

BEFORE THE ANDHRA PRADESH STATE CONSUMER DISPUTES
REDRESSAL COMMISSION AT VIJAYAWADA

F.A.No.305 of 2023 against the order in C.C. No.129 of 2021 on the file of
the District Consumer Disputes Redressal Commission, Guntur

Between:

Big Tree Entertainment Private Limited,
Ground Floor, Wajeda House,
Gulmohar Cross Road 7,
Juhu Scheme, Mumbai,
Maharashtra – 400 049.

...Appellant/Opposite party.

AND

Mr.Madhira Mahendra Naga Sairam,
S/o.Harikrishnaprasad,
Aged about 24 years,
R/o.3/80-1, Modugulanka Palem,
Thullur, Guntur district.

...Respondent/Complainant.

Counsel for the Petitioner : M/s.Rubaina S Khatoon.

Counsel for the Respondent : Notice served.

CORAM:

SMT. C.V.S.BHASKARAM, HON'BLE WOMAN MEMBER

A N D

SRI B.SRINIVASA RAO, HON'BLE MEMBER (JUDL)

Oral Order, dated 02.12.2024:

(Per Smt.C.V.S.Bhaskaram, Hon'ble Woman Member.)

1. This appeal is filed, under Section 45 of the Consumer Protection Act, 2019 (hereinafter referred to as 'Act'), assailing the Order, dated 31.03.2023, passed in C.C.No.129 of 2021, on the file of the District Consumer Disputes Redressal Commission, Guntur (hereinafter referred to as 'District Commission'), wherein the complaint filed by the complainant was allowed in part.

2. The parties herein after will be referred to as they were arrayed before the District Commission, for the sake of convenience.

CHVSB

3. The facts, leading to filing of the complaint, in nutshell, are as follows:-

The complainant purchased movie tickets vide booking No.IDURVN0000034399 on 10.04.2021 for the movie Vakeel Saab in 2D for Urvasi A/C DTS Mangalagiri. The opposite party charged Rs.65.84 ps., for online charges. There is deficiency in service on the part of the opposite party. Hence, the complaint.

4. The opposite party filed version, inter alia, contending that the opposite party strictly complying all the prevalent rules and regulations and conducting its business operations in accordance with law and there is nothing illegal in charging customers for a service provided and prayed for dismissal of the complaint.

5. Before the District Forum, both parties filed evidence affidavits, in support of their respective stand. On behalf of the complainant, Exs.A-1 to A-3 were marked. On behalf of the opposite party, Exs.B-1 to B-17 were marked.

6. After perusing the material on record, the District Commission arrived at a conclusion that there is deficiency in service on the part of the opposite party and directed to refund Rs.65.84 ps., pay Rs.5,000/- towards mental agony and costs of Rs.2,000/-, to the complainant.

7. Feeling aggrieved with the order, dated 31.03.2023, passed in C.C.No.129 of 2021, the 2nd opposite party preferred the appeal.

8. The appellant filed FAIA 660 of 2023 under Order 41 Rule 27 CPC, to receive some documents and the said petition is allowed and Exs.B-1 to B-3 are marked in the appeal stage.

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9. Heard the learned counsel for both the parties and perused the record.

10. Now, the point for consideration is whether there are any grounds or merits in the appeal.

POINT:-

11. The learned counsel for the opposite party submitted that the process of booking of cinema tickets online. It is clarified that respondent had the option to purchase the tickets physically from the physical ticket counter/kiosk at the cinema hall itself or through any other online booking portal, however, he opted to book the said tickets online from the convenience of his home in advance of the screening of the film from appellant's portal thereby avoiding the hassle of standing in long queues outside the ticket counter at the cinema hall. The respondent therefore voluntarily and for his own convenience used and availed the services of the appellant herein, for which the appellant charged him a lawful fee. The said charges are legally permissible, as explained in the following paragraphs, and are clearly displayed on appellant's portal prior to booking of the tickets for voluntary availment of service by any person interested in availing the service of the applicant, including the respondent. There was thus no compulsion and/or forceful enforcement of such availment of service.

12. It is respectfully submitted that the services offered by the appellant are optional and transparent. A user has the option to book a ticket using the platform of the applicant or to choose another mode which is available to the consumer. Which is to purchase tickets at the counter/box office

CWSB

set up at the premises of the movie hall, cinema, theatre, etc., that is owned and operated by the cinema/theatre. Further, it is imperative to note that in the event that a user wishes to book a ticket using the ticketing platform of the applicant, before going through with the transaction, the user is made fully aware of the fees/charges levied by the applicant. Only after the confirmation is given by the user, the tickets are booked, and corresponding amount is deducted. Thus, as mentioned above, there is complete transparency in the charges that the applicant levies on its users, and the users who are availing the services are fully aware of the same before purchasing a ticket.

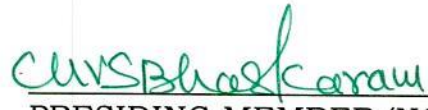
13. Exs.B-18 to B-20 are received as there is existing pleading in the written version. The complainant knows the procedure and book tickets through online. He will fully booked online tickets after thought, he filed the complaint. The opposite party argued that the platform is used the consumer without strain in his own place either home or any other destination, he booked ticket he used the platform paid conveyance charge for his ease nature used the platform without strain or stress. As per Exs.B-18 to B-20 clearly understood what procedure adopted by the opposite party is took book a ticket for your convenience paid the charges for rendering service. In view of the above finding, we are of the considered opinion, there is no deficiency in service on the part of the opposite party and the complaint is liable to be dismissed.

14. The District Commission without considering the material available on record, erroneously allowed the complaint on flimsy grounds. There are no tenable grounds to allow the complaint. Unless the impugned order is set aside, there will be mis-carriage of justice. Viewed from any angle, the impugned order is liable to be dismissed.

CLVSB

15. In the result, the appeal is allowed, setting aside the order, dated 31.03.2023, passed in C.C.No.129 of 2021 on the file of the District Consumer Disputes Redressal Commission, Guntur, consequently, C.C.No.129 of 2021 stands dismissed.


MEMBER (JUDICIAL)


PRESIDING MEMBER (NON-JUDL.)
2/12/2024

*asr.

II-Dis.No.275
Dt. 04/12/2024