

Airlines Sector

| S. NO. | LINK | FACT OF THE CASES | CITATION | FORUM | CASE NO. | DATE OF JUDGEMENT | JUDGEMENT WITH THEME |
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| 1. | https://indiankanoon.org/doc/55643536/ | <p>The brief facts of the case are that the respondents/complainants entered into an Agreement dated 18.10.2012. As per agreement, the processing fee will be 100% refundable if work provided by petitioners/opposite parties is not to the satisfaction of the respondents. The petitioners had given an assurance of salary of MR-1200 to 1500. The total cost for work permit is Rs.1.5 lakhs per member which includes the work permit for two years with food, accommodation, insurance and air fare. That in the meantime, respondents inquired from their sources that the petitioners are authorized by the Ministry of Labour to provide permits. On 13th December, petitioners informed the respondents that their visa was confirmed and their flight was booked for 26.12.2012 for that they have to deposit the balance amount with Rajan Verma, MD of the firm. When the respondents approached Rajan Verma, he stated that there were some difficulties in getting the work permit so they would have to go on a tourist visa and same would be converted into a work visa within 15 to 30 days by their employee Ms.Shradhya Dass, who will accompany them to Malaysia. On the assurance given by Rajan Verma, they paid a sum of Rs.90,000.- as part payment through cheque no.40887 dated 13.12.2012 drawn on SBI, Sector 41, Branch, Chandigarh and the same was cleared by the petitioners from their Bank and balance amount was to be paid at the time when the work permit was provided by the petitioners. On 26.12.2012, they took a flight to Kuala Lumpur along with</p> | <p>SMT. REENA PANDEY & ANR. (Complainant/ Petitioner) versus M/S GANGA IMMIGRATION & EDUCATION SERVICES PVT. LTD. & ANR. (Respondent)</p> <p>M/S GANGA IMMIGRATION & EDUCATION SERVICES PVT. LTD. & ANR. (Appellant/Petitioner) versus SMT. REENA PANDEY & ANR. (Respondent)</p> | <p>DISTRICT FORUM</p> <p>SCDRC CHANDIGARH</p> | <p>COMPLAINANT NO.</p> <p>FIRST APPEAL NO.515/2013</p> | <p>09.12.2013</p> | <p>On sufficient evidence of deficiency in service and unfair trade practice on the part of OPs., Allowed the complaint with the directions</p> <p>(i) To make payment of an amount of Rs.1,40,000/- paid by the complainants to them plus an amount of Rs.40,000/- spent by them at Malaysia total Rs.1,80,000/-.</p> <p>(ii) To make payment of an amount of Rs.50,000/- to the complainants for harassment and mental agony.</p> <p>(iii) To make payment of an amount of Rs.11,000/- to the complainants towards litigation expenses.</p> <p>The liability of the Ops shall be joint and several Appeal being devoid of merits, Upheld the order of the District Forum on the same ground.</p> |

