

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: 21.08.2023

ORDER

1. In continuation of order dated 04.08.2023, hearing was held on 18.08.2023 with the Counsels, Ms. Ashu Joshi (Legal Manager), Mr. Darpan Batra (Vice President, Corporate Affairs & Legal) Mr. Prakash Harpalani (Vice President, Industry Relations) for Yatra Online Limited (Company), Mr. Bharat Kapoor & Mr. Kai Utermann for Hahn Air, Mr. A R Takkar for Air France & KLM Royal Dutch Airlines and Ms. Mamta Walia for Turkish Airlines over VC.

2. The Company submitted their status report dated 18.08.2023 indicating the status of Airlines refund as of August 16, 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 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 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/-
July 2023	26,	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 2023	16,	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/-

3. The company submitted that its communication initiatives reduced the pendency from 36,276 as per their response dated 23.07.2021 to 7,154 as per their response dated 18.08.2023.

4. The Company during the hearing stated that 10 tickets are pending for refunds from Srilankan Airlines and the airlines are requesting for passport details of customers to refund for the pending tickets due to which company is facing a difficulty in approaching the consumers via whatsapp and through other modes of communication because consumers do not respond on the said channels of communication. If there is a possibility of exploring an opportunity with the airline if they can directly approach the consumer or if the condition of passport details are not there then refund could be processed. Also the company has also initiated the process of updating their social media profiles & website by uploading a 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 so that consumers can approach them, several e-mails have been sent to the consumers so that refund applications can be raised and simultaneously the company is has tried calling the consumers in regard to getting their passport copies but majority of consumers did not respond on it. The customer testimonials have been uploaded on the website of the company. Regarding the tickets booked through third agency in Qatar Airways, no consumer has approached the company to claim their refunds.

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

“Out of 12 tickets which Yatra have shared with us, 9 have been refunded already and only with regard to 3 tickets there has been a rejection because in that case the agent applied for Refund Applications with wrong IATA number and one got rejected as the document already expired so if the agent can re-apply these tickets in a correct format then it can be refunded”.

6. The counsel for Hahn Air stated that

"We still have not received the single RA raised by the ticketing agency just we have said in the last hearing also that we are ready to refund but we are still waiting for the refund application forms to be submitted to us. For getting a refund there should be an actual request from the consumer. If we have a credit card transaction then the amount will automatically go back to consumer's account however the airline differentiates between the credit card payments and cash payments and since we have received the refund through the agency so we will refund it back to the agency so that they can refund it to the consumers. Since we do not get involved into active communication with the consumers so if Yatra could share the e-mail ids of consumers then we will consider to expedite the refund".

7. The counsel for Turkish Airlines stated that

"We have received total three pending tickets from Yatra, out of which two are half unused and one is fully unutilized, the amount has been already calculated, for one ticket the amount is Rs. 17,643/- and for another ticket the amount is Rs. 19,900/-. We are in process of refunds as we are waiting for the approval from our head office. Most likely by next week we'll be able to refund all these tickets. But We also require the passport copies as per the requirement of Head Office due to these one ticket is issued by our Istanbul office, its controlled by us, these three tickets are expired, we are extending these ticket to EMD wallet into passengers name so that's why we require the passport copies. If Yatra can send one letter that the passport copy is not available with Yatra, then we will send the e-mail to the head office to expedite the refund process".

8. 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.

9. 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 405 pending tickets which amounts to Rs. 1,21,72,841/- that are due from airlines and submit information regarding number of tickets that were refunded, Number of tickets pending for refunds.
- ii. The Company is directed to provide the tabular statement of airline wise pendency since July 2021 to July 2023 in order to identify the substantial progress done by the airlines. Further, the Company is directed to provide the details of challenges faced by them in getting the refunds of cancelled air tickets on account of COVID - 19 lockdown.
- iii. The aforementioned Company is directed to submit their status report to Central Authority till 23.08.2023.
- iv. 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.

v. The Company is directed to provide the details pertaining to interest utilization of amount worth Rs. 3,48,23,200/- which is being held by the Company from such a long time due to expiry of payment gateways.

10. In case submissions as directed above in para-9 are not received before 23.08.2023, the Central Authority may be constrained to take a serious view on the matter.

11. The matter is now listed for hearing on 04.09.2023 at 4:00 PM.



(Nidhi Khare)
Chief Commissioner



(Anupam Mishra)
Commissioner