

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION,
8TH FLOOR, B.W.S.S.B BUILDING, K.G.ROAD,BANGALORE-09**

**Complaint Case No. CC/120/2022
(Date of Filing : 20 May 2022)**

1. VIKAS BHUSAN
6046, SOBHA IRIS OUTER RING RD,
DEVARABISANAHALLI, BELLANDUR, BENGALURU,
KARNATAKA 560103
BENGALURU URBAN
KARNATAKA

.....Complainant(s)

Versus

1. BHAVISH AGGARWAL
MANAGING DIRECTOR,ANI TECHNOLOGIES PRIVATE
LIMITED- OLA CABS, REGENT INSIGNIA, 414, 3RD
FLOOR, 4TH BLOCK, 17TH MAIN, 100 FEET ROAD
KORAMANGALA, BENGALURU, 560034
BENGALURU URBAN
KARNATAKA

.....Opp.Party(s)

BEFORE:

**HON'BLE MRS. M. SHOBHA PRESIDENT
HON'BLE MRS. SUMA ANIL KUMAR MEMBER
HON'BLE MRS. JYOTHI. N MEMBER**

PRESENT:

Dated : 18 Jan 2023

Final Order / Judgement

Complaint filed on:20.05.2022
Disposed on:18.01.2023

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT
BANGALORE (URBAN)**

DATED 18TH DAY OF JANUARY 2023

PRESENT:- SMT.M.SHOBHA

: PRESIDENT

SMT.JYOTHI N.,
SMT.SUMA ANIL KUMAR

: MEMBER
: MEMBER

COMPLAINT No.120/2022

<p style="text-align: center;">COMPLAINANT</p>	<p>Mr.Vikas Bhusan, Aged about 36 years, R/o. No.6046, Sobha Iris, Outer Ring Road, Devarabisanahalli, Bellandur, Bengaluru 560 103. (Party in Person)</p>
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<p>OPPOSITE PARTY</p>	<p>1 Mr.Bhavish Aggarwal, Managing Director, ANI Technologies Pvt. Ltd., (OLA Cabs), Regent Insignia, # 414, 3rd Floor, 4th Block, 17th Main, 100 Feet Road,Koramangala, Bengaluru 560 034. (By Sri.Mohan Malge, Advocate)</p>

ORDER

SMT.M.SHOBHA, PRESIDENT

1. The complaint has been filed under Section 35 of C.P. Act, 2019 (hereinafter referred as an “Act”) against the OP for the following reliefs against the OP:-
 - a. Refund the trip cost as per the invoice Rs.1,837/- along with 18% interest.
 - b. Pay a sum of Rs.50,000/- towards the physical strain and mental agony in the due courses along with the difficulty faced with business partners on the business trip suffered by the complainant during business trip(compensation)
 - c. Pay a sum of Rs.200/- towards cost of the petition.
 - d. Direct the respondents to pay the costs of litigation.

2. The case set up by the complainant in brief is as under:-

The OP is a cab/taxi service provider, engaged in the business of Ride-Hailing or taxi rental service for the public apart from other activities like electric vehicle sales and valet service(Ola money).

3. The complainant with his business partners hired an Ola cab on 18.10.2021 from the OP Prime Sedane Taxi for eight hours 80kms., as details published on Ola website and mobile application like air conditioner, extra leg room, top quality cab/fleet and driver etc., with service agreement from Ola cabs mobile application, but air conditioner was not working for entire eight hours. There is no mechanism to complaint to Ola on ongoing trip and if the trip is stopped in between due to any issue or inconvenience the total amount will be charged to the customer. The complainant has made full payment of Rs.1,837/- as per the invoice and rate card of the Ola cabs.
4. The complainant approached the OP customer service regarding cab rental issues on the same day regarding service issues and refund for the same, but the company denied the complaint and refund stating that *“this is to inform you that you have been charged as per rate card there is no additional charge for AC. Hence we regret to inform you that we will not be able to process any refund in this case.”* This was very unfair behavior of Ola cabs.
5. The complainant wrote to the OP ola cabs support and senior management (Mr.Bhavish M.D.). After multiple round of discussion with customer support requesting his immediate intervention on 19.10.2021. the complainant has also explained the ola cabs that AC was included in the service over telephonic discussion with customer service and even after ola cabs on written mail on 19.10.2021 that whether AC was included in the service as per the rate and initial rental agreement but failed to get any answer for the same. The complainant has done multiple escalations to Ola cabs and MD Mr.Bhavish on Twitter/email etc., and issued notice on 05.11.2021 and 13.11.2021. The OP accepted the deficiency in the service after investigation as per mail dated 05.11.2021 and issued a voucher of Rs.100/- only without any discussion with the complainant.
6. The complainant registered the complaint on Government of India Ministry of Consumer Affairs, Good and public distribution department of consumer affairs, National Consumer Helpline on 13.11.2021 for deficiency in service and refund but OP denied any refund and accepted AC was included in the service. The complainant has registered this agreement with the Rs.100/- refund coupon which was issued without discussion over the email and served third notice on 20.11.2021 to the OP.