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| | <p>Ms. Shradhya and two other male members. The tickets of Malaysia Airlines were provided by petitioners and same were return ticket according to which the departure was from Delhi and the arrival at Mumbai. The respondents had exchanged the money through Paul Merchants. The respondent no.1 exchanged Rs.28,410/- into MR and the respondent no.2 had exchanged Rs.28,281/-. The respondents when they reached Kuala Lumpur were asked by Ms. Shradhya, who accompanied the respondents to pay Rs.50/- MR as room rent whereas the accommodation was to be provided free of cost by petitioners. On 27.12.2012, she introduced them to one Mr. Rahul Negi, who took their passport for getting the work permits. They were roaming around the city with their luggage. In the evening they had to stay in a room on the 5th floor with two other guys in the same room. It was very embarrassing for both of them as they had been promised for separate accommodation. On next day in the evening, they were put on work in a courier company in night shift. The respondent no.1 was given a job of data entry operator and other two guys along with respondent no.2 were forced to do labour work, whereas, it was promised by the petitioners that they would give jobs as per their qualifications and experience. Moreover, all facilities like free accommodation, food, medical insurance and overtime which was promised by the petitioners was given to them. Besides all this, the respondents were forced to do labour work on a very cheap salary. When they asked for separate accommodation the agent told that they would have to pay 700 MR for that. When they refused to work as labourers the agent asked them to vacate the room</p> | <p>M/S GANGA IMMIGRATION & EDUCATION SERVICES PVT. LTD. & ANR. (Petitioner/ Complainant) versus SMT. REENA PANDEY & ANR. (Respondent)</p> | <p>NCDRC</p> | <p>REVISIO N PETITIO N NO. 1397 OF 2014 WITH (I.A.NO. 1682 OF 2014, FOR STAY</p> | <p>01/04/2014</p> | <p>Present revision petition is hereby, dismissed with costs of Rs.1, 00,000/- (Rupees One Lakh only). Out of the above costs, Rs.25, 000/- (Rupees Twenty Five Thousand only) each be paid by way of demand draft in the name of respondent No.1 and 2 respectively. The remaining cost of Rs.50, 000/- (Rupees Fifty Thousand only) to be deposited in the 'Consumer Legal Aid Account' of this Commission, within four weeks from today. In case, petitioners fail to deposit the said cost within the prescribed period, then they shall also be liable to pay interest @ 9% p.a., till realization.</p> |
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| | <p>immediately in the night. They had to stay in a hotel since that night i.e. 27.12.2012 to 9.1.2013 in Jalan Sultan, 25 k.m. away from Shah Alam and they spent 80 MR on taxi to reach that place. In the morning of 28th Dec. when they asked Rajan Verma and Rahul Negi to give back their passports Ms. Shradhya warned them that they can't go back to India and that they would have to work there whatsoever be the conditions or job. Otherwise they would have to pay US Dollars 500 each. Then they lodged a complaint with police. They had spent at least Rs.40,000/- there for accommodation, food, as well as for transportation. The respondents had in all by now had spent Rs.1,40,000/- i.e. amounts paid to the petitioners and Rs.40,000/- they spent during their stay in Malaysia for accommodation, food as well as for transportation. The respondents then made up their mind to come back to India as their condition was humiliating and miserable as their funds were insufficient and food accommodation and transportation were very costly, but petitioner's agents denied to give back their passport so they had to approach the Indian High Commission who issued them emergency certificate dated 3.1.2013 on which they travelled back to Mumbai as the return ticket was of Mumbai. The respondents on returning back to India approached the petitioners to pay back their amount but he tried to make fool of the respondents and delaying the matter on one pretext or the other, but on the other hand, he continued to expand his business by giving advertisements in the HT classified dated 13.4.2013 for staff required. On the wrong and fake commitments of the petitioners, the respondents had to leave their job which they</p> | | | | | |
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| | | were doing here in India and were still unemployed as such the respondents had suffered a huge loss and also sold their jewellery and motor cycle to settle abroad. The act of omission and commission on the part of the petitioners amounts to deficiency in service and unfair trade practice. The petitioners should have put to exemplary cost so that they cannot exploit the conditions of the unemployed youth. | | | | | |
| 2. | http://www.the-laws.com/Encyclopedia/Browse/Case?CaseId=994102255000 | Brief facts of the case are that the respondent/complainant Dr. Surendra Nath Rana Patgiri filed a complaint No. 46/98 before the District Forum, Dibrugarh against the then Sahara India Airlines, alleging that he purchased three tickets for the flight of Sahara India Airlines for travelling from Dibrugarh to Guwahati to attend the cremation of his father, who died on 2.07.98. He purchased the tickets for himself, his wife and his son for a total sum of ` 4,103/-. The complainant and his family reported to the Sahara India Airlines airport counter at Dibrugarh airport on 02.07.98 to board the flight. The boarding cards for his family were issued by the Airlines and seat nos. 15D, 15E and 15F were allocated to them. After undergoing the necessary security check, the complainant and his family were waiting to board the aircraft. The said flight was to go from Dibrugarh to Guwahati and then to Delhi. However, when the flight was about to leave Dibrugarh Airport for Guwahati and Delhi, the Airlines authorities announced that they would not carry the passengers bound for Guwahati due to some operational reasons. However, they permitted the Delhi-bound | Dr. surendra nath rana patgiri (Complainant) versus Jet lite(india) ltd. (Respondent) | DISTRICT FORUM Dibrugarh | Complainant case no.46/98 | 22/12/1998 | The District Forum allowed the said consumer complaint vide their order dated 23.08.2002 and ordered the OPs to pay a sum of `1 lakh as compensation for mental agony and harassment plus refund of `4,103/- as air fare alongwith interest @10% p.a. |
| | | | Jet lite (India) ltd. (Appellant) Versus Dr.surendra nath rana patgir (Respondent) | SCDRC Assam | First appeal no.87/2002 | 27/09/2010 | This appeal is dismissed for default and disposed of accordingly. The stay order granted in execution of the District Forum's order in C.P. 46/98 as issued by this Commission on 10.10.02 stands vacated." |

