

(2005) 03 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

Tamil Nadu State Transport Corporation

APPELLANT

Vs

THIRU PON. UMASHANKAR

RESPONDENT

Date of Decision : 07-03-2005

Acts Referred:

Citation : 2006 1 CPJ 532

Hon'ble Judges : A.Raman , R.Vanaroja , PonGunasekaran J.

Final Decision : Appeal partly allowed

Judgement

1. WE do not see any merit in this appeal. It is the case of the complainants that the complainants boarded the bus belonging to the opposite party from Kancheepuram to Sunguvar Chatram on 2.3.97. The conductor of the bus informed them that they should get ticket only for Chennai even if they wanted to get down at any stage in between. When the complainants protested the same, the conductor abused them. Therefore, under protest the complainants had to buy two tickets at a cost of Rs. 11.25 p each and they travelled only from Kancheepuram to Sunguvar Chatram. It is not a point-to-point bus or Express bus. Therefore, the action of the opposite party amounts to deficiency in service.

2. THE opposite party admitted that the complainants travelled in their bus. According to them on 2.3.97, about 40 passengers came to the opposite party and represented that the regular bus starting at 10.30 p.m. was overcrowded and that there were about 40 to 45 passengers bound for Madras and since the last bus was at 10.30 p.m., they decided to ply a special bus from Kancheepuram to Madras exclusively for those passengers who were bound for Madras. THE passengers who wanted to get down at Sunguvar Chatram and places en route were asked by the conductor to go the bus starting next. Accordingly, passengers got down from the bus and boarded the bus that was arranged exclusively for the passengers travelling to Madras. But the complainant refused to get down from the bus in spite of being informed by the conductor that the bus was meant for Madras-bound passengers only. THE complainant requested the conductor to allow them to travel and represented that they were willing to buy the tickets for

Madras and requested to allow them to get down at Sunguvar Chatram. Accordingly, tickets were issued and they were allowed to get down at Sunguvar Chatram. Thus there was no deficiency in service. From the stand of the opposite party, it is quite clear that the complainants did travel on that day by that bus. The opposite party has not produced any material to show that it was a specially arranged bus intended only for passengers from Kancheepuram to Madras. On the other hand, when a written complaint was made, the opposite party wrote to say on 11.4.97 that with reference to the complaint they would make inquiries with the concerned conductor and inform the complainant about the result of the inquiry. But there is nothing to show that any inquiry was conducted at all, nor the result of such an inquiry was communicated. In fact, no affidavit is obtained from the concerned conductor is filed. It is to be pointed out that the complainant sent a notice through the Consumer Welfare Protection Association on 3.6.97 which also went unheeded. The opposite party have not produced any material to substantiate that it was a point-to-point bus or an Express bus or a special bus or a special trip-arranged bus. On their own showing, it is clear that the complainants travelled by that bus and that the complainants got down in the mid-way, yet higher fare payable for travel from Kancheepuram to Madras was collected from them though they alighted at a stop in-between called Sunguvar Chatram. Thus it is clear that there is deficiency in service. The lower Forum granted a sum of Rs. 3,000 as compensation, which is on the higher side. It is not the complainant's case that they were not permitted to travel or that they were compelled to get down at the stop they did not want to. Nor it is their case that because of the opposite party's action they were stranded. If at all, they have been put to financial loss in that they were asked to pay higher fare for alighting in a place mid-way. Therefore, their allegation that they were put to lot of mental agony, cannot at all be accepted. But, considering the fact that there is some deficiency in service, we would quantify the compensation at Rs. 1,000 and cost at Rs. 200.

In the result, the appeal is allowed in part modifying the order passed by the lower Forum. There will be a direction to the opposite party to pay a sum of Rs. 1,000 as compensation along with cost of Rs. 200. Appeal partly allowed.