

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

Consumer Complaint No	293/2020
Date of Institution	22.07.2020
Date of Decision	09.05.2024

Vishal Gupta S/o Late Sh. SN Gupta, resident House No. 3280, Sector 15-D, Chandigarh (U.T).

.....Complainant.

Versus

1. M/s Make My Trip India Pvt. Ltd. Having its registered at B-36, 1st floor Pusa Road, New Delhi- 110005 through its Managing Director.
2. Chief Executive Officer, M/s Make My Trip India Pvt Ltd. Having its Corporate office at 18th floor, Tower, A & B, Building No. 5, DLF Cyber City, DLF Phase-III, Gurugram 122002.

..... Opposite Parties.

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

Present: Sh. Abhishek Sharma, Advocate proxy for Sh. Amit Gupta, Counsel for Complainant.
Ms. Gazala Parveen, Advocate, Proxy for Sh. Nitin Bhasin, Counsel for Opposite Party No. 1
Opposite Party No. 2 exparte.

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

1] The Complainant filed the present Complaint pleading that he had been a regular client of the Opposite Parties and used to book hotel etc though the Opposite Parties, whenever he had to travel .Complainant had to visit Gujarat in the month of December, 2019 and therefore, on the recommendation of the website of the opposite parties, he had booked three bed A.C. room accommodation in a hotel named Kuber by Sky Stays in Dwarka to stay there for one night from 30.12.2019 to 31.12.2019. When he reached

at the hotel then was shocked to see dirty surrounding of the room which was such as it had not been cleaned for days and the bedding was dirty and even the bathroom was in a very poor shape and the toilet seat was not cleaned. The Complainant lodged the complaint on the website of the hotel of the Opposite Parties that the room was not cleaned and Bed sheets were dirty. The Opposite Parties offered refund of Rs. 1500/- in the shape of credit in the account of the complainant, but he refused to it. He was shocked to find that the same room for which the complainant was charged Rs. 6000/- was offered for Rs 2200/- at the hotel Desk to other guests. The Complainant spent night in the dirty room and left the hotel in the morning. The complainant alleged that it amounts to deficiency in service and Unfair Trade Practices adopted by Opposite Parties for which Complainant should be compensated. Lastly, Complainant prayed for award of refund and compensation for harassment and mental agony including costs of litigation.

2] After the service of notice upon the opposite Party No. 1, the opposite party No.1 appeared before this Commission and filed written version taking preliminary objections that complaint is malafide, false, frivolous and misconceived and the complainant has not come to court with clean hand and suppressed the material facts and

circumstances of the present complaint. Hence complaint is guilty of suppression veri and suggestion falsi

On merits, the opposite party No.1 submitted that it is company duly incorporated under the companies Act 1956 and enjoys immense goodwill and repudiation for providing superlative services to thousands of consumers; the opposite parties provides all travel related unblemished services and information to customers and it is facilitator for booking the hotel on behalf of the consumer; opposite parties merely acts as a facilitator between the complainant and the same concerned Hotel. When the complainant had contacted the representatives of the Opposite Party No.1 then the Opposite Party No. 1 took upon matter with the concerned Hotel and complainant was offered refund of Rs.25% of the total costs, of the said booked amount which was denied by the complainant, upon this Opposite Parties offered refund 50% of the total cost of Rs. 3,013/- which was duly accepted by the complainant. Therefore, complainant has waived of his rights to institute the present complaint. Further, Opposite Parties admitted that they are ready to refund amount of Rs. 6,026/- to the complainant as goodwill gesture and it is willing to settle the complaint.

3] After the service of notice upon the opposite party No.2 he did not preferred to be present before this commission to

file written version to the complaint. Hence, Opposite Party No.2 is proceeded against Ex-parte.

4] Replication has also been filed by the complainant thereby controverting the assertions of OP made in their written version reiterating their stand in the Complaint.

5] Parties led evidence in support of their contentions.

6] We have heard the Counsel for the parties and have gone through the record available on file.

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

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

9] It is observed that from the pleadings of the complainant that Opposite Parties have charged Rs. 6000/- for the rent of the Room, which was actually available for Rs. 2200/- and therefore, Opposite Parties had charged excess amount of Rs. 3800/- from the complainant which amounts to unfair trade practice on the part of the Opposite Parties. However, Opposite Parties have agreed to refund Rs. 6026/- to the Complainant as goodwill gesture.

10] Taking into account the above said observations, the present Complaint is partly allowed and Opposite parties are directed to refund of Rs. 6,026 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.

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

12] 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
09.05.2024
C.k

sd/-
(AMRINDER SINGH SIDHU)
PRESIDENT
sd/-
(B.M. SHARMA)
MEMBER.