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| | | <p>passengers to fly to Delhi via Guwahati. The complainants requested the airlines authorities to allow his family to fly to Guwahati as a special case, because he was to perform certain rituals for cremation of his father but the Airlines did not accept his request. The complainant and his family were forced to hire a taxi from Dibrugah for his village but he could not reach in time as the dead body of his father had already been cremated. On the other hand, the said flight of Sahara Airlines duly landed at Guwahati Airport and took passengers from Guwahati to Delhi. The complainant filed the consumer complaint in question claiming a total compensation of ` 4,84,953/- including the taxi fare and air fare for three tickets. In their reply filed before the District Forum, the OP submitted that the passengers from Dibrugarh to Guwahati were not allowed to board the aircraft due to some technical snag because the anti-skid system of the aircraft had become in operational and hence the aircraft could not carry load beyond a certain limit. The denial of such boarding was neither intentional nor deliberate but it was because of unforeseen and unavoidable circumstances.</p> | <p>Jet lite (india) ltd. (Petitioner) Versus Dr.surendra nath rana patgir (Respondent)</p> | <p>NCDRC</p> | <p>Revision petition no.3973/2 013</p> | <p>25/08/2014</p> | <p>Revision petition is allowed and the order dated 27.09.2010 passed by the State Commission is set aside. The case is remanded back to the State Commission for a fresh decision. Both the parties are directed to appear before the State Commission on 15.10.2014 for hearing of the appeal on merits.</p> |
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| 3. | https://indiankanoon.org/doc/105657500/ | <p>The brief facts as stated in the complaint no. 202 of 2007 titled Arvinder Pal vs M/s Indus Airways Private Ltd., as that the petitioners/complainants were to attend a family function at New Delhi on 29.12.2006 at 08.00 P M. They purchased air tickets to travel from Chandigarh to Delhi. Payments were made through credit card and the status of tickets was confirmed. The flight was scheduled to start from Chandigarh at 05.30 P M. Petitioners reached domestic airport terminal, Chandigarh at 04.30 P M on the said date but they were informed by the staff of M/s Indus Airways Private Limited – Respondent herein that the flight had been cancelled, but no reason was assigned. At that time neither weather was foggy, nor, there was any natural calamity but on inquiry they came to know that the flight had been cancelled due to less passengers booked for 29.12.2006 on the route from Chandigarh to Delhi. Ultimately, they hired a taxi for Delhi to attend the function and spent Rs.4, 000/-. Cancellation of flight caused much pain and agony to them and they had to incur expenditure and they claimed in all Rs.2, 17,900/-, including price of tickets, taxi charges and compensation for harassment etc.</p> <p>Respondent/opposite party contested the complaint and admitted the purchase of</p> | <p>Mr. Anil Goyal and Mr. Arvinder Pal And Others (Complainant) versus Indus Airways Private Ltd. (Respondent)</p> | <p>District Forum Chandigarh</p> | <p>Complaint no.198/2007 & Complaint no.202/2007</p> | <p>27.9.2007</p> | <p>The District Consumer Disputes Redressal Forum – I, Union Territory, Chandigarh (‘the District Forum’) vide order dated 27.09.2007 accepted the complaint with cost of Rs.1100/-. They were allowed compensation of Rs.40,000/- i.e., Rs.10,000/- each for mental agony and harassment etc., besides reimbursement of taxi charges to the tune of Rs.4,000/-. The same was ordered to be paid within 30 days failing which interest @ 9% per annum with effect from 29.12.2006 till payment was to be given. And District Forum accepted the complaint with cost of Rs.1100/- and awarded compensation of Rs.10,000/- besides Rs.4,000/- as refund of taxi charges. Amount was to be paid within 30 days otherwise the same would carry interest @ 9% with effect from 29.12.2006 till payment.</p> |
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| | | <p>tickets and payment through credit cards but stated that the said flight could not land at Chandigarh due to unavailability of watch hours which was beyond their control. They denied that the flight was cancelled due to less passengers. They further stated that they had given an offer to the petitioners for refund of full amount of tickets or they could enjoy complementary tickets with existing tickets up to 28.02.2007 but the same was not accepted. They denied other allegations and stated that the complaint should be dismissed. In complaint no. 198 of 2007 which was filed by Shri Anil Goyal, it was claimed that he was invited to attend some business engagement at Gurgaon on 29.12.2006 and as such had purchased air ticket to travel from Chandigarh to Delhi and the payment was made through credit card. The status of the ticket was confirmed. The flight was to start from Chandigarh at 05.30 P M and when he reached the domestic airport terminal, Chandigarh at 04.30 P M, he was informed by the staff of Indus Airways that the flight had been cancelled. Other allegations are the same. Respondents filed reply opposing the complaint and taking same pleas as were taken in complaint case no. 202 of 2007. Parties adduced their evidence by way of affidavits. After hearing the counsel for the parties, District Forum accepted the complaint with cost of Rs.1100/- and awarded compensation of Rs.10,000/- besides Rs.4,000/- as refund of taxi charges. Amount was to be paid within 30 days otherwise the same would carry interest @ 9% with effect from 29.12.2006 till payment. Aggrieved by the order of the District Forum two separate appeals were filed by the respondents before the State Commission. Against the interim</p> | <p>Indus airways private ltd. (appellant) Versus Mr. Anil Goyal And Mr. Arvinder Pal And Others</p> <p>Mr. Anil Goyal And Mr. Arvinder pal And Others (petitioner) Versus Indus Airways Private Ltd. (Respondent)</p> | <p>SCDRC</p> <p>NCDRC</p> | <p>First appeal no. 20/2008 and 874/2007</p> <p>Revision Petitioner no. 2712/2008 & 2713/2008</p> | <p>1.4.2008 19.3.1014</p> | <p>The State Commission vide their order dated 01.04.2008 accepted the appeals and stated that “the impugned orders being illegal are set aside and the complaints are dismissed.</p> <p>Revision petition are allowed and the State Commission have given a detailed and well-reasoned order which does not call for any interference nor does it suffer from any infirmity or erroneous exercise of jurisdiction or material irregularity. Thus, present revision petitions are hereby, dismissed. Parties shall bear their own costs.</p> |
