

**BEFORE THE TELANGANA STATE CONSUMER DISPUTES
REDRESSAL COMMISSION : HYDERABAD.**

**F.A.No. 96 OF 2019
AGAINST ORDERS IN C.C.112/2018
DISTRICT CONSUMER COMMISSION, RANGA REDDY**

Between:

1. R.V.Tours & Travels, D.No.12-6-11/4, 3rd Floor,
Bhagya Nagar Complex, Opp.: BJP Office,
Metro Piller No.15, Kukatpalli, Hyderabad- 500 007,
Rep. by its Managing Partner, R.V.Ramana.
2. R.V.Ramana, S/o Chennaiah,
Aged about 40 years, Occ.: Chief Executive Officer,
M/s R.V.Tours & Travels, D.No.12-6-11/4, 3rd Floor,
Bhagya Nagar Complex, Opp.: BJP Office,
Metro Piller No.15, Kukatpalli, Hyderabad – 500 072.

.....Appellants/ Opposite Parties

And:

1. Ch. B.V. Sarma, S/o Late Sri Ch. Gopalakrishna Murthy,
Aged about 70 years, Occ.: Retired Employee,
R/o Shermahammedpet Village, Jaggaihpet Mandal,
Krishna District, Andhra Pradesh.
2. Smt. Ch.Padavathi, W/o Ch.B.V.Sarma,
Aged about 66 years, Occ.: Housewife,
R/o Shermahammedpet Village, Jaggaihpet Mandal,
Krishna District, Andhra Pradesh.
3. Ch. V.S.Prakasm, S/o late Sri Buchi Narasimha Rao,
Aged about 65 years, Occ.: Bank Employee,
R/o Flat No.105, Kakarla View Apartments,
Sainathpuram, Dr. A.S.Rao Nagar, Hyderabad.
4. Ch.Satyavathi, W/o Ch.V.S.Prakasam,
Aged about 56 years, Occ.: Housewife,
R/o Flat No.105, Kakarla View Apartments,
Sainathpuram, Dr. A.S.Rao Nagar, Hyderabad.
5. Ch.Ramesh Babu, S/o Late Sri Ch.Gopalakrishna Murthy,
Aged about 61 years, Occ.: Advocate,
R/o Flat No.305 & 306, Excellency Apartments Judges Colony,
Malakpet, Hyderabad.
6. Ch.Sujatha, W/o Ch.Ramesh Babu,
Aged about 56 years, Occ.: Housewife,
R/o Flat No.305 & 306, Excellency Apartments Judges Colony,
Malakpet, Hyderabad.

.....Respondents/Complainants

Counsel for the Appellant/Opposite Party : Ms.V.Santhisree

Counsel for the Respondents No.1 to 6/Complainants :
Sri CH.Uma Sankar

QUORUM :

**HON'BLE SMT. MEENA RAMANATHAN, I/c PRESIDENT
&
HON'BLE SRI. V.V.SESHUBABU, MEMBER – (JUDICIAL)**

**WEDNESDAY, THE 27th DAY OF NOVEMBER
TWO THOUSAND TWENTY FOUR**

Order : (PER HON'BLE SRI. V.V.SESHUBABU, MEMBER – JUDICIAL)

1. The appeal is filed u/s 15 of Consumer Protection Act, 1986 by the Opposite Parties No.1 & 2, aggrieved by the order of District Consumer Commission, Ranga Reddy, dated 22.11.2018. in CC 112/2018, where under the opposite parties with joint and several liability are directed to refund Rs.18,360/- towards discount; to pay compensation of Rs.36,000/- @ Rs.6,000/- per person, calculated at Rs.600/- per day; to pay Rs.6,000/- towards costs within 30 days, failing which all the amounts shall attract punitive damages of Rs.60,000/- in addition to interest 12% per annum.

2. The brief averments of the complaint are that the complainants No.1 to 6 having observed vide publicity made by the opposite parties which is Tours & Travel Agency, booked tickets for the "Gujarat Shivaratri Special Package", for a period of 10 days commencing from 11.02.2018 to 20.02.2018; that they paid Rs.10,000/- each as an advance on 13.12.2017 and obtained a receipt; that within short-time, the opposite parties have notified 10% discount on the cost of tickets to the others and despite several requests made by the complainants, the said benefit was not given to them, though promised to look into the same during the course of time; that the complainants on 18.12.2017 paid the balance amount of Rs.1,32,780/-; that the travel was commenced as planned and the opposite parties arranged 06 buses altogether for 220 pilgrims; that despite the request of the complainants to

arrange 2nd AC tickets from Udaipur to Ujjain, in lieu of sleeper class, the request was denied; that the request for the complainants to arrange the seats to allot them in one place in bus was also denied, stating that seats will be allotted on dip basis; that the opposite parties failed to arrange minimum facilities for the bus and failed to provide services like guide with ample knowledge in providing food supply properly without any congestion; that the tour Manager never heard the grievance of the passengers and on the other hand quarreled with them; that a legal notice was issued to the opposite party on 21.03.2018, though it was served, no reply was given, hence the complaint.

