

**BEFORE THE TELANGANA STATE CONSUMER DISPUTES
REDRESSAL COMMISSION : HYDERABAD.**

**F.A.No.77 OF 2020
AGAINST ORDERS DATED 20.01.2020 IN C.C.175/2018
DISTRICT CONSUMER COMMISSION, RANGA REDDY**

Between:

Ms. MD Faheema @ Faheema Begum,
D/o MD Sarwar, Aged about 25 years,
Occ.: Advocate, R/o H.No.10-15/A, Goutham Nagar,
Dilsukhnagar, Saroornagar Mandal, R.R. District.
.....Appellant/Complainant

And:

The Managing Director,
Telangana State Road Transport Corporation,
Hyderabad -500 020, Telangana State.
.....Respondent/Opposite Party

Counsel for the Appellant/Complainant : Sri CH.V.Prasad Babu.

Counsel for the Respondent /Opposite Party : Called absent

QUORUM :

**HON'BLE SMT. MEENA RAMANATHAN, I/c PRESIDENT
&
HON'BLE SRI. V.V.SESHUBABU, MEMBER – (JUDICIAL)**

**TUESDAY, THE 12th DAY OF NOVEMBER
TWO THOUSAND TWENTY FOUR**

Order : (PER HON'BLE SRI. V.V.SESHUBABU, MEMBER – JUDICIAL)

1. The appeal is filed u/s 15 of the Consumer Protection Act, 1986 by the unsuccessful complainant, aggrieved by the dismissal of the complaint filed for seeking compensation of Rs.20,000/-.

2. The brief averments of the complaint are that the complainant is a practicing Advocate; that on 09.07.2018, she booked online ticket for a bus journey from Dilsukhnagar to Khammam, which was scheduled on 10.07.2018 with departure time at 05:30 A.M. in Dilsukhnagar; that the complainant went to Bus Station, but the bus came late at 06:00 A.M. and ultimately, it reached at 10:35 A.M., instead of 08:45 A.M.; that the case of the complainant was listed as CMA 1/18, before District Courts,

Khammam, as a 1st item; that the matter was passed over in the court, despite her absence; that subsequently she contested the case; that the bus reached Khammam with delay of 1 hour 50 minutes, amounts to deficiency of service; that the complainant suffered mental agony, anxious moments about the fate of her case, as the bus went with the delay; hence, the complaint.

3. The brief averments of the written version of Opposite Party is that the complaint is not maintainable either on facts or under law; that the complainant is put to strict proof of all the averments made in the complaint, except those that are admitted; that the bus started from Kukatpally to go to Khammam and it reached Dilsukhnagar by 06:00 A.M.; that due to traffic congestion at Metro Services, Malakpet, delay occurred in reaching the Dilsukhnagar; that in the meantime, traffic congestion became more; that the bus reached Khammam Bus Station at 09:30 A.M., but not at 10:35 A.M., as contended by the complainant; that the driver of the bus not behaved rudely with the complainant as alleged and on the other hand stated a fact that, due to traffic congestion, there is possibility for happening of all delays; that no damage is caused to the complainant on the said date. With this requested to dismiss the complaint with costs.

4. Before the Commission below, complainant filed evidence affidavit as PW1 and marked Ex.A1 & A2. One Sri E.Yadagiri, Regional Manager of TSRTC, MGBS, Hyderabad filed evidence affidavit on behalf of the opposite party and got marked documents as Ex.B1 & B2.

5. The Commission below, settled the following points for discussion viz..:

- **Whether there is any deficiency in service on the part of Opposite Party?**
- **To what relief?**
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6. Having heard both sides, the Commission below, basing on the material available on record, passed the order as stated supra.

Aggrieved by the same, the present appeal is filed by the complainant with the following grounds:

- The order of the Commission below is contrary to law, weight of evidence and probabilities of the case.
- The Commission below not considered the documentary and oral evidence of the complainant available on record, though the opposite party admitted delay in reaching Khammam by bus.

With these grounds and others that will be urged at the time of arguments, requested to set aside the order of the Commission below and award the amounts as pleaded in the complaint.

7. Now the points for determination in the appeal are :

- (1) **Whether there is any deficiency of service on the part of opposite party?**
- (2) **Whether the order under appeal is sustainable under law?**
- (3) **Relief?**

8. Both sides not advanced their arguments, but written arguments of appellant are available on record. Arguments of respondent are treated as heard. For the sake of convenience the parties will be addressed as they arrayed in the impugned order.

9. **POINTS 1 to 3:** As per PW1 and as per Ex.A1, Bus in question had reached, Dilsuknagar Bus Station on 10.06.2018 at 05:30 A.M. and it shall reach Khammam Bus Station on the same day at 08:45 A.M. As per Opposite party, bus reached Dilsuknagar Bus Station at 06:00 A.M. instead of 05:30, so, there is a delay of 30 minutes. As per PW1, bus reached Khammam Bus Station at 10:35 A.M., but as per Opposite Party (RW1), it reached at 09:30 A.M. itself. Ex.B1 is the letter, dated 01.10.2018, addressed by the Depot Manager at Khammam to the Personnel Officer, Ranga Reddy Region of TSRTC, Hyderabad. It goes to show that as per Security Report/SR, bus reached Bus Station, Khammam at 09:30 A.M. and reached Bus Depot of Khammam at 09:50 A.M. on

10.07.2018, however, SR is not filed. Ex.B2 is the terms and conditions of the TSRTC, informing public at large regarding the bus services. The very 1st term and condition is that *“the arrival and departure timings are scheduled departure and arrival timings. Buses may be delayed or pick up points changed, due to unavoidable reasons, like traffic jams etc,”*. Another term goes to show that *“TSRTC is a passenger transport service only. TSRTC shall not be liable to make good the loss of goods or property of passengers for any of the Acts, events, incidents whatsoever, beyond the control of the Company”*. The conditions are suffice to conclude that the traffic jam and congestions are beyond the control of TSRTC. It is the case of opposite party that due to traffic congestion at Metro Service in Malakpet, delay occurred in reaching the Dilsukhnagar Bus Station by half an hour. It seems, the delay became more by the time it reached Khammam by 09:30 A.M., instead at 08:45 A.M. Besides all these, PW1 not sustained any injury/damage. There cannot be any compensation without any injury. This is fundamental principle of law of torts. Therefore, we are of the view that the appeal is liable for dismissal.

10. In the result, the appeal is dismissed without costs by confirming the order dated 20.01.2020 in CC No.175 of 2018, passed by the District Consumer Disputes Redressal Commission, Ranga Reddy.

Dictated to the Stenographer and typed by her on the System and corrected by me and pronounced by us in the Open Court on this the 12th day of November' 2024.

Sd/-

Sd/-

I/c PRESIDENT

MEMBER-JUDICIAL

Dated : 12.11.2024

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