

(1998) 08 NCDRC CK 0047

In the National Consumer Disputes Redressal Commission

SOTC TRAVELS And TOURS (BOMBAY) PVT. LTD.

APPELLANT

Vs

TANMAY GUPTA

RESPONDENT

Date of Decision : 12-08-1998

Acts Referred:

Citation : 1998 3 CPJ 522 : 1999 1 CPR 398

Hon'ble Judges : E.J.Bellie , Pulavar V.S.Kandasamy , Angel Arulraj J.

Final Decision : Appeal allowed

Judgement

1. OF the two opposite parties the 1st opposite party against whom an award has been passed by the District Forum is the appellant. The two complainants are residing at Madras. They wanted to go on orient tour alongwith their relations numbering three and for that they paid a sum of Rs, 1,01,950/- to the opposite parties, the organisers of the tour. The complainant's relations were to join them at Bombay. The tour was to commence at Bombay on 5.4.1994. The complainants were given the tour tickets on 2.4.1994. According to the complainants they were shocked to find various discrepancies in the tickets when compared with the tour manual and briefing sheet issued by the 1st opposite party. According to the complainants for them Air India flight tickets had been given for the flight from Madras to Bombay on 5.4.1994. As per that ticket the flight was from Singapore to Madras to Bombay. But on enquiry they came to know that if they travelled from Madras to Bombay their trip from Singapore to Madras would be cancelled. The further case of the complainants is that as per the tour manual they were to travel from Bombay to Bangkok on 5.4.1994 and leave Bangkok on 9.4.1994 but the ticket issued to them showed that they were to arrive at Bangkok on 5.4.1994 and leave for Hongkong on the same day. For the said discrepancy and other discrepancies they contacted the opposite parties. But since there was no proper response they had to travel in advance from Madras to Bombay to know the exact position and for that they had to spend for the flight and boarding and lodging charges. Besides, they suffered mental agony. On these grounds alleging deficiency in service the complaint was filed for compensation.

2. THE opposite parties contended that the tour was organised well and there was no defect in it and therefore there was no deficiency in service on their part in any way. THE defect or deficiency alleged by the complainants were only imaginary and the complainants had not suffered in any way financially or mentally and therefore the complaint was liable to be dismissed. The District Forum found deficiency in service on the part of the opposite parties only in two respects and regarding others it rejected the complaint. It passed an award directing the 1st opposite party to pay to the complainants a sum of Rs. 14,086/- towards expenses incurred by them for their flight from Madras to Bombay and another sum of Rs. 15,000/- for other deficiencies in service.

The District Forum has held that it was the original understanding that the opposite parties should provide the tickets to the complainants to travel from Madras to Bombay but they had given Ex. A-5 Air India ticket for Singapore to Bombay and this would amount to deficiency in service. In is not the case of the complainants that they could not travel on Ex. A- 5 ticket from Madras to Bombay. Their only apprehension was that if they travelled so, their flight from Singapore to Madras would get cancelled. Clearly this apprehension is unfounded and baseless because their flight from Singapore to Madras had been already provided under Ex. A-6 ticket. It may be noted that the complainants have sent a fax message Ex. A-7 dated 2.4.1994 to the opposite party for clarification. In that, they had not whispered about any difficulty in traveling from Madras to Bombay under Ex. A- 5 ticket issued by the opposite party. Manifestly therefore, the finding of the District Forum that there was deficiency in service regarding the ticket issued for the complainants to travel from Madras to Bombay, is devoid of merits.

3. AS regards the second grievance of the complainants that as per the tour manual they were to reach Bangkok on 5.4.1994 and stay there for four days and then leave for Hongkong but as per the tickets issued to them they were to leave Bangkok on 5.4.1994 itself, it is not in dispute that they did stay in Bangkok for four days as per the tour manual and left for Hongkong only on 9.4.1994. Therefore in no way the tour was affected. Hence in this regard also there is no justification in the District Forum holding that there was deficiency in service on the part of the opposite parties regarding their stay in Bangkok. It was argued before us by the learned Counsel appearing for the complainants (respondents herein) that because of the said discrepancy between the tour manual and the tickets issued in respect of their stay, the complainants had suffered mental agony. But it is not even their case that there was delay in setting right things when the opposite parties came to know about the discrepancy. Therefore we cannot accept that there was such mental agony that warrants payment of compensation. Thus us we find that the order of the District Forum not correct and there is no merit in the complaint. 5. In the result, therefore, we allow the appeal, set aside the order of the District Forum and dismiss the complaint. However, there will be no order as to costs. Appeal allowed. _____