

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-VI  
(NEW DELHI), 'M' BLOCK, 1<sup>ST</sup>FLOOR, VIKAS BHAWAN,  
I.P.ESTATE, NEW DELHI-110002**

**Case No.CC-289/2024**

**IN THE MATTER OF:**

1. Mr. Surendra Singh. R/o Flat No. 23/166, Lodhi Colony, New Delhi-110003
2. Mrs. Savitri Devi, R/o Flat No. 23/166, Lodhi Colony, New Delhi-110003
3. Mr. Kunwar Singh Gusain, Flat No. 120-C, Pocket A, Mayur Vihar, Phase II, New Delhi-110091
4. Mrs. Kokila Gusain, Flat No. 120-C, Pocket A, Mayur Vihar, Phase II, New Delhi-110091
5. Mrs. Sabi Devi, House No. 644, Sector 10, Housing Board Colony, Faridabad

**...Complainant**

**VERSUS**

Vistara Airlines, 124 TATA SIA Airlines Ltd., 10th Floor, Jeevan Bharti  
Tower 1, Sansad Marg, Connaught Place, New Delhi-110001

**...Opposite Party**

**Quorum:**

**Ms. Poonam Chaudhry, President  
Mr. Bariq Ahmad, Member**

**Date of Institution: 12/08/2024  
Date of Order:17/04/2025**

## **ORDER**

### **Poonam Chaudhry, President:**

1. The complainants are senior citizens. The complainants purchased five tickets from Vistara Airlines/Opposite Party (hereinafter referred as 'OP') for their journey from Delhi to Chennai. The tickets were booked/purchased, online, on 17.02.2024 for journey to be performed on 16.3.2024 from Delhi by flight No.UK 833 at 07.45 AM. Since the complaints got confirmed tickets for which they made full payment of Rs. 31,165/-, the complainants made reservations for other connecting journey as per following details given in the complaint case:-
  - (a) Reservation of train tickets from Chennai to Rameswaram for 16.3.24. (booked on 17.2.24)
  - (b) Reservation of accommodation at Rameswaram for 17-18th March 24. (Letter sent on 22.2.24)
  - (c) Reservation of train tickets from Ramanathpuram to Kanyakumari for 18.3.24. (booked on 17.2.24)
  - (d) Reservation of hotel accommodation at Kanyakumari for 19.3.24. (booked on 9.3.24)
  - (e) Reservation of train tickets from Kanyakumari to Trivandrum for 20.3.24. (booked on 11.3.24)
  - (f) Reservation of hotel accommodation at Trivandrum for 20-220 March 24, (booked on

(g) Booking of air tickets from Trivandrum to New Delhi for 23.3.24. (booked on 17.2.24)

2. On 12<sup>th</sup> March, 2024, the complainants got a message from OP that flight no. UK 833 has been cancelled. When the complainants enquired from the OP's website, it was found that there was no alternate flight from Delhi to Chennai for 16.3.24 to enable them to reach Chennai before 7.00 PM for their onward journey to Rameswaram and so on.
3. Since the complainants had already spent substantial amount for onward journey / accommodation, the complainants were forced to purchase tickets from Air India at a higher price i.e. Rs. 34,025/- for 16.3.24 to enable for them to commence their onward journey as scheduled. The complainants submit that the action of the OP in sudden cancellation of flight No. UK 833 for 16.3.2024 from Delhi to Chennai without providing alternate flight was deliberate and intentional, thus tantamount to deficiency in service. Therefore, it is urged by the complainants that the OP be held liable to pay a sum of Rs. 2,870/- (Rs.34,025-Rs.31,165), as the difference of the amount that was paid to Air India to purchase of tickets for 16.03.2024. The complainants further submit that the sudden cancellation of flight by the OP caused great mental agony to all the complainants as they all had made further reservations for onward

journey/accommodation. The complainants have prayed for the reimbursed of claim in the following heads:-

| S. No. | Details of claim  | Expenses incurred/damages sought                          |
|--------|---|---|
| 1      | The difference of the amount that was paid to Air India for purchase of tickets for 16.3.24.          | Rs. 2870/-  |
| 2      | Compensatory damages for physical strain, mental agony and trauma that the complainants had to endure | Rs. 500000/- (Rupees one lakh to each of the complainant) |
| 3      | Cost of the application   | As may be directed by the Hon'ble Commission              |

