

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

Date of Institution : 21.11.2019  
Date of Reserving the order : 19.11.2025  
Date of Decision : 07.01.2026

**FIRST APPEAL NO.-582/2019**

**IN THE MATTER OF**

**1. M/S DEWAN WORLDWIDE HOLIDAYS**

1205, KAILASH BUILDING,  
KASTURBA GANDHI MARG,  
CONNAUGHT PLACE,  
NEW DELHI-110001

**2. M/S DEWAN TRAVELS PVT. LTD.**

THROUGH MR. SURINDER K. DEWAN,  
1205, KAILASH BUILDING,  
KASTURBA GANDHI MARG,  
CONNAUGHT PLACE,  
NEW DELHI-110001

**3. MR. SURINDER K. DEWAN**

MANAGING DIRECTOR OF DEWAN TRAVELS P. LTD.  
1205, KAILASH BUILDING,  
KASTURBA GANDHI MARG,  
CONNAUGHT PLACE,  
NEW DELHI-110001

...APPELLANTS

(Through: Mr. S.P. Aggarwal, Advocate  
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**VERSUS**

**1. MR. ISHWAR DAYAL SHARMA**

S/O LATE MR. PRAN NATH SHARMA  
R/O 19C POCKET-4, PHASE-1  
MAYUR VIHAR DELHI-110091.

**2. MRS. SUNITA SHARMA**

W/O MR. ISHWAR DAYAL SHARMA  
R/O 19C POCKET-4, PHASE-1  
MAYUR VIHAR DELHI-110091.

.....RESPONDENTS

(Through: Mr. K.C. Maini &  
Mr. Amardeep Maini, Advocates  
Mob.9810529696, 9818451845)

**CORAM:****HON'BLE JUSTICE SANGITA DHINGRA SEHGAL (PRESIDENT)****HON'BLE MS. PINKI, MEMBER (JUDICIAL)**

Present : Mr. Yatin Sharma, counsel for the appellants.  
(Mob.9773903778 & Email: [taxocate@gmail.com](mailto:taxocate@gmail.com))  
Mr. Amardeep Maini, counsel for the respondents.  
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**PER : HON'BLE PINKI, MEMBER (JUDICIAL)****JUDGMENT**

1. By this judgment, we shall dispose of the appeal filed by the Appellants against the impugned order dated 09.09.2019, passed by Consumer Disputes Redressal Forum-VI, (District New Delhi) M-Block, 1<sup>st</sup> Floor, Vikas Bhawan, I.P. Estate, New Delhi-110001 (hereinafter referred to as District Forum), in Complaint Case No.CC-361/2017 titled 'Ishwar Dayal Sharma etc. Vs. M/s Dewan Worldwide Holdiay & Ors.', *inter-alia* praying for setting aside the order passed by the District Commission.
2. While the Appellants were the Opposite Parties before the District Commission and the Respondents were the Complainants before the District Commission.
3. The facts of the case as per the District Commission, record are as under:

*"1. The complainants (two in number) have filed the present case under section 12 of the Consumer Protection Act. The complaint is about foreign tour of 14 Night and 15 Days for visit of Nine countries of Europe. The total cost per person was Rs.2,20,000/- which was paid by the complainant. There is no complaint with respect to entire tour except for dated 18/05/2017. It is alleged that around 11:30am on 18/05/2017, on the way while going from Paris to Titisee (Germany)- Drubba etc, there was a break down in bus. The Bus was taken to nearby work shop. After repairs, the journey was resumed and after about 30 min. of journey, the driver informed the complainants/group that the bus could not go further and*

stopped on the Highway after 3 hours due to come technical fault.

2. The tour manager contacted the OP and informed the group that an alternate bus has been arranged from the garage where the bus was got repaired earlier. The bus, therefore, was again taken to the garage where there was no alternate bus arrangement. It was informed by the OP that the coach was small one and big coach was being arranged but ultimately the OP failed.

3. The group member and the complainants were served poor quality of snacks and tea followed by dinner from a nearby lodge whereas the complainant were entitled to snacks and Dinner from the Indian restaurant of good standard. Till 10:30 pm, no alternative bus was arranged and on the protest of the complainants the OP arranged private taxi for the group members who were ferried to nearby lodge. The complainant's program to stay in Germany was cancelled though all group members had an earnest desire to visit Germany, which is the only AAA rated economy of the world.