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| | | <p>order dated 09.01.2008, two different revision petitions were also filed. In the said order it had been stated that since the OPs had intentionally not obeyed the order and had not made payment within time as directed by the Forum, therefore, Managing Director of M/s Indus Airways be sentenced to imprisonment for one year and fine of Rs.10,000/-. The State Commission vide their order dated 01.04.2008 accepted the appeals and stated that “the impugned orders being illegal are set aside and the complaints are dismissed. Since the impugned order do not stand, the orders passed on 09.01.2008 for arrest of Managing Director of M/s Indus Airways also do not stand and are set aside having become infructuous. Consequently, the revision petitions are accepted”. Since the impugned order do not stand, the orders passed on 09.01.2008 for arrest of Managing Director of M/s Indus Airways also do not stand and are set aside having become infructuous. Consequently, the revision petitions are accepted”.</p> <p>7. While accepting the appeal, the State Commission observed as under: “There is no dispute about it that on 29.12.2006 the complainants were to travel from Chandigarh to Delhi against confirmed tickets issued by M/s Indus Airways. The time of departure on 29.12.2006 from Chandigarh for Delhi from domestic airport terminal was 17.30 hours (05.30 P M). The case of complainants is that they had reached domestic airport terminal, Chandigarh at 04.30 PM and on inquiry from the staff of M/s Indus Airways, they came to know that the flight had been cancelled but the reasons was not assigned for cancellation of flight. They further stated that on that date neither</p> | | | | | |
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| | <p>the weather was foggy, nor there was any natural calamity but on further inquiry they discovered that flight was cancelled due to less passengers booked for the flight on the route from Chandigarh to Delhi. The appellants had denied that flight had been cancelled which was scheduled to start from Chandigarh at 05.30 PM on 29.12.2006 due to less passengers booked. The Airport Authority Chandigarh had issued certificate dated 15.12.2007 which is very relevant in this case. The airport authorities had certified that Indus Airways Private Limited scheduled flight no. 09-103 from Mumbai to Chandigarh was unable to land at Chandigarh airport on 29.12.2006 due to closure of airfield after 2020 hours. They have further certified that Chandigarh airfield normal watch hour is from Dawn to Dusk and initial extension of watch hours was given with the request of above airline. They next stated that due to closure of Chandigarh airfield during the arrival time, Indus Airways Flight 09-103 was diverted to IGI Airport, Delhi.</p> <p>In the ticket annexure C 1 issued in favour of Shri Arvinder Pal the flight number has been mentioned to be 09-202. However, in the certificate issued by Airport Authorities, Chandigarh, flight number has been mentioned to be 09-103. In the complaint of Shri Anil Goyal the flight number has not been mentioned. The affidavit of Mrs Lili Beri, Director, M/s Indus Airways Pvt. Ltd., dated 18.03.2008 duly attested by the Oath Commissioner has been filed. It states that M/s Indus Airways Pvt., Ltd., used to operate one flight daily which originated from Delhi – Chandigarh – Mumbai – Chandigarh – Delhi. It was next stated that flight which originated from Delhi was numbered 09-101 to</p> | | | | | |
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| | | <p>Chandigarh and thereafter when it took off from Chandigarh for Mumbai it was known as 09-102 and when it originated from Mumbai back to Chandigarh the flight was known as 09-103 and when it landed at Chandigarh and took off to Delhi it was known as 09-202. It next stated that when complainant had purchased the ticket from Chandigarh to Delhi the flight number was given as 09-202 but the flight which was coming from Mumbai to Chandigarh was given the flight no. 09-103 and since the flight no. 09-103 did not land at Chandigarh. Therefore, flight no. 09-202 from Chandigarh to Delhi did not originate. It is further stated that flight no. 09-202 was to take off from Chandigarh to Delhi at 17.40 hours but the same was delayed and appellant company had paid for the watch hours to the airport authority but due to closer of airfield after 20.20 hours the same was not allowed to land. On 29.12.2006 due to fog at Delhi airport the flight was delayed and thereafter same continued to be delayed even at Mumbai airport due to traffic congestion.</p> <p>There is no dispute about it that in the month of December, fog is heavy as winter session is on its peak. Hence, certificate coupled with the affidavit of MrsLili Beri, Director of M/s Indus Airways, positively proves that there was only one flight which was operated by M/s Indus Airways Pvt., Ltd., and that flight was delayed at Delhi – Mumbai route due to fog and even the appellant (M/s Indus Airways) got the watch hours extended but due to closure of the airfield at 20.20 flight no. 09-103 could not land and was diverted to IGI Airport, Delhi. Hence, it gives lie to the version of complainants that flight was cancelled due to less booked passengers”.</p> | | | | | |
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The main grounds for the revision petitions are as follows:

