

CENTRAL CONSUMER PROTECTION AUTHORITY

Ref: F. No. J – 25/25/2021 – CCPA

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

CORAM:

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

Dated: 12.10.2023

ORDER

1. In continuation of order dated 12.09.2023, hearing was held on 04.10.2023 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 & Mr. Kai Utermann for Hahn Air, Mr. Yugam Taneja for Alitalia, Ms. Himani Bhadauria for Air France, Ms. Ritu Singh Mann for Etihad Airways and Mr. Abhishek Saket for Air Canada, Ms. Jintana for Bangkok Airlines and Mr. Michael Pilkington for Air Arabia over VC.

2. The Company submitted their status report dated 29.09.2023 indicating the status of Airlines refund as of September 28, 2023 as below:

(A) Date of Response	(B) Total number of bookings for which refund is pending due from Airlines	© 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: 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 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: 11,410 Amount in INR: 7,91,66,973/-
May 28, 2023	No. of bookings: 881 Amount in INR: 2,61,08,434/-	No. of bookings: 9,824 Amount in INR: 4,61,39,967/-	No. of bookings: 10,705 Amount in INR: 7,46,50,594/-
June 11, 2023	No. of bookings: 875 Amount in INR: 2,61,08,434/-	No. of bookings: 9,391 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: 8,327 Amount in INR: 4,08,21,326/-	No. of bookings: 8,821 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: 8,490 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/-

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 6,351 as per their response dated 29.09.2023.
 - The Company further submitted that certain airlines requires passport copies to make the refunds, the passengers can directly coordinate with the airlines. The only barrier is that certain airlines are requesting for NOC or passport copies of passengers but the passengers are not responding on those documents, if such barriers can be removed then there is a possibility that customers can directly provide the bank details to airlines so that the money can be directly refunded to customers.

c) The company has tried every possible mode of approaching the consumers through various modes viz. WhatsApp, SMS, emailer, website banners, tele-calling, social media i.e. LinkedIn, Twitter, Facebook, Instagram.

d) As a result, the refunds have been considerably processed and pendency has been reduced to INR 2,90,15,549/- as per our last response dated September 29, 2023 but still consumers are not turning up for refunds. Some of the consumers ended up doing booking with the Company. The Consumers are free to transfer the amount from Yatra wallet to their respective bank accounts.

4. The Counsel for Qatar Airways stated that

a) Out of the earlier 11 tickets issued on Yatra IATA, only 10 tickets qualify for refund for which refund was pending, Yatra has provided NOC for only 4 passengers. In spite of repeated reminders, Yatra has failed to provide NOC for the rest of the passengers.

b) It is pertinent to mention herein that if NOC for the 6 passengers is not provided by 15th December 2023, the system will not permit Qatar Airways Q.C.S.0 to process any refunds thereafter. Further Yatra had also claimed refund of 32 tickets that were issued by Akbar Travels (30 tickets) and Riya Travels (2 tickets). Yatra had made incorrect/false claims before this Hon'ble Tribunal with regards to refund of 32 tickets pending pertaining to Akbar Travels (30 tickets) and Riya Travels (2 tickets).

c) It is pertinent to note that upon checking the details of the said tickets, it was found that 11 passengers have already utilised/flown on the said tickets. 2 of the tickets have been reissued and they are scheduled to travel. As the tickets are reissued for future travel, refund is not applicable on the same. 2 tickets have been opened for refund i.e., EMD are open in GDS system for refund and travel agent has to share NOC of the passengers.

d) For the balance 17 tickets which are expired as the travel agent had not applied for refund within a period of 2 years when Qatar

Airways was refunding the tickets. upon receipt of the passenger NOC that will have to be endorsed by the respective travel agents i.e., Akbar Travels and Riya Travels, the monies will be credited to the Original Source of payment i.e., the bank account of the travel agent who paid for the ticket.

5. The counsel for Alitalia airlines stated that

The Company has received the email from their client, only 8 tickets are pending for refund, Out of 25 tickets, 17 have been refunded, the details of 8 passengers are shared with Yatra.

6. The counsel for Air France stated that

The Company has received an email from Yatra, for one ticket they have contacted third party travel agent but Akbar Travels are requested to refund the application so that is not pending on the part of Air France. So there are two tickets pending on part of Air France as a result the airline is trying to locate the status of these tickets, as soon as the airline receives the status of these tickets, then Central Authority & Yatra will be updated regarding the same. The airline is also trying to get in touch with the client's Head Quarters to get the refunds done.