4. It is alleged by the complainants that the OP has failed to resolve their grievances, therefore, they have filed the present complainant. The following reliefs have been prayed for by the complainants:-

- (A) Pass an order directing the opposite party to make a payment of Rs. 2870/- (Rupees two thousand eight hundred seventy) to complainant No. 1 who had purchased tickets for all the five complainants.
- (B) Direct the opposite party to pay a sum of Rs. 5,00,000/- (Rs. 1,00,000/-x 5) (Rupees one lakh to each of the complainant) as Compensatory

damages for physical strain, mental agony and trauma that the complainants had to endure.

© Pass an order to pay the cost of the complaint to the first named complainant, as may be deemed fit by the Hon'ble Commission.

(D) Issue such other directions as this Hon'ble Consumer Disputes Redressal Commission may deem.

5. Notice of the complaint case was issued to the OP vide this Commission's order dated 9<sup>th</sup> September, 2024 by all modes including registered/speed post. Subsequently on 9<sup>th</sup> October, 2024 an application was moved by the complainants stating that the OP has shifted their location from the premises mentioned in the Memo of Parties. It was prayed that fresh notice be issued to the OP at the fresh address furnished by the complainants. On 9<sup>th</sup> October, 2024 the request of the complainants was acceded to and fresh notice was issued to the OP, returnable on 6<sup>th</sup> November, 2024.
6. The complainants have filed service report. As per the track report issued by the India Post, the OP was served with the notice on 25.10.2024.

Vaklatnama has also been filed on behalf of the OP which was placed on record on 25.11.2024. The following order was passed on 25.11.2024 by this Commission:-

“25.11.2024

*Vakalatnama has been filed on behalf of the Opposite Party.*

*Counsel for OP states that the written statement will be filed within the statutory period. Let the same be filed with advance copy to the complainant.*

*List on 28/11/2024 for further proceedings.”*

7. As per provision of Section 38(3)(a) of the Consumer Protection Act, 2019, the OP was required to file written statement within 30 days which can further be extended upto 15 days by this Commission on cogent grounds. On 28.11.2024, the learned counsel for the OP again sought more time to file written statement and the matter was posted for 10.12.2024.
8. On 10.12.2024 neither anyone appeared for the OP nor written statement was filed on behalf of OP, hence the defence of the OP was struck off. The matter was accordingly posted for 27.01.2025 for filing ex-parte evidence by the complainants. Evidence was filed by the complainants; the case was posted for final arguments for 03.03.2025.

9. On 03.03.2025 none appeared for the OP. The complainant No. 1 appeared in person. Arguments heard and the matter was kept for order.
10. We have gone through the record. The complainants have placed on record by way of evidence, the supporting documents which establish that the complainants had booked/reserved for their onward journey and paid for hotel/guest house and train tickets. The complainants have also placed on record a cancellation message received from the OP informing the complainants that their tickets have been cancelled without assigning any reason or making any alternative arrangement.
11. We find force in the submissions of the complainants. The complaint is allowed. It is accordingly directed that the OP shall refund Rs. 2870/- to the first complainant who had purchased tickets for all the five complainants. The OP is further directed to pay Rs. 50,000/- each to the complainants as compensation for causing mental agony, harassment and trauma. A sum of Rs. 50,000/- shall be paid towards the litigation expenses to complainant No. 1. The sum awarded must be paid to the complainants within four weeks from the date of receipt of this order failing which the OP shall be liable to pay interest @ 9% per annum to the complainants from the date of filing of the complaint case till realization.

12. With the directions as recorded hereinbefore, the complaint case is disposed of. A copy of this order be sent to the parties through registered post/speed post free of cost. The order be also uploaded on the website of this Commission.

File be consigned to the record room with a copy of order.

**[Poonam Chaudhry]**  
**President**

**[Bariq Ahmad]**  
**Member**