

CENTRAL CONSUMER PROTECTION AUTHORITY

Ref: F. No. J – 25/25/2021 – CCPA

In the Matter of: Suo Moto case against Yatra Online Ltd.

CORAM:

**NIDHI KHARE, CHIEF COMMISSIONER
ANUPAM MISHRA, COMMISSIONER**

Dated:21.07.2023

ORDER

1. In continuation of order dated 03.07.2023, hearing was held on 14.07.2023 with the Counsels, Ms. Ashu Joshi (Legal Manager), Mr. Darpan Batra (Vice President, Corporate Affairs & Legal) and Mr. Prakash Harpalani (Vice President, Industry Relations) for Yatra Online Limited (Company), Mr. Sarosh Damania for Qatar Airways, Mr. Bharat Kapoor for Hahn Air, Mr. Haseebullah Habib for Air Arabia, Mr. Abhishek Saket for Air Canada, Ms. Shriya Takkar, Ms. Unnati and Mr. A R Takkar for KLM Royal Dutch Airlines, Mr. Tarun Malhotra for Thai Airways International, Mr. Karun Mehta for Alitalia Airline and Ms. Mamta Walia for Turkish Airlines over VC. The Central Authority sent the notices to airlines on 09.06.2023 and 20.06.2023 in which following are the submissions submitted by the airlines:

2. The Company submitted their status report dated 19.07.2023 indicating the status of Airlines refund as of July 18, 2023 as below:

(A) Date of Response	(B) Total number of bookings for which refund is pending due from Airlines	(C) Total number of bookings for which original mode of payment has expired and the Company has reached out to customers for bank details.	(D) Total No. of Bookings pending for refund (B+C)
March 16, 2023	No. of bookings: 1757 Amount in INR: 3,50,68,084/-	No. of bookings: 16,090 Amount in INR: 8,32,19,901/-	No. of bookings: 17,847 Amount in INR: 11,82,87,985/-
March 21, 2023	No. of bookings: 1756 Amount in INR: 3,50,58,700/-	No. of bookings: 16,036 Amount in INR: 8,29,08,112/-	No. of bookings: 17,792 Amount in INR: 11,79,66,812/-
March 30, 2023	No. of bookings: 1208 Amount in INR: 3,04,48,463/-	No. of bookings: 14,713 Amount in INR: 7,55,91,657/-	No. of bookings: 15,921 Amount in INR:

				10,60,40,120/-
April 2023	18,	No. of bookings: 909 Amount in INR: 2,72,47,499/-	No. of bookings: 13,157 Amount in INR: 6,72,48,406/-	No. of bookings: 14,066 Amount in INR: 9,44,95,905/-
April 2023	30,	No. of bookings: 900 Amount in INR: 2,71,40,073/-	No. of bookings: 11,722 Amount in INR: 5,86,37,744/-	No. of bookings: 12,622 Amount in INR: 8,57,77,817/-
May 2023	14,	No. of bookings: 900 Amount in INR: 2,71,40,073/-	No. of bookings: 10,510 Amount in INR: 5,20,26,900/-	No. of bookings: 11410 Amount in INR: 7,91,66,973/-
May 2023	28,	No. of bookings: 881 Amount in INR: 2,61,08,434/-	No. of bookings: 9824 Amount in INR: 4,61,39,967/-	No. of bookings: 10705 Amount in INR: 7,46,50,594/-
June 2023	11,	No. of bookings: 875 Amount in INR: 2,61,08,434/-	No. of bookings: 9391 Amount in INR: 4,61,39,967/-	No. of bookings: 10,266 Amount in INR: 7,22,48,401/-
July 2023	18,	No. of bookings: 494 Amount in INR: 1,52,42,534/-	No. of bookings: 8327 Amount in INR: 4,08,21,326/-	No. of bookings: 8821 Amount in INR: 5,60,63,860/-

3. The company submitted that its communication initiatives reduced the pendency from 21,387 (as per compliance report dated 13.08.2022) to 8821(as per compliance report dated 19.07.2023).