3. The opposite parties failed to appear before the Commission below, inspite of receiving the notices and were remained ex-parte.

4. Before the Commission below, complainant No.5, Sri Ch.Ramesh Babu, Advocate, filed evidence affidavit as PW1 and got marked Ex: A1 to A9.

5. The Commission below, settled the following points for discussion viz..:

- **Whether the opposite parties are responsible for negligence and deficiency in service? If so, to what relief?**

6. Having heard the counsel for the complainants, the Commission below basing on the material available on record passed the order as stated supra. Aggrieved by the same, the present appeal is filed by the opposite parties with the following grounds:

- The order of the Commission below is contrary to law, weight of evidence and probabilities of the case.
- The Commission below ought to have allowed the complaint as prayed for?

- The Commission below failed to observe that the discount in tickets is not applicable or available to the complainants as they have booked tickets prior to the introduction of discount scheme.
- The Commission below failed to prove that no documentary evidence is placed to the alleged deficiency of service either in bus or in making arrangements and at the time of food service etc.,.
- The Commission below failed to observe that as the complainants were not provided with discount benefit in the tickets, filed the complaint to make a wrongful gain.

With these grounds and others that will be urged at the time of arguments, requested to set aside the order of the Commission below and to allow the appeal.

7. Now the points for determination are :

- (1) Whether there is any deficiency of service on the part of the opposite parties?**
- (2) Whether the order under appeal is sustainable as per law?**
- (3) Relief?**

8. Arguments of both sides are treated as heard, as they failed to advance the arguments, despite the condition. An opportunity was given for both sides to file written arguments, which was not availed. For the sake of the convenience the parties will be addressed as they arrayed in the impugned order.

9. **POINTS 1 to 3:** Admittedly, the complainants have purchased tickets for pilgrimage by giving advance of Rs.10,000/- each i.e. Rs.60,000/- on 13.12.2017. As per the complainants themselves, the discount of 10% was given on the tickets by the opposite parties few days after booking tickets by the complainants. It means no promise was made to them to give

discount or there is no entitlement for the complainant to demand discount in the booking of the tickets.

10. Ex.A1 is the brochure for tour package. The facilities offered to the pilgrims are : (i) break-fast, coffee and tea in the morning; tiffin's in the night time; lunch at the noon. (ii) AC double room for family but it is not available at Mount Abu; (iii) For local tours, AC push back buses with 2X2 seating capacity. It is also mentioned that in case, as mentioned in the brochure the pilgrims have to spent expenses for local visits. They are also supposed to pay for the cook and driver charges at Rs.400/- per head; the costs of ticket per head is Rs.30,600/-;. As per the complainants, they have paid Rs.30,600/- per head. There is no proof to show that they have paid any amount for the cook and driver @ Rs.400/-. As per the brochure sleeper class tickets will be provided to the pilgrims with in package from Indoor to Ujjain. The contention of the complainants is that, despite their offer to pay AC 2nd class charges on their own, it was not provided. In the absence of any undertaking to provide such services, not providing the same cannot be considered as deficiency of service. The complainants made several complaints viz.: (i) buses are not good quality; (ii) all of them are not provided seats at one place in the buses; (iii) guide was not equipped with full information of places where they have visited; (iv) buses are stopped at the hotels or canteens, where the said hotels failed to cater the needs of pilgrims by supplying the food items in a proper manner; (v) TV was not functioning in the bus and it remained like a decorative piece; (vi) Tour Manager had always quarreled with passengers and never attended their journey requirements. It is to be observed that all the above complaints are not supported by any documents, ofcourse, it is difficult to expect a documentary evidence also. The legal notice was issued prior to filing the complaint and no reply was given to the same. For the reasons better known to the opposite parties, they have not even made appearance and filed their version denying the allegations made by the complainants.

Therefore, we are of the view that the complainants are entitled for the amounts awarded under the impugned order except for the refund of discount amount to the tune of Rs.18,360/-. We are of the further view that the Commission below harshly imposed punitive damages at Rs.60,000 plus 12% interest in case of default to honour the award within one month. With this, the impugned order, dated 22.11.2018 required to be modified. The points are answered against the appellant.

11. In the result, the appeal is modified without costs, however, the impugned order dated 22.11.2018 in CC 112/2018 passed by the District Commission, Ranga Reddy, is modified, by directing the opposite parties with joint and several liability to pay compensation of Rs.6,000/- each per complainant from the date of complaint till realization with interest @ Rs.8% per annum from the date of complaint till realization, besides costs of litigation of Rs.6,000/-.

The complainant is permitted to withdraw the amount as awarded now from and out of amount deposited by the appellants/opposite parties and if any balance remains, the appellants/opposite parties are at liberty to withdraw the same. This shall be done after expiry of revision time.

Typed to my dictation by Stenographer on the System; corrected by me and pronounced by us in the Open Court on this the 27th day of November' 2024.

Sd/-

Sd/-

I/c PRESIDENT

MEMBER-JUDICIAL

Dated : 27.11.2024

*AD