

CENTRAL CONSUMER PROTECTION AUTHORITY

Ref: F. No. J – 25/25/2021 – CCPA

In the Matter of: Suo Moto case against Easy Trip Planners Ltd.

CORAM:

NIDHI KHARE, CHIEF COMMISSIONER

ANUPAM MISHRA, COMMISSIONER

Dated: 1 .07.2022

ORDER

1. Based on the grievances lodged at National Consumer Helpline regarding non refund of cancelled air tickets on account of COVID – 19 lockdown, the Central Consumer Protection Authority issued notice to Easy Trip Planners Ltd. (Opposite party) on 09.03.2021.
2. In response to the aforementioned notice, opposite party vide communication dated 22.03.2021 submitted that, they have robust customer care system and it is rather the airlines which have failed to provide refund to them. Further, a tabular representation of all sums of monies due from airlines was submitted to the authority.
3. The Authority heard the submissions of the opposite party through video conference held on 08.07.2021 the opposite party was directed to file their written submissions stating the steps taken by them for expediting refunds and their future course of action, how many refunds against cancelled air tickets are still pending due to non-refund from concerned airlines, how many refunds have been processed till date, number of refunds which were unable to be processed due to non-availability of customer details.
4. Further, Central Authority also advised the opposite to make suitable modifications on their website by way of banner or pop up prominently highlighting the step by step

process for claiming refunds of cancelled air tickets on the account of Covid 19 lockdown, refund status, information required for processing refunds etc.

5. Subsequently, opposite party vide email dated 16.07.2021 submitted that they had refunded a total of Rs. 2,32,63,74,274 till June 2021 and they are putting substantial efforts towards fulfilling and honouring refunds to customers. Opposite party further submitted that, they are the sole company who are providing refunds in cash to its customers while receiving monies virtually.

6. After examining the reply of the company, the Central Authority vide order dated 10.08.2021 passed the following directions:

- i. In so far as those customers who are unable to receive their refunds due to lack of financial details, the Opposite Party may make suitable arrangement by way of sending SMS or calling to these customers clearly stating that refunds against cancelled air tickets has been received from the concerned airlines and for processing the same to customers they would have to furnish their bank account details to the Opposite Party. No additional charges would be charged for receiving the refund and the Opposite Party shall ensure privacy of the financial details of the customers.
- ii. The Opposite Party is requested to submit their written submission at the earliest stating the steps taken by them for expediting refunds and their future course of action, how many refunds against cancelled air tickets are still pending due to non-refund from concerned airlines, how many refunds have been processed till date, numbers of refunds which were unable to be processed as the customers have not responded.
- iii. The Opposite Party should also make suitable modifications on their website by way of banner or pop up prominently highlighting the step by step process for claiming refunds of cancelled air tickets on account of COVID - 19 lockdown, refund status, information required for processing refunds etc.

7. As per the above directions, opposite party through communication dated 28.08.21 submitted that they are continuously approaching several airlines on behalf of the consumers to expedite the process of refund and have been able to convince certain airlines to provide refunds instead of credit notes.

8. The opposite party further submitted that as per the direction of the Central Authority, they have updated their website and through separate tab and pop up on Covid 19 policy, customers can cancel their reservations and claim refund for the same. Further, it was submitted by opposite party that, video of step by step process for claiming refund for cancelled tickets/reservations are being displayed on their website since 15.03.2020.

9. However, the opposite party failed to provide exact data on how many refunds against cancelled air tickets are still pending due to non-refund from concerned airlines, how many refunds have been processed till date, numbers of refunds which were unable to be processed as the customers have not responded. Instead of providing the exact figures, the opposite party provided list of customer's details under various heads as Annexures without even providing a proper serial no. making it practically impossible to ascertain an exact number.

10. The Central Authority vide communication dated 01.04.22 directed the opposite party to submit an updated status report on refund processed till date along with details of refund pending from specific airlines.

11. Through communication dated 07.04.22 the opposite party submitted its latest status of refunds pending on tickets affected due to Covid -19 lockdown and provided that a total of 1,87,046 bookings were affected due to Covid -19, out of which on 1,73,105 bookings refund has been provided, on 3,954 bookings credit shell has been provided by airlines and 9,608 bookings have been rescheduled and hence no need for refund.

12. The opposite party further provided that on 281 bookings, refund is still pending from airlines and a total of 379 bookings are pending for refund which includes the pending 281 from airlines.

13. For the query of Central Authority on total number of bookings for which refunds are pending due to non-availability of necessary financial details of consumers, the opposite party in its submission dated 07.04.2022 has stated that since they are an online travel company, they have necessary details to reach out to customers. However, the data submitted depicts 98 bookings pending for refund, apart from 281 pending due to airlines, for which no specific reason has been attributed by the opposite party.

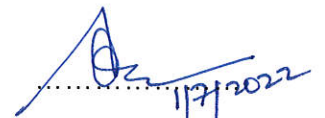
14. The Apex Court in its decision in Pravasi Legal Cell vs Union of India (W.P.(C)D.No.10966 of 2020) dated 01.10.2020 has directed as follows under para 19:

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.*

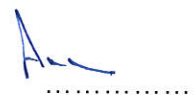
15. It is very unfortunate that even after 2 years certain consumers have still not been able to receive their refund. The opposite party cannot shun their responsibility by simply shifting the onus on airlines. It is their duty to ensure that consumers who had availed their services and whose air tickets got cancelled due to Covid 19 lockdown receive either refund or credit shell as per their requirement.

16. Therefore, in light of the aforementioned reasons, the opposite party is directed to start a campaign in mission mode to collect relevant details and take necessary actions towards airlines from which refunds are pending and right away expedite to refund on all the remaining 379 bookings (281 + 98) within a month from the date of receipt of this communication and submit a compliance report to this authority within 45 days.



(Nidhi Khare)

Chief Commissioner



(Anupam Mishra)

Commissioner