- The State Commission, U T Chandigarh failed to consider the facts that the flight was scheduled to start from Chandigarh at 05.30 P M on 29.12.2006. When the petitioner reached the Domestic Airport Terminal Chandigarh at 04.30 P M on the said date they were informed by the staff of the respondents that the flight had been cancelled but no reason was assigned for the cancellation of flight. Neither the weather was foggy nor there was any natural calamity but on enquiry it was discovered that the flight was cancelled due to less passengers, i.e., only five passengers were booked for 29.12.2006 on the route from Chandigarh to Delhi, as such, due to less of number of passengers the flight has been cancelled, as the same would cause huge losses to the respondents/ company.
- The State Commission, U T Chandigarh erroneously reversed the finding of the District Forum – 1, Chandigarh and failed to appreciate the admitted facts that after receipt of the notice from the District Forum – 1, UT, Chandigarh, the respondents filed written statement and evidence and admitted the contents of the complaint but they submitted that the said flight could not land due to unavailability of watch hours which was beyond the control of OPs. The OPs has not denied the facts that only five passengers were booked from Chandigarh.
- The respondents preferred an appeal against the order of the District Forum 1 dated 27.09.2007. The State Commission allowed the appeal filed by the respondents and dismissed the complaint vide a common order dated 01.04.2008 by holding that the respondents are not at fault, without any

