

Advantage Consumer

Monthly Newsletter of Consumer Protection Council, Rourkela

“ An aware consumer is an asset to the nation”

Website : www.advantageconsumer.com

VOLUME – XXXV

AUGUST 2023

ADVANTAGE - VIII

Queries & Answers through the Web

(www.advantageconsumer.com is the website of Consumer Protection Council, Rourkela. One of the major attractions of the website is that a visitor can ask queries on issues relating to consumer protection. Answers to these queries are made free of cost, by the Chief Mentor of the Council, Sri B. Vaidyanathan.)

Reg: Complaint against Clear Trip and Air France for disregarding issued tickets and harassing consumers.

Reached Bengaluru international Airport 3 hrs before take-off for flight AF 191(Air France) on April 20th 2023 booked through Clear trip from Bengaluru India to Chicago Illinois USA for the 20.04.2023 flight.

Boarding pass was not issued on Trip ID 221214870206. PNR no 6TYH7H stating that one name in the ticket, Jyothi Ravi mentioned as Grama Narayan Jyothi in passport is not matching with ticket which was purchased as 2 round tickets for return on 31.05.2023 paying Rs 179337/-. After a lot of trying with Air France personal also there was no result even after saying that it must have been a mistake and can be corrected. Money has been paid in full and all the details were available as well as the passenger for changing. It caused a lot of mental distress and harassment and eventually had to return home without travelling onward journey and wasting the huge money spent towards payment.

Again, the next morning Clear trip Customer Complaints were contacted, to at least edit the name for the return ticket so that it can be used in the return leg. The complaint was accepted, and a case no was registered as 16967896.

However, on the April 21st 2023, mercilessly for the ticket paid, Clear trip rejected and did not help customer at all.

Fresh tickets were booked independently on KLM flight to leave on 21.04.2023 paying Rs 156196/-for 2 tickets to Chicago, as we had to reach as soon as possible due to personal reasons.

Again, for return, with 35 days' time left for journey, as Clear trip and Air France had refused to edit the names and as well refused to accept anyone of us 2 due to NOSHOW, we had to buy fresh 2 return tickets by Lufthansa Airlines paying \$ 1929.10 say Rs 162044.40 @ Rs 84/- per \$ and return back.

So just for one mistake in one of the names while booking 2 round tickets, the amount finally lost was Rs 318240/- which is unreasonable.

I request for this case to be taken up at appropriate authorities and justice for consumers is addressed and refund of the amount loss of Rs 318240 be refunded as the return trip was also refused.

Requesting Consumer Protection Council Rourkela to help in the matter.

I am attaching all the 3 tickets and Passport copies in this regard for reference.

G R Ravi
J P Nagar 7th Phase.
Bangalore – 560078

Ans: It is unfortunate that you were subjected to avoidable hardship and financial loss due to the mismatch in the surname of your wife (co-passenger).

The standard air ticketing software of various companies, that I have experienced, **in online booking**, provide adequate warning to enter the spelling of the passengers as per the Passport / ID Card. It is also warned that any discrepancy cannot be changed after the ticketing. Air tickets are non-transferable and hence due care needs to be exercised to ensure that the name entered is exactly same as in the Passport, which is an international travel document, which is relied upon in the foreign country on landing. **In case you had made physical booking, (by visiting the Booking Agent or Airlines Office), things might be different, as the booking agent also becomes responsible for the omissions and commissions in the ticketing process.**

Mistakes do happen, but a cursory cross-checking with the Passport would have revealed the gross change in the "Surname" between what is stated in the Passport and Air ticket, as the ticket was generated in December 22 itself. Cancellation and rebooking would have saved you lot of botheration and financial loss, as such a process entail minimum charges, compared to a fresh booking.

Especially, in this era of terror threats, etc., I feel that the Booking Agents and Airlines need to be more circumspect and diligent to enforce the identity of the passengers, in the larger interests of the travelling public. Sorry for the loss suffered by you.