7. It is further case of the complainant that the non compliance to the standard of the service promised and communicated by OP on the one time agreement i.e., 18.10.2021 amounts to deficiency in service the OP has inflicted enormous amount of mental agony and financial loss to the complainant during his business time. Hence the complainant has filed this complaint.
8. In response to the notice, OP appears and files version after lapse of 45 days and it was rejected by this Commission on 07.09.2022.
9. The complainant has filed his affidavit evidence and relies on 02 documents. OP has not filed the affidavit evidence and documents.
10. Heard the arguments of the complainant only. Though sufficient opportunity was given to OP, they have not appeared to submit their arguments nor have filed any written argument. Perused the written argument filed by the complainant.
11. The following points arise for our consideration as are:-
 1. Whether the complainant proves deficiency of service on the part of OP?
 2. Whether the complainant is entitled to relief mentioned in the complaint?
 3. What order?

12. **Our answers to the above points are as under:**

Point No.1: Affirmative

Point No.2: Affirmative in part

Point No.3: As per final orders

REASONS

13. **Point No.1 AND 2:** These two points are inter related and hence they have taken for common discussion.

14. The complainant filed this complaint claiming refund of trip cost of Rs.1,837/- with interest and also for compensation of Rs.50,000/- and for cost and other reliefs on the ground that the OP have committed deficiency of service and there is unfair trade practice on the part of OP.
15. Even though OP have appeared before this commission have failed to file the version within 45 days and hence the version was rejected by this commission. The complaint and the evidence and documents produced by the complainant remained unchallenged.
16. It is clear from the complaint, evidence and documents produced by the complainant that the complainant has hired an Ola Cab Prime Sedan tax for 8 hour 80kms. On the basis of the details published on OP website. The OP have offered in their mobile application that they will provide Ola cabs in prime sedan category with air conditioner, extra leg room, top quality cab/fleet and driver etc., before booking.
17. After availed the cab rental service of OP the air conditioner was not working on the hired cab for the entire 08 hours. There is no mechanism to complaint to ongoing trip and if the trip is stopped in between due to any issue or inconvenience the total would be charged to the customer.
18. The complainant had made full payment of Rs.1,837/- as per invoice and rate card of the Ola cabs.
19. The complainant has approached the OP customer service regarding the cab rental issues and requested them for refund of the amount, but they denied the complaint and refund of the amount stating that they have not charged for the AC and hence they will not be able to process any refund in this case. The complainant has also contacted the senior management M.D. and after multiple rounds of discussion with customer support the matter was not settled. Even though the OP have accepted the deficiency in the service after investigation as per mail dt.05.11.2021 they have issued voucher of Rs.100/- only without any discussion with the complainant.
20. The complainant in support of his contention has relied on Ex.P1 & P2. Ex.P2 is the copy of the invoice for Rs.1,837/- and annexure no. II to VIII are all email communications between the complainant and OP company.

21. As per Annexure-II the OP company have send a letter stating that the AC was not working and they have sought for a apology for the inconvenience caused during the booking. They have further stated that as per the rate card they have not charged any additional charges for AC and hence they refuse to refund the amount.
22. It is clear from the very admission made by the OP that they have send the Ola cab even though the AC was not working in the said car after collecting the entire amount of Rs.1,837/-.
23. It is the duty of the OP to provide all services to the customers as per promise made by them. They have made the customer complainant to suffer inconvenience and mental agony during his trip without providing the service of AC for the entire trip period of 08 hours. Therefore, the OP have committed deficiency of service and also unfair trade practice on their part. Hence, the complainant is entitled for the relief. Hence we answer point No.1 in affirmative and point No.2 partly in affirmative.
24. **Point No.3:-** In view the discussion referred above we have decided to direct the OP to refund the trip cost as per invoice Rs.1,837/- with 10% interest and further directed to pay a compensation of Rs.10,000/- with litigation expenses of Rs.5,000/- to the complainant. Hence, we proceed to pass the following;

ORDER

1. The complaint is allowed in part.
2. OP is directed to refund the trip cost of Rs.1,837/- with interest at the rate of 10% p.a. from the date of complaint till realization.
3. The OP is further directed to pay compensation of Rs.10,000/- and litigation expenses of Rs.5,000/- to the complainant.
4. The OP shall comply this order within 60 days from this date, failing which the OP shall pay interest at 12% p.a. after expiry of 60 days on Rs.1,837/- till final payment.
5. Furnish the copy of this order and return the extra pleadings and documents to the parties.

(Dictated to the Stenographer, got it transcribed and corrected, pronounced in the Open Commission on this 18TH day of JANUARY, 2023)

(JYOTHI N.)

MEMBER

(SUMA ANIL KUMAR)

MEMBER

(M.SHOBHA)

PRESIDENT

Documents produced by the Complainant-P.W.1 are as follows:

1.	Ex.P.1	Certificate u/s 65(B) of Evidence Act
2.	Ex.P.2	Copy of invoice for Rs.1837/- with annexure including email correspondence and whatsapp conversation

Documents produced by the representative of opposite party – R.W.1: -NIL –

(JYOTHI N.)

MEMBER

(SUMA ANIL KUMAR)

MEMBER

(M.SHOBHA)

PRESIDENT

**HAV/SKA*

[HON'BLE MRS. M. SHOBHA]
PRESIDENT

**[HON'BLE MRS. SUMA ANIL KUMAR]
MEMBER**

**[HON'BLE MRS. JYOTHI. N]
MEMBER**