

CENTRAL CONSUMER PROTECTION AUTHORITY

Ref: F. No. J – 25/25/2021 – CCPA

In the Matter of: Suo Moto case against Cleartrip Pvt. Ltd.(herein referred as "Company")

CORAM:

NIDHI KHARE, CHIEF COMMISSIONER
ANUPAM MISHRA, COMMISSIONER

Dated: 20.11.2023

ORDER

1. In continuation of order dated 10.11.2023, hearing was held on 17.11.2023 with the Counsels, Mr. Chirag Karia (Legal Head) and Ms. Priyaah (Head & Vice President of Customer Support Team) for ClearTrip Pvt. Ltd. (Company), Mr. Dheeraj Nair and Ms. Ridhima Sharma (external counsels) from JSA Law Firm , Dr. Shalini and Ms. Deepika Sur from NCH over VC.
2. The external Counsel Mr. Dheeraj Nair representing ClearTrip stated that they have provided the updated tabular sheet pertaining to refunds pending due to covid-19 lockdown. There are some cases in which refunds have not provided due to insolvency of Go-Air airlines and few customers have opted for credit shell. The contact details of 29 passengers of Covid-19 lockdown have been updated in the tabular sheet.
3. The Company in their response dated 16.11.2023 submitted the following submissions as under:
 - a) There are a total of 388 cases (including duplicate cases) out of the total 2120 grievances registered on the NCH portal where the consumers have received nil refund. Out of these 388 cases, only 29 cases are related to cancellation during Covid- 19 lockdown. The balance 359 cases do not relate to the Covid -19 lockdown period.
 - b) There are a total of 388 cases (including duplicate cases) out of the total 2120 grievances registered on the NCH portal where the consumers have received nil

refund. Out of these 388 cases, only 29 cases are related to cancellation during Covid-19 lockdown and the balance 359 cases relate to non-Covid -19 lockdown period.

c) Based on industry practices, it is our understanding that the customers have been issued a nil refund *inter alia* for reasons such as re-scheduling of travel to a future date, the customer availing credit shells issued by the airline in place of refund, insolvency of GoAir, tickets being non-refundable, chargeback raised for duplicate transactions, etc.

d) The Company had also approached customers for 29 cases (which were related to cancellation during Covid -19 lockdown in which nil refund was issued) and got the update that those customers had re-scheduled their travel to a future date or had availed credit shells issued by the airline in place of refund or refunded.

e) Being merely an intermediary, the Company is not in a position to refund amounts in cases where no amount has been refunded by the concerned airline or tickets were non-refundable. The primary obligation to issue refunds falls upon the concerned airline.

4. Meanwhile, Mr. Chirag Karia representing ClearTrip stated that out of 2120 grievances registered on NCH Portal 388 cases are the duplicate ones where the Consumers have received NIL refund, Out of these 388 cases, only 29 cases are related to Covid- 19 lockdown where NIL refund was processed and the balance 359 cases relate to non-Covid -19 lockdown period. 18 tickets out of total 29 tickets are refunded through issuance of vouchers. 11 tickets out of 29 are not refunded. 3 tickets out of 11 tickets are pending for refund due from airlines as despite several reminders the Company has not received refunds from Aeroflot and South African Airlines. Since the airlines are not responding, it is difficult for the Company to process any refund to these 2 passengers. 1 passenger out of 11 tickets utilized the ticket. 5 tickets out of 11 tickets are duplicate tickets. 1 customer out of 11 tickets did not share the bank details due to which refund could not processed by the Company. In 359 non-covid Cases refund from airlines have not been received. Out of 359, 103 cases pertain to Go-Air which have not been refunded.

5. Further, the Company vide response dated 17.11.2023 submitted updated tabular sheet of 29 cases highlighting the Passenger Name, Origin, Destination, Date of

Booking, Case Summary, Grievance Number, Registration Date, Agency State, Departure Date, Nature of Grievance, Docket Status as per NCH Portal and Grievance Details.

6. The Apex Court in its decision in Pravasi Legal Cell vs Union of India (W.P.(C)D.No.10966 of 2020) dated 01.10.2020 has directed as follows under para 19:

2. If the tickets have been booked during the lockdown period through a travel agent for a travel within the lockdown period, in all such cases full refund shall be given by the airlines immediately. On such refund, the amount shall be passed on immediately by the agent to the passengers.

6. In all other cases, the airlines shall make all endeavors to refund the collected amount to the passenger within 15 days from today. If on account of financial distress, any airline / airlines are not able to do so, they shall provide credit shell, equal to the amount of fare collected, in the name of passenger when the booking is done either directly by the passenger or through travel agent so as to consume the same on or before 31st March, 2021. It is open to the passenger either to utilize such credit shell upto 31st March, 2021 on any route of his choice or the passenger can transfer the credit shell to any person including the travel agent through whom he / she has booked the ticket and the airlines shall honor such a transfer.

7. It is very unfortunate that even after 3 years consumers have still not been able to receive their refund due from Aeroflot and South African Airlines. It the responsibility of the airlines to comply with the aforementioned directions of Supreme Court of India and to ensure that consumers who had availed their services and whose air tickets got cancelled due to Covid 19 lockdown receive either refund or credit shell as per their requirement.

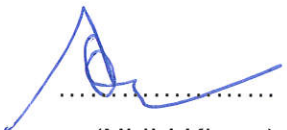
8. Subsequently, regarding total amount refunded to Consumers so far, the Company vide communication dated 03.09.2023 submitted the updated compliance report dated 02.09.2023 in which following submissions were made:

Details of cancellation due to lockdown and refund status of such cancellation

- Total Nos. of Bookings (Departure during Lockdown) - 1,64,944
- Total value of Bookings (Departure during Lockdown) amounts to Rs. 174,05,15,815/-

- Total No. of Bookings which were not eligible for refunds - 14,954 (Out of 1,64,944) (Already amended or had utilized the credit shell)
- Total No. of Bookings which were eligible for refunds – 1,49,990 (1,64,944 less 14,954)
- Total No. of Bookings for which Cleartrip processed refunds to Customers – 1,49,990
- Total value of Bookings which were eligible for refunds and for which Cleartrip processed refunds to Customers amounts to Rs. 158,27,18,784/-

9. In view of the aforesaid, since refund matters relating to all the 1,64,944 worth Rs. 158,27,18,784/- bookings have been settled and all these cases have been successfully closed as the Passengers have either accepted refund or have accepted credit notes for future travel, Therefore the issue stands resolved and hence the matter stands closed.



(Nidhi Khare)
Chief Commissioner



(Anupam Mishra)
Commissioner