British Airways and Lufthansa German Airlines penalised for their lack of diligence, which resulted in the physical and mental ordeal of its passenger.

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

FIRST APPEAL NO. 366 OF 2020

(Against the Order dated 29/01/2020 in Complaint No. 95/2019 of the State Commission Chandigarh)

BRITISH AIRWAYS

DLF PLAZA TOWER, PHASE-I, DLF CITY, BLOCK-B, SECTOR-26-A, SIKANDERPUR GHOSH, GURGAON-122002. HARYANA

.....Appellant(s)

Versus

HARSHARN KAUR DHALIWAL & 3 ORS.

W/O. PARAMJEET SINGH DHALIWAL, R/O. HOUSE NO. 2254, SECTOR-35-C, CHANDIGARH-160022

.....Respondent(s)

BEFORE:

HON'BLE MR. DINESH SINGH, PRESIDING MEMBER

HON'BLE MR. JUSTICE KARUNA NAND BAJPAYEE, MEMBER

Dated : 16 Jan 2023

ORDER

1. The four (04) appeals, no. 366, no. 396 and no. 320 of 2020 and no. 702 of 2021, challenge the same Order dated 29.01.2020 of the State Commission in complaint no. 95 of 2019.

2. Appeal no. 366 of 2020 has been filed by the opposite party no. 2 in the complaint (hereinafter referred to as 'British Airways'), appeal no. 396 of 2020 has been filed by the opposite party no. 1 (hereinafter referred to as 'Lufthansa German Airlines') and appeal no. 320 of 2020 has been filed by the opposite party no. 3 (hereinafter referred to as 'Surya Travels & Associates').

These three (03) appeals seek setting aside of the impugned Order of the State Commission.

3. Appeal no. 702 of 2021 has been filed by the Complainant before the State Commission (hereinafter referred to as the 'Complainant').

This appeal seeks enhancement in compensation.

4. Ms. Ritu Singh Mann, learned counsel appears for British Airways. Mr. Harshul Chaudhary, learned counsel appears for Lufthansa German Airlines. Mr. Shubham Bhalla, learned counsel appears for Surya Travels & Associates. Mr. Munish Goel, learned counsel appears for the Complainant.

No one appears for the opposite party no. 4 before the State Commission (hereinafter referred to as 'Turkish Airlines').

5. We have heard the learned counsel and have perused the record including *inter alia* the impugned Order dated 29.01.2020 of the State Commission and the memoranda of appeal (04 nos.).

6. The appeals preferred by British Airways and by Surya Travels & Associates are within limitation.

7. The appeals preferred by Lufthansa German Airlines and by the Complainant have been filed with self-admitted delay of 07 days and 262 days respectively.

The short delay of 07 days in the appeal filed by Lufthansa German Airlines has already been condoned vide this Commission's Order dated 30.06.2020.

Regarding the delay in the appeal filed by the Complainant, in the interest of justice, *inter alia* considering the reasons mentioned in the application for condonation of delay, and in particular seeing that these four appeals are connected / cross appeals and impugn the same Order of the State Commission and this Commission has yet to examine the merits of the matter, and as such to enable deciding the matter after hearing all concerned parties rather than ousting one of them only on limitation and confining the hearing to the other three alone, the delay is condoned.

8. Briefly, the Complainant booked tickets through Surya Travels & Associates (a travel agent) with Swiss Air and Lufthansa German Airlines to depart on 18.01.2018 from New Delhi to San Francisco via Zurich and return on 19.03.2018 from San Francisco to New Delhi via Frankfurt.

She was compliant with the visa requirements of the countries she had to transit in change-over enroute i.e., Switzerland (Zurich) and Germany (Frankfurt) and of the country of destination i.e., United States of America (San Francisco).

The trip from New Delhi to San Francisco on 18.01.2018 went normal.

In the return trip from San Francisco to New Delhi via Frankfurt on 19.03.2018 she boarded Lufthansa German Airlines flight LH-455 from San Francisco to Frankfurt after checking-in her baggage and having been issued a boarding pass by the airlines. But even after about three hours of boarding the flight did not take off and eventually, she was told to de-board and collect her baggage.

