
(2001) 10 NCDRC CK 0055

In the National Consumer Disputes Redressal Commission

NAMITA NIGAM

APPELLANT

Vs

JANTA TRAVELS

RESPONDENT

Date of Decision : 04-10-2001

Acts Referred:

Citation : 2008 1 CPJ 141

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Dismissed

Judgement

1. -PETITIONER was the complainant before the District Forum. Though she succeeded before the District Forum in her complaint, she lost in the State Commission on appeal filed by the respondent-opposite party against the order of the District Forum. Petitioner had an excursion ticket which was purchased from the respondent, a GSA of Air India. Ticket was for Rs. 16,306 and was for the Sector Delhi-London New York-Delhi. Petitioner could travel upto London and as she was not having visa for USA, she came back to Delhi. Since she did not utilise air journey from London to New York and back to London she sought refund of the air ticket to this extent. Ticket was sold to her on 25. 11. 1989. Since the respondent did not agree to any refund, it would appear petitioner wrote to Air India. She got reply from Air India on 6. 3. 1990 informing her that since it was an excursion ticket and though it was not utilised for the whole journey, refund was not permissible. We produce the letter dated 6. 3. 1990: "sub : Refund for the unutilised flight coupon Nos. 098-4408766054 for London/new York/london.

. Dear Madam, we thank you for your letter (Registered AD) dated 27th February, 1990. On going through the photocopy of your ticket, we observe that you had purchased excursion ticket (YLE 4m) No. 098-4408766054 for Rs. 16,306 and you have utilised only Delhi/london/delhi coupons. We would like to inform you that for refund action, we take the normal economy class fare which comes to Rs. 26,304 in the month of November 1988. As such, we regret there is no refund due on your ticket for the sector London/new York/london. Assuring you of our best services, always. Yours faithfully, air

India sd/-Ms. G. Clair manager-Res and Ticket Sales cc : Mr. Ghosh, Sales Representative, Air India, Lucknow. cc : Passenger Sales Manager-NI, New Delhi.- Along with photocopy of the correspondence from the subject passenger.-for information. "

2. MATTER did not rest at that petitioner went to the District Forum which allowed her complaint. She did not make Air India as an opposite party. District Forum however, allowed her complaint against respondent. Aggrieved, respondent went in appeal to the State Commission which was allowed by it and the complaint was dismissed. Now the petitioner is before us. She argued her case quite admirably but we are unable to help. One thing when she boarded the flight at Delhi, she knew that she was not having a visa for USA. There was, therefore, no need for her to get her excursion ticket upto New York.

We have not been told what was the air ticket for the Sector Delhi-London-Delhi. Then the respondent is merely an agent. It has to act by the instructions given by the principal, the Air India. Petitioner had directly corresponded with Air India and her claim was not acceptable. As noted above, she did not make Air India as opposite party in the proceedings. In the absence of Air India, State Commission rightly held that no liability could be foisted on the travel agent-respondent. We find no merit in this revision petition and it is dismissed. R. P. dismissed.