4. The counsel for AIR Arabia submitted that

“28 passengers are left for refund as they have not applied for refund applications or requests. We do not refund to travel agents, we refund directly to passengers. We respond to their requests timely but we do not call them directly, we have issued credit vouchers to 117 consumers out of which 28 are not utilized. Details of pending 28 tickets can be submitted after cross checking of data and can be shared by the airline. Efforts need to be taken up as Yatra needs to get hold of these 28 tickets”. They have assured to submit the entire details of pending tickets to the Central Authority & Yatra Online Limited.

5. The Counsel for Qatar Airways stated that

“Two affidavits have been filed by the airline seeking the inputs from Yatra regarding passport copies and NOC of passengers so that they will be refunded on time. Justification was sought from the travel company over e-mail for such delay because of their lapse in approaching the airline. As only the travel company can get the details of passengers as the airline is not directly touch with passengers. As per the latest affidavit dated 11.07.2023 shared by the airline, Out of 21 tickets, 10 tickets have been utilized by the passengers and 11 tickets are pending for refunds. The vouchers have been issued to these 11 passengers by the airline two years ago, Yatra did not act within 2 years to approach the passengers. The Yatra.com was negligent and did not follow the process of the refund in time and Qatar Airways was ready and willing to give refund at that point of time and even had a policy in place for the refund that was valid for a period of 2 years. Yatra.Com has failed to give justification for their negligence/failure in not applying for the refund within a period of 2 years. The request

for refund from Yatra.com has not been placed within the said period of two years, the travel documents/tickets got expired. Out of 53 tickets 30 tickets are issued by Akbar travels and 2 tickets are issued by Riya Travels. Only 21 tickets are issued by Yatra IATA. 32 tickets are identified with Akbar travels and Riya travels IATA and not Yatra, so Yatra will have to get in touch with those travel agent for the same. As some travel agents have received the refunds also. Since two years have passed that why issues are cropping up pertaining to refunds. The website of airline is created in such a way and transaction being an international one, the amount is being sent from the outside the country so RBI guidelines have to be mandated in this process, that's why the details of passports and NOC are required for refunding back to consumers, if windows are open on the IATA portal then there is no problem for the travel agent, the IATA agents on the portal can itself do it ,otherwise in normal case there is no requirement. In the meantime the airline will process the refunds once the data is received".

6. The counsel for Air France & KLM Royal Dutch airlines stated that

"Out of total 13 tickets, 11 tickets vouchers were issued to the customers. Thereafter, 7 such customers utilized these vouchers either by way of refund or exchanged the voucher for alternate flight ticket. Only 4 tickets remain pending and status of 4 tickets have not been received from Yatra, several emails have been sent to Yatra on 10.07.2023. Only 6 passengers need to be contacted by Yatra for refunds. Status of 2 tickets are unknown. However no details have been provided by Yatra whether any request for refund was made with respect to the remaining 4 tickets. However, Yatra has deliberately not disclosed status of the 4 cases in which vouchers were issued but refund/exchange was not claimed and 2 cases in which no vouchers were issued". Data of 6 passengers are required so that refund can be done timely and further the copy of data will also be shared with the central authority.

Further KLM Royal Dutch Airline vide response dated 22.06.2023 submitted that "Request for refund was made to Yatra, it was the liability of Yatra to process the refund in the system with the respective waiver code. Out of 21 tickets, vouchers have been utilized by 12 consumers, 9 vouchers have expired, in two cases ticket numbers do not match with the records of this airline. The e-mail has been sent to Yatra on 15.11.2021 regarding refunds. That in 7 cases where refundable vouchers were not issued, Yatra was to issue vouchers in 5 cases as evidenced by e-mail (s) dated 14.01.2022 and for the remaining 2 cases Yatra has not disclosed if the request was received by them or not. That in 2 cases Yatra has given invalid ticket numbers therefore no inquiry could be made".

7. The Counsel of Air Canada stated that

"Inputs are shared with the Yatra and will be shared with the authority as well, refunds will be transferred to Yatra so that they can refund to the consumers".

8. The counsel for Alitalia Airlines stated that

"There are no issues in 20 pending tickets, 4 to 5 already have been refunded, email the details to Yatra and the Central Authority". RA not found, airline is not running its operations, value of travel voucher to be refunded, e-mail of concerned official will be shared so that they can be approached. Mobile numbers of these passengers to be shared by Yatra, once the data is received, if bank details can be

shared, then the airline will refund directly to passengers within two weeks. The e-mail id of concerned official is also shared with Yatra to sort out the entire matter".

