

(1996) 08 NCDRC CK 0047

In the National Consumer Disputes Redressal Commission

SATISH BAGRODIA

APPELLANT

Vs

AIRDOOT INTERNATIONAL

RESPONDENT

Date of Decision : 26-08-1996

Acts Referred:

Citation : 1996 2 CLT 537 : 1996 3 CPJ 96

Hon'ble Judges : J.B.Garg , Sada Nand , P.Ojha J.

Final Decision : Complaint allowed with costs

Judgement

1. THE complainant purchased a ticket on 15.10.91 from the respondents for traveling by air from Chandigarh to New Delhi for the Flight PF 102 scheduled at 16.15hrs. for 18.10.91. At about 1.00 p.m. on 18.10.91, Secretary of the complainant made an inquiry about any probable change in the flight, it was a surprise to know that reply received was that the flight has altogether been cancelled. Though the address and telephone number of the complainant was recorded with the respondents in advance yet they made no attempt to inform the complainant about this cancellation. THE complainant came to know that the seat was available in the next available train i.e. Himalayan Queen which was supposed to leave at 5.20 p.m. After efforts made at Kalka and Chandigarh Railway Stations the complainant was able to arrange a ticket for AC. Chair-Car after great persuasion. His entire programme of meeting a particular business representatives who were coming from Bangladesh, Sri Lanka on 18.10.91 failed. Subsequently the complainant sent one of his representatives to the aforesaid foreign countries resulting in monetary loss and inconvenience. He has claimed a sum of Rs. 1,62,733.00 spent by him in arranging the subsequent meetings and another sum of Rs. 5 lacs as an alleged loss in the business.

2. IN a reply filed on behalf of the respondent No. 1, it has been averred that they had been handling agents and the complainant did possess ticket for Flight PF 102 scheduled for departure at 16.15 hours for 18.10.91 and it was an affirmed ticket. The information regarding cancellation of the flight was received at about 12.30 hours the same day because their own telephone was not in

working order and they tried to inform the customers through the telephone available at the hotel attached. While they were in the process they received a call from the office of the complainant and information of the cancellation of the flight was conveyed. The complainant himself has marked his resentment at 1.30 p.m. and an apology was conveyed on telephone. It was not their practice to arrange railway ticket but on the request of the complainant efforts were made. The sensitive nature of business of the Airline compels cancellation due to bad weather or technical reasons. They should not be held liable for cancellation. There is no specific plea that the flight in question was cancelled on account of bad weather or any other similar reason. The seat in question was booked for the complainant for 18.10.91. If a representative of the complainant went to Bangladesh or other countries on or about 7.2.92 and spent Rs. 62,385/- or if he went to Sweden subsequently and spent Rs. 1,00,348/- it cannot be deemed that all these expenses were on account of the default caused by the respondents for the flight in question which pertained to 18.10.91 and which too was within the country i.e. from Chandigarh to New Delhi. It appears that in this case the price of the ticket too has not been refunded to the complainant. After taking into consideration the loss of ticket suffered by the complainant on account of negligence of the respondents-, it is ordered that the price of the ticket i.e. Rs. 720/- together with a compensation of Rs. 5,000/- shall be payable by the respondents to the complainant within a period of two months failing which respondents shall be liable to pay interest @ 18% from the date of this order. Besides this the complainant is also entitled to costs Rs. 1,000/-.

Announced. The order be communicated to the parties free of charges. Complaint allowed with costs.