

**IN THE CONSUMER DISPUTES REDRESSAL FORUM
KANNUR**

**Complaint Case No. CC/68/2024
(Date of Filing : 02 Feb 2024)**

1. Aiyumantagath Mohammed Imthiyas

Niamah,Ummer Nagar Colony,Thazhec hovva.P.O,Kannur-670018.

.....Complainant(s)

Versus

1. The Nodel Officer,Go Airlines(India)Limited,
4th Floor,Kaledonia Building,Sambhaji Nagar,Opp
Dmart,Sahar Road,Andheri East,Mumbai-400069.

.....Opp.Party(s)

BEFORE:

**HON'BLE MRS. RAVI SUSHA PRESIDENT
HON'BLE MRS. Moly Kutty Mathew MEMBER
HON'BLE MR. Sajeesh. K.P MEMBER**

PRESENT:

Dated : 31 May 2024

Final Order / Judgement

SRI. SAJEESH.K.P : MEMBER

The complainant has filed this complaint under Sec.35 of the Consumer Protection Act 2019,seeking direction against the OP to refund Rs.22,559/- which was the cost of the air ticket and to pay Rs.20,000/- as compensation to the complainant for the mental agony.

Complaint in brief :-

According to the complaint, on 9/4/2023 the complainant had booked an International air ticket from Kannur to Dammam as per the booking reference No.K4ZHL. The date of travel on 5/5/2023 by paying Rs.22,559/-. The complainant had made full payment for the ticket while booking the said ticket through the bank account of his daughter. On 2/5/2023, the complainant received an e mail from OP stating that the air ticket is cancelled without any reason and it was not informed to the complainant on time. They could not find any alternative solution. After that the complainant sent several e mails and called upon the OP to refund the amount. But the OP is not refund the amount so far. Hence this complaint

After filing the complaint, commission sent notice to OP. The OP received the notice and not appeared before the commission and not filed any version. The commission had to hold that the OP has no version as such in this case came to be proceed against the OP as set exparte.

Even though, the OP has remained ex-parte, it is for the complainant to establish the allegation made by him against the OP. Hence the complainant was called upon to produce evidence in the form of affidavit and documents. Accordingly the complainant has chosen to produce his affidavit along with 5 documents marked as Exts.A1 to A5. Ext.A1 is the booking

confirmation letter issued by OP dtd.9/4/2023. Ext.A2 is the copy of invoice received after the booking confirmation, Ext.A3 is the copy of e mail sent by OP to complainant. Ext.A4 is the lawyer notice and Ext.A5 is acknowledgment card. The complainant was examined as PW1. So the OP remain absent in this case. At the end the commission heard the case on merit.

Let us have a clear glance in to available evidence before the commission in order to answer whether there is any deficiency in service as prayed in the complaint. The OP is being set exparte. The commission perused documents which is marked as Exts.A1 to A5. As per Ext.A1, the booking confirmation letter for the journey from Kannur to Dhamam issued by OP dtd.9//4/2023. Ext.A2 is the invoice of booking confirmation, it is clear that the air ticket is confirmed and the payment of Rs. 22,559/- is proved. According to Ext.A3, it is seen that the flight ticket issued by OP was cancelled by stating "Operational issues". There is no evidence before the commission that the OP never initiated any refund of the amount received by them from the complainant. Exts.A1 to A3 are the speaking evidence that on 9/4/2023 the complainant booked flight ticket and after that it was cancelled . Hence on the perusal of all documents before the commission it is found that the documents goes in tune with the complainant and thereby the commission came into a conclusion that there is a deficiency in service from the part of OP. So the OP is liable to refund Rs.22,559/- which was the price of flight ticket paid by the complainant to opposite party, and the complainant is entitled to get compensation and cost .

In the result complaint is allowed in part. The opposite party is directed to pay Rs.22,559/- which was the cost of flight ticket paid by the complainant to opposite party, and also pay Rs.7000/- as compensation for mental agony and Rs.5000/- as cost of litigation within one month from the date of receipt of copy of this order. In default Rs.22,559/- carries 9% interest per annum from the date of order till realization. Failing which, the complainant is at liberty to execute the order as per the provisions of Consumer Protection Act 2019.

Exts:

A1- Booking confirmation letter

A2- Copy of invoice received after booking

A3- Copy of email

A4- lawyer notice

A5-Acknowledgment card

PW1-Mohammed Imthyas-Complainant

Sd/

Sd/

Sd/

PRESIDENT

MEMBER

MEMBER

Ravi Susha

Molykutty Mathew

Sajeesh K.P

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/Forwarded by Order/

ASSISTANT REGISTRAR

**[HON'BLE MRS. RAVI SUSHA]
PRESIDENT**

**[HON'BLE MRS. Moly Kutty Mathew]
MEMBER**

**[HON'BLE MR. Sajeesh. K.P]
MEMBER**