of the opposite party. In the result, the complainant had proved deficiency of service and unfair trade practice from the side of the opposite party, the following orders are issued.

- 1) The opposite parties shall refund the cost of the ticket worth Rs.20,500/- incurred by the complainant towards the Budget Package Aastha Punya Theerth Yatra of IRCTC conducted by the opposite party
- 2) The opposite parties shall pay an amount of Rs.50,000/- (Rupees fifty thousand only) to the complainant as compensation for the mental agony and hardships suffered by the complainant

3) The opposite parties shall also pay an amount of Rs.3,000/- (Rupees Three thousand only) towards cost of the proceedings to the complainant.

4) The liability of the opposite parties shall jointly and severally.

The above order shall be complied with by the opposite parties within 45 days from the date of receipt of a copy of this order.

Pronounced in the Open Commission this 29<sup>th</sup> day of October 2025.

**Sd/-  
V.Ramachandran,  
Member**

**Sd/-  
D.B.Binu,  
President**

**Sd/-  
Sreevidhia.T.N,  
Member**

Forwarded by Order

Assistant Registrar

### **APPENDIX**

#### **Complainant's evidence**

Exbt.A1 is a package transaction data in which it can be seen that the complainant had booked the ticket on 07.12.2022 and the tour commenced on 10.12.2022 where the boarding station is at Ernakulam Junction. The complainant had paid an amount of Rs.20,500/- towards the tour package.

Exbt.A2 is a brochure issued by the opposite party.

Exbt.A3 and A4 are CDs.

#### **Opposite party's evidence**

Exbt.B1 is the press release No.PUB/MAS/2022/12/03 dated 09.12.2022 issued by the Public Relations Officer, Chennai Division, Southern Railway.

Exbt.B2 is a notification regarding the rescheduling of the train issued by the opposite party.

Date of dispatch  
By Hand ::  
By Post  
uk