
(2017) 11 NCDRC CK 0008

In the National Consumer Disputes Redressal Commission

Case No : 378 of 2016

NITIN G. THAKKER

APPELLANT

Vs

BRITISH AIRWAYS, & ORS.

RESPONDENT

Date of Decision : 10-11-2017

Acts Referred:

Citation : (2017) 11 NCDRC CK 0008

Hon'ble Judges : V.K. Jain, S.M. Kantikar

Advocate : Anand Patwardhan, K.J. Preswala, Sandeep Goyal, Santosh Kumar

Judgement

1. The complainant No. 1 purchased two tickets for travelling on British Airways on an international sector, one for himself and the other for his wife, complainant No. 2 Nalini N. Thakker. The complainant No. 1 was issued the confirmed ticket and a wait-listed ticket for his wife. Their grievance is that when they reached airport, the ticket of complainant No. 2 was not confirmed, though two economy class passengers were upgraded to business class. As a result, they had to purchase a first-class ticket for complainant No. 2. Being aggrieved from the aforesaid alleged deficiency in service offered to them, the complainants approached the concerned State Commission by way of a consumer complaint.

2. The complaint was resisted by the respondents. It was submitted on behalf of the respondent No. 1 British Airways that since no seat become available, the ticket issued to complainant No. 2 could not be confirmed. It is admitted that complainant No. 2 purchased the first class ticket for travelling on the aforesaid flight but it is pointed out that complainant No. 1 was also upgraded from business class to first class without any charges from him.

3. The grievance of the complainants is that though a confirmed seat was denied to complainant No. 2, two other passengers, namely, Mr. & Mrs. Kansara, were upgraded from economy class to business class. Respondent No.1, however has clarified in its reply that the aforesaid two persons, namely, Mr. & Mrs. Kansara, were from the staff category and, therefore, passengers of a different category who were accommodated as sub-loaded staff on seats reserved for non-

commercial use. It is thus, evident that no seat meant for commercial use became available on the above-referred air-craft. Therefore, British Airways could not have confirmed the wait-listed ticket issued in the name of complainant No. 2 since only a seat meant for commercial use could have been allocated to her. Though, the complainants have contended that Mr. & Mrs. Kansara, could not have been allowed to occupy the next commercial seats. We need not go into that issue since no commercial seat having been become available, complainant No. 2 could not have been given a confirmed ticket for travelling on the aforesaid flight. The question as to whether Mr. & Mrs. Kansara could have been allowed to travel on seats reserved for non-commercial use is not a question arising for consideration in this complaint and needs to be redressed by an authority such as DGCA, if the issue is taken to the said authority. For the purpose of deciding the consumer complaint, it is sufficient if it is found that no seat meant for commercial use was available on board of the above referred aircraft. Therefore, respondent No. 1 British Airways cannot be said to be deficient in rendering service to the complainants by not giving a confirmed seat in business class to complainant No. 2. However, the complainants are entitled to refund of the fare which they had paid for obtaining wait-listed ticket for complainant No. 2 alongwith appropriate interest on that amount, the fare paid against that seat having been used by British Airways for its own purposes.

4. For the reasons stated hereinabove, the appeal is disposed off with a direction that the fare which the complainants have paid for the issuance of a wait listed ticket for complainant No. 2 shall be refunded to the complainant No. 1 within six weeks from today alongwith interest on that amount @9% p.a. from the date aforesaid amount was paid till the date it is refunded.