

STATE CONSUMER DISPUTES REDRESSAL COMMISSION,
UTTAR PRADESH, LUCKNOW

APPEAL NO.2486 OF 2001

(Against the judgment/order dated 13-09-2001 in Complaint
Case No.595/1996 of the District Consumer Forum-I, Lucknow)

M/s. Anand Shree Enterprises

.....Appellant

Vs.

Sri Niranjana Saxena and another

.....Respondents

BEFORE:

HON'BLE MR. JUSTICE BHANWAR SINGH, PRESIDENT
HON'BLE MR. SYED ALI AZHAR RIZVI, MEMBER
HON'BLE MR. RAMPAL SINGH, MEMBER

For the Appellant : None appears.

For the Respondent : Sri M H Khan, Advocate.

Dated : 01-11-2010

JUDGMENT

MR. JUSTICE BHANWAR SINGH, PRESIDENT (ORAL)

The case called out. None is present on behalf of the appellants M/s. Anand Shree Enterprises. Their Counsel too is not available. Sri M H Khan, learned Counsel for the respondent/complainant Sri Niranjana Saxena is present. He submits that since it is an old matter of the year 2001 it may be heard and decided on merit. We agree with Mr. M H Khan and proceed to decide this appeal on merit.

Sri Niranjana Saxena has purchased eight air tickets for his family members including himself for their journey on 15-12-1995 from Guwahati to Imphal by Skyline NEPC Flight No. D-5603. All the eight tickets (four full, three half and one infant) had a mark of confirmation but when they reached the airport to catch the flight on the scheduled date, they were informed that their tickets were on wait list and accordingly they were asked to wait. They had to wait for four days i.e. from 15-12-1995 to 19-12-1995 and had to incur heavy expenditures unnecessarily while staying in Guwahati. The airlines neither made their arrangements for stay, nor provided any kind of assistance to them. It was on the plea of these facts and circumstances that the complainant

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filed his complaint for recovery of damages to the tune of Rs.2,50,000/-
M/s. Skyline NEPC did not come forward to contest the complaint.

However, the appellants M/s. Anand Shree Enterprises filed their written statement and submitted that they had issued the confirmed tickets on the basis of the computer information provided to them by the Indian Airlines on computer. It is perhaps on the basis of the same plea that the appellants have pleaded that the complaint was bad for non-joinder of Indian Airlines.

The District Consumer Forum having scrutinized the pleadings of the parties and the evidence adduced in support thereof recorded a finding of deficiency in service on the part of both the opposite parties and awarded a sum of Rs.25,000/- as compensation besides a sum of Rs.1,000/- as litigation expenses.

We have heard Sri M H Khan, learned Counsel for the respondent/complainant and perused the record. What important to note is that the appellants have not disputed the complainant's case that they had issued confirmed tickets to the complainant and his family members for their journey from Guwhati to Imphal on 15-12-1995. Also they have not challenged that the complainant and his family members could not board the flight as they were on wait list and as informed by the Skyline company they had to wait for four days and stayed in Guwhati incurring heavy expenditures unnecessarily.

The contention of the appellants that they had relied upon the computer-screen and the information provided to them by the Indian Airlines cannot absolve them of deficiency in service. It may be the internal arrangement between the appellants and the Indian Airlines regarding provision of the computerized services but since the complainant was not a party to any kind of this system the appellants have to bear the brunt of the circumstances and they have to pay the compensation for the loss suffered by the complainant and his family members. It is also noteworthy that the Skyline NEPC did not come forward either before this Commission or before the District Consumer Forum to contest the proceedings yet they had written two letters both

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dated January 29, 1996 to Mr. Niranjana Saxena. It would be better to quote the text of the two letters, as it will help us in arriving at a right conclusion:-

(01) "SKYLINE NEPC LTD.
G R Complex
407 & 408, Anna Salai
Nandanam, Madras-600035

January 29, 1996

Mr. Niranjana Saxena,
162/34, (KA) Astabal Charbagh,
Ganga Prasad Road,
Lucknow-226018.

Dear Mr. Saxena,

We thank you for having chosen our airlines for your travel. Since our inception in 1994, we have grown tremendously and are constantly looking for ways to improve and increase the range and quality of our services thereby widening our horizons and working beyond boundaries. We deeply regret the inconvenience caused to you due to misinformation on status of tickets and are grateful to you for having brought it to our notice. We have asked for an in-depth clarification from the concerned stations and are seriously looking into the matter so that we can get back to you with the right information and make sure that these errors are not repeated thus helping us improve our services to make us your most preferred airline. We do hope you travel with us soon to see the marked improvement which took place due to your support. Looking forward to your continued patronage and assure you that best of our services at all times.

With warm regards,

Sd/-

P.L. Meiyammai
Corporate Communication Executive"

(02) "SKYLINE NEPC LTD.
G R Complex
407 & 408, Anna Salai
Nandanam, Madras-600035

January 29, 1996

Mr. Niranjana Saxena,
162/34, (KA) Astabal Charbagh,
Ganga Prasad Road,
Lucknow-226018.

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Dear Mr. Saxena,

With reference to your letter of grievance dated 15-01-1996 we deeply regret the inconvenience caused due to the same.

The management has taken up this matter seriously, and has called for a thorough investigation on the same. We assure you that we shall revert at the earliest with the outcome of the investigation.

With warm regards,

Sd/-

P.L. Meiyammai

Corporate Communication Executive"

It is abundantly clear from the text of the two letters that M/s. Skyline NEPC have not denied the complainant's version that they had travelled on 19-12-1995 by aircraft of the aforesaid company. A careful perusal of the first letter would clearly indicate that they had expressed their sincere thanks to the complainant for their company having been chosen for travelling.

It appears from the contents of the first letter that initially some mismanagement in the company affairs loomed large in the year 1994 but things had improved in the latter's year of their service. Be that as it may, the fact remains that Skyline NEPC had been preferred by the complainant for his and his family members travelling but to their utter shock and surprise they were not allowed to board the flight despite holding confirmed tickets. It was certainly a mismanagement of affairs for which the appellants and the Skyline both would be held guilty of deficiency in service. Needless to say that the complainant and his family members would have been put to a lot of inconvenience on being denied their right to board the flight and also while staying unnecessarily for four days at Gowhati incurring huge expenditures. The Forum below without going into the details of the expenditures awarded a lump-sum amount of Rs.25,000/- as compensation perhaps relying upon the two letters of the complainant despatched to the appellants on 15-01-1996 and 25-03-1996 in which a sum of Rs.25,000/- only was claimed as compensation. We agree with the said award particularly as the

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appellants have not termed it as excessive.

In the result, this appeal fails and is herewith dismissed. The impugned judgment is hereby affirmed.


(JUSTICE BHANWAR SINGH)
PRESIDENT


(SYED ALI AZHAR RIZVI)
MEMBER


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(RAMPAL SINGH)
MEMBER

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