4. The complainants were to stay in four star hotel "Best Western-Hofgut Sterner" in the Black Forest City of Germany but instead, the complainant and group member was compelled to stay in a lodge having no facilities and even proper lift. The tour program of the group member in Germany was cancelled but to create a false evidence the tour manager Sh. Amit Chawla sent a false whatsapp message to all group members on 20/05/2017 at 19:42 giving wrong information about the sightseeing of places of Germany i.e. Drubba, Cuckoo Clock Factory and presentation etc.

5. The group member protested to the said message and gave written complaint dated 21/05/2017 about the suffering faced by the complainants and group members. The tour manager refused to accept the complaint and the same was given to OPs against receipt dated 29/05/2017. The complaint was not given heed by the OPs and on persuasion, a joint meeting was held on 05/07/2017 but the OPs refused to compensate the complainants alleging deficiency in service, the following prayer has been made:

1. *"An amount of Rs. 2,00,000/- for loss of German tour for which complainant's have Earnest desire to see and enjoy world famous places of Germany.*
  2. *An amount of Rs. 1,00,000/- as damages for inconvenience which complainants suffered and remained on unknown Highway without any shelter for almost full day of 18/05/2017.*
  3. *An amount of Rs. 5,00,000/- as damages for mental torture suffered by complainants due to deficiency in services on the part of the OPs.*
  4. *An amount of Rs. 55,000/- as litigation expenses, total amounting to Rs. 8,55,000/-."*
4. The District Commission after taking into consideration the material available on record passed the judgment dated 09.09.2019, whereby it held as follows:

*"13. The main grievance of the complainants are that they are senior citizen and availed an Europe tour with a keen desire to watch the Black Forest City, Lake Titsee and Cuckoo-clock presentation. The complainants being old persons cannot afford such foreign tour again and their desire to see Black Forest City, Lake Titsee etc. was spoiled at the hands of OP. Not only this the complainant underwent physical and mental harassment for the entire day i.e. 18/05/2017. Further, the tour manager acted maliciously and posted Whatsapp with false information regarding visit of Black Forest City, Lake Titsee etc.*

*14. In above facts and circumstances, where the complainants being the senior citizen had arranged an occasion to visit Europe countries in group to fulfil their desire also to see and visit the Black Forest City, Lake Titsee etc. the same remained unsatisfactory and fulfil beside physical and mental harassment. It cannot be denied that ailing problems at such senior stage of life usually persisted as also argued by the complainants.*

*15. In the premise of above, we feel that the complainants should suitably be compensate.*

*16. It is worth noticeable that no alternative arrangement of bus could be made by the OP on 18/05/2017 and consequently, the schedule programme was hampered*

*beside the entire day consumption in simply arranging for alternative coach and staying at an unscheduled hotel. We therefore, hold the OP to be deficient in service to this extent. The prayer of the complainant cannot be allowed as there is no allegation of any sort in respect of entire tour except the day. We therefore, direct as under:-*

*1. The OP shall pay Rs. 25,000/- each to the complainants for such deficiency in service.*

*2. We also award compensation of Rs. 20,000/- for physical and mental harassment to each of the complainant.*

*3. OP to also pay litigation cost of Rs. 10,000/- to the complainant.*

*The order shall be complied within 30 days of the receipt of the copy of this order. If the said amount is not paid by the OP within a period of one month from the date of receipt of this order, simple interest at the rate of 9% per annum shall be payable by OP on the awarded amount from the date of this order till recovery of the said amount.”*