9. The Malaysia Airline submitted that

"Out of 47 tickets, 9 tickets have been refunded. 38 tickets/vouchers are pending and have been provided extension as these tickets shall be valid for the travelling period on or before 31.10.2023 provided that the rebooking shall be made before 31.07.2023. In the event no rebooking is made on 31.07.2023, Malaysia airlines shall not be responsible and shall not be in the position to further extension for any reasons whatsoever". Passengers list is sought by the airline from Yatra, Ticket images are shared with the Yatra so they can proceed with the consumers list who will provide the approval code and then accordingly RAs can be raised. List of passengers to be modified along with the reasons of pending refunds. No documentation required, as soon as the approval code is shared by the airline, Yatra can raise the BSP RA. Based on BSP RA we will be processing refund then we will share approval code and will advise you how process of refund is done. Regarding ACM also the airline will update the Yatra".

10. The counsel for Hahn Air stated that

"Air Jamaica Express ceased its operations in 2015. 91 tickets were issued on Hahn documents for different airlines, and out of 91 tickets, 5 tickets were issued directly by Yatra, 87 tickets were issued by other consolidators through Yatra itself. we verbally also spoke to Yatra, email has also been done Yatra few days back, we are ready to pay to 84 tickets for that Yatra has to send the passport copies of passengers, 3 tickets have been flown. Passengers list is not with the hahn airways so if Yatra could share the passengers list then refunds will be done accordingly.

11. The counsel for Thai Airways stated that

"The data of 14 tickets provided by the company have been issued by Riya travels but the passengers have purchased tickets through yatra.com. However credit vouchers have been issued to all 18 passengers and these vouchers are valid till 24.03.2024 and the airline has spoken to passengers directly, just provide us the passengers bank details we will directly refund to passengers instead of Riya travels, request has been made to Yatra to kindly share the list of bank details of consumers. The consumers can even redeem the vouchers on Thai airways website.

12. The counsel for Turkish Airlines stated that

"We have received a mail on 24.06.2023 by Yatra related to pending refunds, Out of total 17 tickets except one ticket, all tickets have been refunded by our different stations like Berlin, Hongkong and San Francisco, if still there are any pending tickets then Yatra can share the same with our customer relation team. These refunds were made directly to the passengers due to the re-schedule of booking at different stations like and these are directly refunded to passengers by our sales office at different stations like Berlin, Hongkong etc. Feedback form to be created with our customer

relation team and with that feedback number we can take the approval for refund and then can refund to the passengers".


13. It is clear from the above submissions that the airlines have complied with the directions of the Apex Court and have further extended their support to cooperate regarding the pending bookings provided they get adequate information from the company but the company has not pro-actively approached the airlines despite several reminders and till date the total number of bookings pending for refunds are 8821 amounts to Rs. 5,60,63,860/- is a huge sum of money which amounts to unfair trade practice and unscrupulous exploitation of consumers.

14. After examining the reply of the company, the Central Authority issued the following directions:

- i. The company along with the airlines are directed to expeditiously resolve the refunds of 494 pending tickets which amounts to Rs. 1,52,42,534/- that are due from airlines and submit information regarding number of tickets that were refunded, Number of tickets pending for refunds and whether the company has responded late due to which airline fails to refund on time.
- ii. The aforementioned airlines are also directed to submit their status report of compliance at Central Authority before 28.07.2023.
- iii. The Company is directed to comply with the decision of the Apex Court in Pravasi Legal Cell vs. Union of India (W.P.(C)D.No.10966 of 2020) dated 01.10.2020.
- iii. The Company shall file its status report of compliance with all directions contained in this order before 28.07.2023.

15. In case submissions as directed above in para-12 are not received before 28.07.2023, the Central Authority may be constrained to take a serious view on the matter.

16. The matter is now listed for hearing on 28.07.2023 at 4:00 PM.


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(Nidhi Khare)
Chief Commissioner


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(Anupam Mishra)
Commissioner