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

- a) For British Airways, tickets which were in question, refunds details have been provided while exchanging the mails with Yatra.
- b) For Etihad, there were 10 tickets, details provided to yatra, two tickets out of 10 were re-issued as the original tickets could not be used on account of Covid, the re-issued tickets validity was 24 months, the tickets were neither utilized nor got cancelled or raised for any RAs, so the tickets stands expired now.
- c) For Emirates, Yatra has been requested to provide the details of the tickets which allegedly have not been refunded, the details are not provided yet. The tickets were valid for refund till 30th September 2022 only but neither ticket got utilized nor the refund application was raised. The airline has been requested for

the ticket numbers, sooner the ticket numbers are received, refunds will be done immediately.

8. The Counsel for Hahn Air stated that

a) There are 4 tickets of which we rejected the refund as the signatures of the passengers on passenger consent form, it was not a signature, it was just a copy paste of signature on passport, The e-mails shared with Yatra and the Central Authority, a new e-mail id is created to coordinate with Yatra. Only 60 tickets are pending for refund after refunds of 24 tickets. The value of 24 tickets is INR 3,10,000.

b) The moment Hahn Air receives the refund application from the ticketing agency, then they will be processing it. For the remaining 60 tickets, if those refund applications are created with passengers consent, then those refunds will be refunded quickly. After one year of covid-19 pandemic, Hahn Air do not have the signed declaration forms of passengers, If the passenger is neither responding nor claiming the refund then that amount stands unused. For refunds of 4 tickets, the accounting team of the airline has rejected the refunds as the signatures of passengers did not match with the signatures on the passport copies. The passengers who are left for refunds, details of those passengers has to be provided by the Yatra in order to expedite the refund process. More than 50% of amount is paid by the company as Hahn air is an operating carrier.

9. The Counsel for Air Canada stated that

There is no pendency due from Air Canada, The spreadsheet was circulated by Yatra so the airline has reconciled the data. It has all been sorted out, the airline has once again sent the final reconcile spreadsheet to the Yatra. All the tickets are refunded and utilized.

10. The Counsel for Air Arabia stated that

The airline has 18 PNRs outstanding for refund, refund have been processed for 5 PNRs, so 13PNRs are pending for refunds, The airline is not able to contact the 13 passengers on e-mail and on telephone numbers, the money of passengers are still unused.

11. The Counsel for Bangkok Airways stated that

There are 6 tickets pending for refund which includes two families. The details of 6 passengers will be shared latest by 07.10.2023.

12. Further, the Company in their response dated 06.10.2023 submitted the proposal to process these refunds to the customers in their Yatra wallet which will have the below features for such refunds:

- a) An easy, flexible and user friendly option for the customer
- b) Full/partial utilization - Customer can opt either to utilize the amount in Yatra wallet against one booking or on multiple bookings as per their requirement.
- c) Compatibility with other modes of payment - Customer can opt to combine this Yatra wallet with other modes of payments like Debit/Credit card, UPI, net banking etc
- d) Applicable on all products - Customer can use this Yatra wallet on any product/ service available on www.yatra.com i.e. flight, hotel, holidays, bus, rail, cab etc.
- e) Secured mode - This Yatra wallet is a secure mode of payment that can be accessed by a customer by signing into their Yatra account using log in credentials linked with their registered mobile number or email id.
- f) Instant refunds - If customer opts to cancel the booking made by utilising this Yatra wallet, the refund amount gets instantly refunded back to Yatra wallet which could be utilised by the customer for making another booking with Yatra.
- g) Claim option - Customers will also have the flexibility to claim this refund to their bank account. In that event, customer will need to provide their NEFT details by sending an email to 'covidrefunds@yatra.com' and refund shall accordingly be processed to their bank accounts.

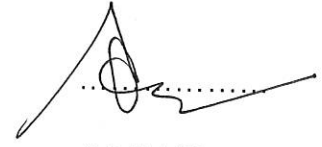
13. After examining the reply of the company, the Central Authority issued the following directions:

- i. The company along with the airlines are directed to expeditiously resolve the refunds of 340 pending tickets which amounts to Rs. 96,27,819 /- 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 provide the detailed presentation reflecting how the above methodology pertaining to refunds to consumers into their Yatra Wallets could be utilized. Further, the Company is directed to

provide the legal provisions (terms & conditions) governing the Yatra Wallets.

- 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.

14. The matter is now listed for hearing on 18.10.2023 at 5:00 PM.



(Nidhi Khare)

Chief Commissioner



(Anupam Mishra)

Commissioner