

CENTRAL CONSUMER PROTECTION AUTHORITY

Ref: F. No. J – 25/25/2021 – CCPA

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

CORAM:

MS. NIDHI KHARE, CHIEF COMMISSIONER
Mr. ANUPAM MISHRA, COMMISSIONER

Dated:14.11.2023

ORDER

1. In continuation of order dated 31.10.2023, hearing was held on 01.11.2023 with the Counsels, Ms. Ashu Joshi (Legal Manager), Mr. Darpan Batra (Vice President, Corporate Affairs & Legal), Mr. Arvind Ray for Yatra Online Limited (Company), Mr. Sarosh Damania for Qatar Airways, Mr. Bharat Kapoor & Mr. Kai Utermann for Hahn Air, Mr. Karun Mehta for Alitalia, Ms. Ritu Singh Mann for Etihad Airways and Mr. Michael Pilkington for Air Arabia over VC.

2. The Company submitted their status report dated 01.11.2023 indicating the status of Airlines refund as of October 30, 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)
Response dated July 23,2021	No. of bookings: 5,771 Amount in INR: 9,60,14,463/-	No. of bookings: 30,505 Amount in INR: 16,65,68,021/-	No. of bookings: 36,276 Amount in INR: 26,25,82,484/-
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 18, 2023	No. of bookings: 909 Amount in INR:	No. of bookings: 13,157 Amount in INR: 6,72,48,406/-	No. of bookings: 14,066

	2,72,47,499/-		Amount in INR: 9,44,95,905/-
April 30, 2023	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 14, 2023	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 28, 2023	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 11, 2023	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 18, 2023	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/-
July 26, 2023	No. of bookings: 426 Amount in INR: 1,41,00,458/-	No. of bookings: 8,064 Amount in INR: 3,95,88,136/-	No. of bookings: 8490 Amount in INR: 5,36,88,594/-
August 16, 2023	No. of bookings: 405 Amount in INR: 1,21,72,841/-	No. of bookings: 6,749 Amount in INR: 3,48,23,200/-	No. of bookings: 7,154 Amount in INR: 4,69,96,041/-
September 2, 2023	No. of bookings: 376 Amount in INR: 1,10,09,983/-	No. of bookings: 6,352 Amount in INR: 3,10,24,698/-	No. of bookings: 6,728 Amount in INR: 4,20,34,681/-
September 28, 2023	No. of bookings: 340 Amount in INR: 96,27,819/-	No. of bookings: 6,011 Amount in INR: 2,90,15,549/-	No. of bookings: 6,351 Amount in INR: 3,86,43,368/-
October 13, 2023	No. of bookings: 322 Amount in INR: 88,38,420/-	No. of bookings: 5,454 Amount in INR: 2,61,17,637/-	No. of bookings: 5,776 Amount in INR: 3,49,56,056/-
October 30, 2023	No. of bookings: 302 Amount in INR: 83,66,677/-	No. of bookings: 5393 Amount in INR: 2,56,42,893/-	No. of bookings: 5695 Amount in INR: 3,40,09,570/-

3. The company during the hearing submitted the following submissions as under:
- Its communication initiatives reduced the pendency from 36,276 as per their response dated 23.07.2021 to 5695 as per their response dated 01.11.2023.
 - The amount pending for 35 tickets pertain to Qatar airways was Rs. 20,64,670/- till 13.10.2023. Out of 35 tickets, refund of 4 tickets have been received which amounts to Rs. 2,7446/-. Total 31 tickets are pending for refund which amounts to Rs. 1,84,7224 as on 30.10.2023 and the Company has shared this entire information with the Qatar Airways.

- c) There is a scenario where Consumers are not responding, Riya & Akbar Travels have already raised the refund applications but those applications got rejected by Qatar Airways. In few cases signatures were required but where there is a mismatch of signatures then the application gets rejected by Qatar Airways.
- d) The Company is not able to trace the residential address of Consumers whose refunds are pending.

4. The Counsel for Qatar Airways stated that

- a) There is discrepancy in the data submitted by Yatra as no 31 tickets are pending for refund. As per the affidavit dated 17.10.2023, there are only 17 tickets pending for refund
- b) 6 tickets are pending for refund as NOC have not been received, There are 17 tickets which are pending for refund pertain to Riya & Akbar Travels. These are not Yatra tickets as these tickets pertain to Riya & Akbar Travels so Yatra will have to deal with this issue as whatever money will be received it is going to be transferred in Riya & Akbar wallets not in Yatra wallets.
- c) Another apprehension for the Airline is that the travel agents i.e Riya & Akbar travels are not claiming the refunds from the airline so either Yatra can engage these two travel agents in the hearing scheduled before the Central Authority in order to clarify the entire issue pertaining to refunds.
- d) As per the Supreme Court order, the source of payment will go to that account only from which the amount has been paid at the time of booking of tickets.
- d) Whatever amount has been charged by Yatra from the passenger at the time of booking of tickets should be brought into the knowledge of the Central Authority as the airline is only entitled for reimbursement of that amount of ticket which is being sold to Yatra. At last Yatra must disclose the details of total amount refunded to all the passengers of Qatar Airways along with the separate amount deducted or refunded by Yatra.
- e) There is a legal hurdle involved in this entire process of transacting the refund amount to parties (Riya & Akbar Travel) which are not party to these current proceedings.

- f) The copy of replies shared with the Central Authority on 01.11.2023 has not been shared with Qatar Airways. It is requested to Yatra to share the copy of replies with the Airline also and if Yatra does not cooperate then formal application will be moved by the Airline against Yatra to disclose full disclosures before the Central Authority.

5. The counsel for Alitalia airlines stated that

Yatra must trace the cities/location of Passengers where they reside in order to expedite the refunds of Passengers.

6. The Counsel for Etihad, Emirates & British Airways stated that

a) If Passengers are not responding on telephone, it means passenger is not existent or the phone numbers are not correct or are in no longer in use.

7. 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 302 pending tickets which amounts to Rs. 83,66,677/- that are due from airlines and submit information regarding number of tickets that were refunded and number of tickets pending for refunds.
- ii. The Company is directed to submit each of their response copy to every airline who are parties to the current proceedings and further directed to provide the update on 90 grievances registered on National Consumer Helpline (NCH) which has been shared with them vide e-mail dated 19.10.2023.
- iii. The Company is directed to provide the list of total 5695 bookings whose refunds are pending as on 30.10.2023 highlighting the Contact numbers, e-mail ids, PNR Number, Travelling date, Travelling Destination, When and what time the Company has contacted these passengers via telecon.
- iv. The Company is directed to submit their replies on affidavit stating that no extra Booking Amount/Convenience fee has been charged by them at the time of booking of tickets during Covid-19 pandemic on their Portal and if any booking amount has been charged by the Company and it must state the reasons thereof.

v. The Company is directed to furnish the details on affidavit regarding the total amount of tickets being purchased from the Qatar Airways and what was the actual amount of ticket being sold to the passengers during Covid-19 Lockdown.

8. The matter is now listed for hearing on 20.11.2023 at 3:00 PM.


(Nidhi Khare)
Chief Commissioner


(Anupam Mishra)
Commissioner

