

Rakshit Special Vs. Anjan Kumar Chatterjee

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Court : West Bengal State Consumer Disputes Redressal Commission SCDRC
Kolkata

Decided On : Jan-29-2014

Judge : Kalidas Mukherjee, President, the Honourable Mrs. M. Roy, Member
& the Honourable Mr. Tarapada Gangopadhyay, Member

Appeal No. : S.C. Case No.FA/613 of 2012

Appellant : Rakshit Special

Respondent : Anjan Kumar Chatterjee

Judgement :

Kalidas Mukherjee, President.

This appeal is directed against the judgment and order passed by Learned District Forum, Kolkata, Unit-II allowing the complaint and directing the OP to refund Rs.27,327/- (Rs.24,327/- + Rs.3000/-) to the Complainant within 45 days from the date of communication of the order, in default the amount will carry interest @ 9% p.a. till realisation. The OP was further directed to pay Rs.15,000/- as compensation for causing mental agony and harassment along with Rs.2,000/- as litigation cost.

The case of the complainant/respondent, in short, is that the OP is the sole proprietor of the registered tour organization having its head office at Martin Burn House, Kolkata-700 001. The Complainant entered into an agreement with the OP

on 15/09/10 for a package tour from Howrah to Satna (M.P.) as per schedule mentioned in the pamphlet. For that purpose the Petitioner paid Rs.6,000/- as advance on 11/08/10 out of total cost of Rs.24,327/-. Subsequently, the Complainant paid the balance amount of Rs.18,327/- on 18/09/10. As per schedule of travel, the Complainant along with this wife and a minor daughter availed themselves of the tour. Initially the OP handed over the ticket from Howrah to Bilashpur although the scheduled destination was from Howrah to Satna. After arrival at Bilashpur the Petitioner asked the Tour Manager regarding tickets of Bilashpur to Satna. The Tour Manager failed to hand over any ticket from Bilashpur to Satna. On the other hand, the Tour Manager told that no ticket will be required from Bilashpur to Satna. The T.T.E. came to the Complainant and wanted to see the valid tickets. The Complainant told him that the ticket from Bilashpur to Satna was lying in the custody of Tour Manager. The concerned T.T.E. showed red eyes to the Complainant and threatened to put him into imprisonment for violating the railway rules. As such the Petitioner and his family became mentally shocked. The Complainant met the Tour Manager and asked him to hand over the valid ticket from Bilashpur to Satna, but the Tour Manager without handing over any ticket to him misbehaved and used abusive language to him. The Tour Manager forced him to get down from the train and the Complainant was compelled to detrain on the next stoppage of Bilashpur which was very unfortunate and painful to the Complainant and his family. The Complainant anyhow managed to complete the tour in short without being accompanied by the tour party at his own cost for which the Complainant had to incur the cost of Rs.3,000/-. For the said reason the Complainant filed the complaint before the Learned District Forum.

The Learned Counsel for the Appellant has submitted that after the late arrival of the train at Bilashpur and due to reschedule of the tour programme, the passengers had to travel by a different train, but no reservation could be provided there. It is contended that the reservation was not at all necessary for the journey from Bilashpur to Satna, in as much as, it was a tour covering a short distance. It is submitted that there were 40 passengers in all and excepting the Complainant the other passengers did not raise any objection at any stage. It is submitted that there was no deficiency in service on the part of the OP.

The Learned Counsel for the respondent, on the other hand, has submitted that during the journey from Bilashpur to Satna no ticket was handed over by the Tour Manager to the Complainant and on being asked by the T.T.E. the Complainant could not produce any ticket. It is submitted that in Para-7 of the complaint the details of harassment suffered by the Complainant have been stated. It is contended that the Complainant had to detrain and somehow he completed the rest of the journey at his own cost.

We have heard the submission made by both sides and perused the papers on record. In the W.V. it has been averred in Para-5 that the journey towards Amarkantak has been cancelled and as an alternative journey to Chitrakoot and then to Satna was arranged and for that journey no reservation ticket was essential. In Para-6 it has been averred that if there was any disturbance that had been solved by the OP. It is evident that the reservation could not be provided during the journey from Bilashpur to Satna and the Tour Manager could not hand over the ticket for that journey to the Complainant. As a result, the Complainant had to face the insult at the hands of T.T.E.

The Learned District Forum directed the Appellant/OP to refund the entire amount of package tour and the sum of Rs.3,000/- which the Complainant had to incur to complete the rest of his journey. The Learned District Forum also granted compensation of Rs.15,000/- and litigation cost of Rs.2,000/-. But it is an admitted fact that the journey from Howrah to Bilashpur was performed without any inconvenience and for that part of the journey there is no allegation from the Complainant. Having regard to such circumstances, we modify the impugned judgment as hereunder.

The appeal is allowed in part. The Appellant is directed to pay compensation of Rs.25,000/- and litigation cost of Rs.3,000/- to the Respondent within 45 days from the date of passing this order failing which the interest @ 9% p.a. shall accrue on the aforesaid amount from the date of default till realisation. The impugned judgment stands modified accordingly.