

(2008) 04 NCDRC CK 0004

In the National Consumer Disputes Redressal Commission

INNOVATIVE INCENTIVE HOLIDAYS PVT LTD

APPELLANT

Vs

SURESH MALLAPPA KUMBARA

RESPONDENT

Date of Decision : 11-04-2008

Acts Referred:

Citation : 2008 3 CPJ 511

Hon'ble Judges : Chandrashekhar , T.Hariappa Gowda , Rama Ananth J.

Advocate : C.Shankara Reddy , Francis Xavier

Judgement

1. THESE two appeals are by O. P. No. 2 challenging the order dated 20. 12. 2007 passed by the DF, Bagalkot in Complaint Nos. 76/2007 and 77/2007 allowing the complaints of the complainants.

2. SINCE the facts involved in both these appeals are common we dispose of these appeals by this common order. The case of the complainants is that they having attracted by the advertisement issued by O. P. 2 purchased two Hero Honda Splender Plus motor bikes hoping that they may fly to West Indies free or Family Holiday in India free.

The scheme floated by O. P. 2 is also to the effect that whoever purchases the Hero Honda bike they are entitled for fly to West Indies free or Family Holiday in India free provided the scratch card discloses whether they are entitled for fly to West Indies or Holiday in India free.

3. WHEN the complainants scratched the card it is found that they are entitled for Family Holiday in India free. Pursuant to that O. P. 2 also furnished free accommodation in Royal Hotel in Kodaikanal for three days and nights. But the complainants refused to avail the same demanding the transportation and other expenses to enjoy the holiday in Kodaikanal free. This was refused by the O. P. This has made the complainant to file the complaints before the District Forum. The District Forum accepting the case of the complainants allowed the complaints with a direction to the O. P. to pay Rs. 20,000 to each of the complainants recording the finding that the conduct of the O. P. amounts to unfair trade

practice.

4. WE looked into the advertisement which is also referred to in the impugned order which reads as follows: "fly to West Indies Free or Family Holiday in India free. " From this it is seen that if a person gets fly to West Indies free by scratching the card he could avail the same having purchased the Hero Honda bike. In the event if the person gets Family Holiday in India free they are not entitled for transportation charges and other facilities free but they are entitled only Family Holiday in India free. So far as the O. Ps. are concerned they have made all arrangements to send the complainants to Kodaikanal to accommodate them in the Royal Hotel as desired by the complainants. But the complainants have not availed of the same on the ground that the transportation charges must be free. This in our view is not permissible. Therefore, the DF was not right in allowing the complaints of the complainants.

5. FURTHER since the O. P. has made the arrangements at Kodaikanal for three nights in the Royal Hotel at their cost to accommodate the complainants, in our view, there is no deficiency in service. In the said view of the matter these appeals are liable to be allowed. In the result, we pass the following: order appeals are allowed. Impugned orders are set aside. Complaints filed before the District Forum are dismissed. The appellant has deposited Rs. 11,000 in each of the appeals. If the appellant/o. P. files a memo for refund of the same, the Office is directed to refund the same to the appellant/o. P. Appeals allowed.