

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-I,
U.T. CHANDIGARH**

Consumer Complaint No.	:	CC/270/2023
Date of Institution	:	25.5.2023
Date of Decision	:	2/02/2024

1. Rajesh Chopra S/o Sh. S.K. Chpora S/o Sh. S. K. Chpora
2. Gamini Chpora W/o Rajesh Chopra

Both residents of House No.1006, Sector 43 B, Chandigarh.

... Complainants

V E R S U S

1. M/s Air India Ltd. SCO 162-164, Sector 34-A, Chandigarh through its authorized representative/
Director/MD.

2nd Address:-

SCO No.113, Airlines House, Gurudwara Rakab Ganj Road, Parliament Street, Behind All India
Radio Delhi.

... Opposite Parties

CORAM : **SHRI PAWANJIT SINGH** **PRESIDENT**
 SHRI SURESH KUMAR SARDANA **MEMBER**

ARGUED BY : Sh. Mandeep Singh Rawat, Advocate for complainants
 : Sh. Daksh Prem Azad, Advocate for OP (OP already exparte)

Per Pawanjit Singh, President

1. The present consumer complaint has been filed by the complainant under Section 34 of the Consumer Protection Act 2019 against the opposite parties (hereinafter referred to as the OP). The brief facts of the case are as under :-
 - a. It transpires from the averments as projected in the consumer complaint that the complainants had booked two air tickets on 12.1.2023 from New York John F Kennedy INTL Terminal 4 to Delhi Indira Gandhi INTL terminal 3 having flight No.A1102 Class D, Seat 10E departure on 20.1.2023 and arrival on 21.1.2023. For the aforesaid tickets the complainants had paid a total amount of Rs.8,24,964/- for both the air tickets Annexure annexed as C-1. The complainants who are senior citizen and even the complainant No 1 is brain stroke patient and handicapped as such they booked business class tickets considering that they could travel comfortably without any hassle. Complainant No.1 had specifically gone to America to undergo physiotherapy sessions but while travelling with the

subject flight the complainants had to forcibly sit on broken seats, having support of stools in front portion to their feet for long continuous 14 hours journey. Even the complainants could not recline their seats to a lie flat bed for an overnight 14 hours long journey which resulted into excessive swelling and pain of feet of complainant NO.1. Photocopy of flight seat having deficiency is annexed as Annexure C-2 and the medical record of complainant No.1 is annexed as Annexure C-3 and copy of photographs of complainant No.1's feet is annexed as Annexure C-4 and copies of physiotherapy sessions undergone by complainant No.1 is annexed as Annexure C-5 (colly). The complainants had felt extremely sad to see such a horrible state of affair even after paying a huge amount of ticket charges for business class tickets which shows deficiency in service on the part of OPs, especially when the complainants were compelled to sit on defective seat. Thereafter the complainants through their son raised the concern vide mail Annexure C-6 dated 23.1.2023, which was replied by the Ops vide reply Annexure C-7 but with no result except that the OPs had regretted the inconvenience caused to the complainants. Thereafter the complainants sent legal notice Annexure C-8 through registered post which was replied by the OPs vide reply Annexure C-11 in which it has been alleged by the Ops that the complainant should have been and vigilant with respect of the seats they choose for a 14 hours long journey. The aforesaid act amounts to deficiency in service and unfair trade practice on the part of OP/s. OP were requested several times to admit the claim, but, with no result. Hence, the present consumer complaint.

- b. OP was properly served and when OP did not turn up before this Commission, despite proper service, it was proceeded against ex-parte on 25.7.2023. However, during the pendency of the complaint the counsel for OP had sought permission to join the proceedings and he was allowed to joint subsequent proceedings.
2. In order to prove their case, complainants have tendered/proved their evidence by way of affidavit and supporting documents.
 3. We have heard the learned counsel for the parties and also gone through the file carefully.
 - i. At the very outset, it may be observed that when it is an admitted case of the parties that complainants are senior citizen and have purchased business class tickets from OP to travel from New York John F Kennedy INTL Terminal 4 to Delhi Indira Gandhi INTL Terminal 3. and for their journey on 20/21.1.2023 they paid ticket amount of Rs.8,24,964/- to the OP as is evident from Annexure C-1 and the facilities of the business class seats were not provided by the OP during the journey as a result of which the complainant No.1 had suffered with health issues like swelling on his leg and feet etc., the case is reduced to a narrow compass as it is to be determined if the OP is deficient in providing service and the complainants are entitled for the relief as prayed for and for that purpose the documents produced on record by the complainants are required to be scanned carefully to determine the real controversy between the parties.
 - ii. Annexure C-1 is electronic ticket itinerary receipt and boarding passes which indicate that two business class tickets were booked by the complainants for their flight from New York to Delhi to be departed on 20.1.2023. Annexure C-2 is the copy of photographs which clearly indicates that only stool has been provided in front of the complainants. Annexure C-4 is photographs sheet which clearly indicates that there was swelling on the legs and feet of the complainant No.1 which was also diagnosed by the medical officer Ravi Kumar Jain on 26.1.2023 as is evident from Annexure C-3 and the complainant No.1 was medically treated by the aforesaid doctor. Annexure C-5 (colly) is billing sheet which clearly indicates that physical therapy was provided by the therapist to the complainant No.1. Annexure C-6 is the copy of mail sent by the son of complainants to the OP raising their concern i.e. qua the difficulties faced by them during their journey from New York to Delhi. Annexure C-8 is the copy of legal notice sent by the complainants to the OP raising their concern about the inconvenience faced by both the complainants during their long journey from New York to Delhi.
 - iii. Perusal of allegations made by the complainants in the complaint which are supported with the duly sworn affidavit of the complainants coupled with documentary evidence led by the complainants as discussed above clearly proves on record that the complainants had purchased two business class air tickets for Rs.8,24,964/- from New York to Delhi and the seats which were allotted to the complainants were defective since the same did not slide or moved forward as a result of which the complainant No.1 has suffered with physical pain and discomfort due to the swelling in his legs and feet throughout the long air journey by the complainants. Not only this, even the complainant No.1 had undergone treatment for the swelling in the legs and feet from the Medical Officer. Thus since the complainants admittedly suffered physical

inconvenience and mental agony because of defective seats for long air journey, the OP airlines is bound to compensate the complainants especially complainant No.1 for its deficiency in providing service keeping in view the fact that the complainants had travelled and completed their journey from New York to Delhi but the OP could not remove the deficiency in the seat. The said act of OP amounts to deficiency in service and unfair trade practice on its part, especially when the entire case set up by the complainant in the consumer complaint as well as the evidence available on record is unrebutted by the OP. Hence, the instant consumer complaint deserves to be allowed.

4. In the light of the aforesaid discussion, the present consumer complaint succeeds, the same is hereby partly allowed and OP is directed as under :-
- i. to pay an amount of ₹50,000/- to the complainants as compensation for causing mental agony and harassment to them;
 - ii. to pay ₹10,000/- to the complainants as costs of litigation.
5. This order be complied with by the OP within 45 days from the date of receipt of its certified copy, failing which, it shall make the payment of the amounts mentioned at Sr.No.(i) above, with interest @ 12% per annum from the date of this order, till realization, apart from compliance of direction at Sr.No. (ii) above.
6. Pending miscellaneous application(s), if any, also stands disposed off.
7. Certified copies of this order be sent to the parties free of charge. The file be consigned.

Announced

Sd/-

2/02/2024

[Pawanjit Singh]

mp

President

Sd/-

[Suresh Kumar Sardana]

Member