

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-II,
U.T. CHANDIGARH**

Consumer Complaint No	45/2024
Date of Institution	30.01.2024
Date of Decision	15.05.2024

Mannat Dutt D/o Sh. Gautam Dutt, resident of H.No.2163,
Sector 21-C, Chandigarh-160022.

E-mail: Mannat1820dutt@gmail.com.

Mobile No:79868-06745

.....Complainant.

Versus

145 Café & Bar Bandra, Rise Hospitality Pvt. Ltd. 101,1st
Floor, HSBC Bldg, Pali Naka, Off Turner Road, Bandra(W)
Mumbai-400050 through its Proprietor /Manager/Autorized
Signatory.

E-mail:info@gatewaybrewery.com.

Phone: 022-62339595-96

..... Opposite Party.

**BEFORE: MR. AMRINDER SINGH, SIDHU, PRESIDENT
 MR. B.M. Sharma, MEMBER**

Present: Ms. Shiti Jain Dutt, Counsel for Complainant.
 Opposite Party exparte.

ORDER BY AMRINDER SINGH SIDHU, M.A (Eng.),LLM,PRESIDENT

1] The Complainant filed the present Complaint
pleading that on 22.09.2022 when she visited to the
restaurant of Opposite Party and had few drinks there then
she noticed that in the bill, Opposite Party has charged 10%
service charges of an amount of Rs. 101.70/-on account of
serving the drinks to the complainant which is Unfair Trade
Practice as Ministry of Consumer Affairs, Food and Public
Distribution(Department of Consumer Affairs) vide order

dated 21.04.2017 and also by the Consumer Protection Authority, India vide press release dated 04.07.2022 published that the forcible charging of the service charges by the restaurants and hotels amounts to Unfair Trade Practices adopted by Opposite Party for which Complainant should be compensated. Lastly, Complainant prayed for acceptance of her complaint and award of refund and compensation for harassment and mental agony including costs of litigation.

2] After the service of notice upon the opposite Party he did not preferred to be present before this commission to file written version to the complaint. Hence, Opposite Party is proceeded against Ex-parte.

3] Complainant led evidence in support of their contentions.

4] We have heard the Counsel for the complainant and have gone through the record available on file.

5] The main question involved in the present complaint is whether the opposite parties had adopted Unfair Trade Practice or not?

6] In order to find answer to this question, the following facts and circumstances alongwith relevant law are necessary to be discussed;-

7] Complainant has proved that Opposite Party has charged Rs. 101.70/- for the services rendered by them vide placing on record the bill of the restaurant and hotel as Annexure C-3.

It is observed that from the complaint that Opposite Party has wrongly charged Rs. 101.70/- as service charges from the complainant despite the fact of Prevention of service charges by the Hotel and restaurant by the Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) vide order dated 21.04.2017 and Central Consumer Protection Authority, which is duly placed on record by the Complainant as annexure C-2 and C-3.

8] Taking into account the above said observations, the present Complaint is partly allowed and Opposite party is directed to refund of Rs. 101.70/ alongwith lump sum compensation of Rs.5,000/-to the complainant within 90 days from the date of receipt of copy of order failing which O.P.s shall be liable to pay interest of 9% per annum on the awarded amount, thereafter.

9] The pending application(s) if any, stands disposed off accordingly.

10] The Office is directed to send certified copy of this order to the parties, free of cost, as per rules & law under

The Consumer Protection Rules & Act accordingly. After compliance file be consigned to record room.

Announced
15.05.2024
C.k

(AMRINDER SINGH SIDHU)
PRESIDENT

(B.M. SHARMA)
MEMBER.