regard to the facts and circumstances of the case and that too just on the basis of procured certificate and false affidavit submitted by the respondents by way of additional evidence.

- It is submitted that the respondents procured a certificate as per their/ its own convenience and thereafter the same was produced by the respondents before the State Commission, Chandigarh in appeal along with an application for additional evidence.

- Mrs Lili Beri, Director of the respondent's intentionally, deliberately and knowingly filed a false affidavit by way of additional evidence on the basis of clever manipulation, procured certificate dated 15.12.2007 to cover up their misdeed and mislead the State Commission, Chandigarh and the same was considered as genuine evidence by the State Commission and on the basis of above and false evidence, the State Commission, Chandigarh held that the respondents are not at fault and dismissed the complaint.

We have heard the learned counsel for the parties and have carefully gone through the records of the case. It is an admitted fact that flight no. 09-103 from Mumbai did not land at Chandigarh and therefore, flight no. 09-202 from Delhi to Chandigarh did not originate. This was due to the fact that a single aircraft was to fly on the sector Delhi – Chandigarh – Mumbai – Chandigarh – Delhi and due to weather conditions and the fog which normally occur in northern India during the month of December the flight schedule was disturbed. Since the flight from Mumbai could not land and due to unavailability of watch hour at Chandigarh it was cancelled and diverted directly to Delhi. It is also an admitted fact that the scheduled flight was 05.30 p m and at 04. 30 p m, they were

informed by the staff regarding the cancellation of the flight and offered refund.

11. Though the counsel for the petitioner has argued that the flight was cancelled not due to weather conditions but on account of only five passengers who were found to be travelling from Chandigarh, counsel for the petitioner could not show or file any documents in support of her claim. She could also not file any document to support her argument that the weather conditions were not foggy. Airlines have to take decisions regarding flight schedules in the interest of passenger safety. These decisions have to be taken as per the weather conditions and the facilities available at the airports for night landing. At the Chandigarh airport the available watch hour were from dawn to dusk.

12. Thus, in view of the facts stated above no jurisdictional or legal error has been shown to us to call for interference in the exercise of powers under Section 21 (b) of Act. Since, the State Commission have given a detailed and well-reasoned order which does not call for any interference nor does it suffer from any infirmity or erroneous exercise of jurisdiction or material irregularity. Thus, present revision petitions are hereby, dismissed. Parties shall bear their own costs.