5. Aggrieved by the aforesaid order of the District Forum, the Appellants/Opposite Parties have filed the present appeal, contending that the District Forum has erred in awarding separate amounts for deficiency in service, mental and physical harassment, and costs for the same cause of action, which amounts to double compensation and is contrary to the provisions of the Consumer Protection Act especially when the respondents did not engage any advocate and incurred no litigation expenses. It is further submitted that there was no deficiency in service on the part of the appellants as the breakdown of the bus during the tour was beyond their control. Despite this, the appellants promptly made alternative arrangements by providing packed lunch, tea/coffee, dinner at a reputed Indian restaurant, and accommodation in a well-known four-star Novotel hotel. All sightseeing, including Lake Titisee, was duly completed. The

allegations that the respondents were served food at a dhaba or were made to stay in a lodge are false and incorrect. It is also submitted that the delay and loss of time occurred due to non-cooperation and disturbance caused by the respondents and certain group members, who demanded compensation on the spot and refused to proceed as per the itinerary. The compensation of Rs. 55,000/- per person awarded by the District Commission is excessive and disproportionate to the alleged inconvenience of a few hours during a 15-day tour and amounts to unjust enrichment. The District Forum has failed to appreciate that the major portion of the tour cost towards airfare, visa, and hotel accommodation was fully provided without any complaint. The appellants have further submitted that the order is illegal, unjustified, and liable to be set aside, as there was no deficiency in service on their part. By pressing the aforesaid contentions and submissions, the Appellants have prayed for setting aside the Impugned Judgment.

6. Reply to the appeal has been filed by the respondents denied all the allegations of the appeal and submitted that there is no error in the impugned order passed by the District Commission.
7. The written arguments have been filed by the parties are on record.
8. We have carefully and thoroughly perused the material on record as well as written submissions filed by either of the parties.
9. The only question for consideration before us is whether the District Commission erred in allowing the complaint filed by the respondents.
10. It is not in dispute that the appellants arranged a European tour for the respondents on payment of Rs. 2,20,000/- per person for a period of fourteen nights and fifteen days, covering nine European countries, as per the itinerary commencing from 11.05.2017. On

18.05.2017, while the appellants were to take the respondent and other passengers from Paris to Titisee (Germany), Drubba, etc., the tour bus broke down around 11:30 a.m. The bus was taken to a nearby workshop and, after temporary repairs, resumed the journey, but soon developed another technical fault and stopped on the highway. No suitable alternative bus was provided for a considerable period. Due to this delay, the scheduled stay and sightseeing in Germany was allegedly cancelled, and the group was taken by private taxis to an unscheduled lodge instead of the booked four-star hotel in the Black Forest region.

11. It is admitted that no grievance was raised with respect to the entire tour, except regarding the events of 18.05.2017.
12. It is evident from the record that the breakdown of the bus on 18.05.2017 caused substantial inconvenience to the respondent and other senior citizens tour members, and resulted in disruption of the scheduled tour programme.
13. We find that the District Commission has rightly held that no effective alternative arrangement of a bus was made on the same day and that the respondent was compelled to spend the entire day in uncertainty, followed by stay at an unscheduled place. The findings of deficiency in service recorded by the District Forum are based on appreciation of facts and material on record and do not suffer from any perversity or illegality.
14. The contention of the appellants regarding double compensation is also without merit. The compensation awarded by the District Forum for deficiency in service and for physical and mental harassment is very much reasonable and justified, considering the nature of inconvenience, mental stress, and hardship suffered by the respondent. The litigation cost awarded is also neither excessive nor unwarranted.

15. We further find that the compensation awarded is proportionate to the deficiency proved and does not amount to unjust enrichment. The District Forum has confined the relief to the disruption of one day only and has not awarded compensation for the entire tour, thereby adopting a fair and balanced approach.
16. The impugned order is a well reasoned order passed after due consideration of the facts and circumstances of the case. We do not find any error, illegality, or infirmity in the impugned judgment dated 09.09.2019 warranting interference in appeal.
17. In view of the aforesaid discussion, we are in agreement with the reasons given by the District Commission and find no merit in the appeal filed by the appellants. Consequently, we uphold the Judgment dated 09.09.2019 passed by the District Consumer Disputes Redressal Forum-VI, in Consumer Complaint No.361/2017. Resultantly, the present appeal stands dismissed with no order as to costs.
18. Application(s) pending, if any, stand disposed of in terms of the aforesaid judgment.
19. FDR, if any be released in favour of the Respondent.
20. The judgment be uploaded forthwith on the website of the Commission for the perusal of the parties.
21. File be consigned to record room along with a copy of this Judgment.

**(JUSTICE SANGITA DHINGRA SEHGAL)**  
**PRESIDENT**

**(PINKI)**  
**MEMBER (JUDICIAL)**

Pronounced on 07.01.2026