Lufthansa German Airlines then re-routed her journey from San Francisco to New Delhi via Copenhagen on British Airways flight BA-286 from San Francisco to London, British Airways flight BA-820 from London to Copenhagen and Air India flight AI-158 from Copenhagen to New Delhi.

She was not offered the option of refund.

She was simply handed-over tickets from San Francisco to New Delhi via London and Copenhagen.

Neither Lufthansa German Airlines, whose ticket she originally bought and who did the re-routing, nor British Airways, on whose flight the Complainant was put on at San Francisco after the re-routing, exercised diligence to ascertain whether she possessed the requisite visa(s) for the countries she had to transit in change-over. She was not consulted or asked about the visa(s) she held on her passport.

British Airways flight BA-286 from San Francisco to London arrived late. By that time the connecting British Airways flight BA-820 from London to Copenhagen had departed.

British Airways then put her on another flight BA-822 from London to Copenhagen on 20.03.2018. While putting her on its later flight British Airways did not ascertain whether she was fulfilling the visa requirements of the country she had to transit in change-over (i.e., Denmark).

Nor did it exercise diligence in ascertaining whether its later flight BA-822 would reach in time to enable her to catch the next connecting Air India flight AI-158 from Copenhagen to New Delhi, and, if not, to make the requisite alternative arrangements for the last leg of the journey from Copenhagen to New Delhi.

British Airways flight BA-822 reached Copenhagen at around 10.00 p.m. on 20.03.2018. The Complainant was detained at the airport by the local Police, arraigned for not being compliant with its visa requirements for transit. Her liberty was curtailed. She was put under Police watch and guard. She was put to insult and humiliation. She suffered mental agony and physical harassment. After spending considerable hours in detention, throughout the night and early morning, she was ultimately allowed by the local authorities to depart from Copenhagen after her husband, a former judge of the High Court, intervened from India and was able to establish the *bonafides* of his wife and convince the authorities at Copenhagen to let his wife out of detention and allow her to leave that country and return to New Delhi.

The Complainant then took Turkish Airlines flights from Copenhagen to Istanbul and onward from Istanbul to New Delhi. She boarded Turkish Airlines flight TA-1784 at about 11.50 a.m. on 21.03.2018 at Copenhagen.

Her ordeal lasted for about 13 hours, from about 10.00 p.m. on 20.03.2018 to about 11.50 a.m. on 21.03.2018.

The Complainant finally arrived back from San Francisco via London and Copenhagen and Istanbul to New Delhi on flights of British Airways and Turkish Airlines after facing mortifying detention and trauma in Copenhagen.

The State Commission vide its impugned Order ordered British Airways, Lufthansa German Airlines and Surya Travels & Associates to pay compensation of Rs. 27.50 lakh, Rs. 37.50 lakh and Rs. 5 lakhs respectively i.e., total Rs. 70 lakhs to the Complainant within 45 days failing which the same shall carry interest at the rate of 9% per annum from the date of filing of the complaint.

9. At the time of admission of appeal no. 366 of 2020 preferred by British Airways the following Order was passed by this Commission on 16.03.2020:

1. Heard arguments on admission from learned Counsel for the Appellant, British Airways.
2. Perused the entire material on record, including *inter alia* the impugned Order dated 29.01.2020 of the State Commission and the Memorandum of Appeal.

3. Learned Counsel submits that the Respondent No. 1, the Complainant, was originally scheduled to make her return travel from San Francisco to New Delhi via Frankfurt (which did not have visa restrictions) by Lufthansa German Airlines, the Respondent No. 2. The concerned flight, No. LH-455, from San Francisco to Frankfurt, was cancelled. She was then re-routed on British Airways flights from San Francisco to London and from London to Copenhagen (which had visa restrictions) and on an Air India flight from Copenhagen to New Delhi. The Complainant was detained by the Police at Copenhagen as she did not possess a valid visa. The deficiency occurred in re-routing the Complainant from San Francisco via Copenhagen (without checking / ensuring that she had a valid visa to travel through Copenhagen), for which Lufthansa German Airlines was solely responsible.

4. Learned Counsel further submits that after the said re-routing from San Francisco, the Complainant reached London by its flight No. BA-286, which arrived late, and, by that time, the connecting flight No. BA 820 from London to Copenhagen had departed. She was then put on a subsequent flight No. BA-822 from London to Copenhagen. The only “mistake” made by British Airways was that it put the Complainant on the said subsequent flight No. BA-822 from London to Copenhagen without checking / ensuring that she had a valid visa to travel through Copenhagen.

5. During the course of the arguments, learned counsel for the appellant requests for a brief interlude to seek instructions.

6. After an interlude, learned counsel submits, on instructions, that, without prejudice to its right to raise all its issues and contentions in the Appeal, for the limited mistake at its end, that, at London, it did not check the visa requirements for Copenhagen when putting the Complainant on its subsequent flight, British Airways is ready and willing to unconditionally pay a sum of Rs. 10 lakhs to the Complainant within six weeks from today. Learned Counsel further submits that, in its Appeal, it will agitate all its issues and contentions and the question of compensation over and above Rs. 10 lakhs awarded against it by the State Commission.

7. The afore submissions, made on instructions, during the course of the arguments, are recorded.

8. The Appellant, British Airways, is directed to unconditionally pay a sum of Rs. 10 lakhs to the Complainant by way of ‘payee’s a/c only’ demand draft or by electronic transfer directly to the Complainant within six weeks from today.

9. Learned Counsel submits that the said sum of Rs. 10 lakhs will be paid by British Airways with the due courtesy required towards a lady complainant who is a senior citizen.

10. The afore submission is recorded.

11. Issue notice to the Respondents, subject to payment of Rs. 20,000/- to the Respondent No. 1 / Complainant within six weeks from today to defray travel and allied expenses.

12. Learned Counsel furthermore submits that, taking into account its assurance of unconditional payment of Rs. 10 lakhs to the Complainant within six weeks from today, the operation of the impugned Order of the State Commission, in so far as it relates to compensation over and above Rs. 10 lakhs awarded against it by the State Commission, may be stayed.

13. Contingent to the Appellant, British Airways, unconditionally paying a sum of Rs. 10 lakhs to the Complainant within six weeks from today, the operation of the impugned Order of the State Commission, in so far as it relates to compensation over and above Rs. 10 lakhs awarded against British Airways, shall remain stayed.

14. It is made clear that the (conditional and limited) stay on the operation of the impugned Order qua the Appellant, British Airways, shall *ipso facto* stand vacated if the condition attached therewith, i.e., payment of Rs. 10 lakhs unconditionally to the Complainant within six weeks from today, is not complied with within the stipulated period. In such contingency, the State Commission shall undertake execution of its Order in its entirety as per the law.

15. It is further made clear that there is no stay on the operation of the Order dated 29.01.2020 of the State Commission in so far as it relates to the Respondent No. 2, Lufthansa German Airlines, and / or to the Respondent No. 3, Surya Travels & Associates.

To be continued in the next issue....

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Remittance for subscription may be sent to the Secretary, Consumer Protection Council, B/90, Sector-7, Rourkela-769003, through crossed D.D/M.O or Cheque (local only), payable in favour of

'CONSUMER PROTECTION COUNCIL, ROURKELA'.

For tariff and other details regarding advertisement, contact Editor.

Printed & Published by Sri B Pradhan, Consumer Protection Council, Rourkela at B/90, Sector-7, Rourkela – 769003
E.mail : bpradhan.cpcrkl@gmail.com
(or) vaidya@advantageconsumer.com

ADVANTAGE CONSUMER
ENGLISH MONTHLY



AUGUST 2023

To

If undelivered, please return to :
Consumer Protection Council, Rourkela
B/90, Sector-7, Rourkela -769003. Odisha