

## 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**

Dated: 14.06.2023

### ORDER

1. In continuation of order dated 30.05.2023, 2023, hearing was held on 13.06.2023 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 Hahnair (representative of Safair & Air Jamaica Express), Mr. Abhishek Saket for Air Canada, Ms. Shriya Takkar and Mr. Syashu Pesswani for KLM Royal Dutch Airlines, Mr. Vijay Punj for Air India and Ms. Harsha for Malaysia Airlines over VC.
2. The company submitted their status report dated 12.06.2023 indicating the status of Airlines refund as of June 11, 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 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: 2,62,76,146/-	No. of bookings: 9,824 Amount in INR: 4,83,74,448/-	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/-

3. The company submitted that its communication initiatives reduced the pendency from 21,387 (as per compliance report dated 13.08.2022) to 10,266 (as per compliance report dated 12.06.2023). As per the Company, 52% refunds have been made to the consumers so far.

4. The counsel for Malaysia Airline stated that request of refund was not received prior to 31.03.2023 from the Company despite several reminders sent to them on weekly basis since 07.02.2023 as earlier the airline circular of extension of ticket was valid till 31.03.2023. The airlines had sent the last reminder on 28.03.2023 but all their efforts went in vain. Out of 47 tickets, 9 tickets have been refunded in the month of February 2021 and 38 tickets are left. Further the airline has also offered for re-booking of these 38 tickets till 31<sup>st</sup> July, 2023 and travel can be done upto 31.10.2023. As per the compliance report submitted by the Company the total pending tickets are 33 due from airlines which amounts to Rs. 13,53,080 which is to be refunded to the consumers.

5. The counsels for Hahn Airlines stated that this airline is a validating carrier as they have never received the details of PNR history since they are not the operating carrier. They are willing to refund but they do not have the documents of 5 tickets as most of the tickets are booked through different travel agencies. The bookings which have been done by them are refunded on time. They have assured to furnish documents pertaining to 23 tickets due from Safair Airlines which amounts to Rs. 95,802 and 22 tickets which amounts to Rs. 2,24,560 of Air Jamaica Express) by 21.06.2023.

6. The Counsel for Air Canada has assured to furnish all information pertaining to 27 tickets which amounts to Rs. 17,52,137 pending for refunds latest by 23.06.2023.

7. The Counsel for Air India stated that Yatra has to furnish the details of 99 tickets which amounts to Rs. 7,06,517 which are pending for refunds.

8. The Counsel for Qatar Airways stated that they are willing to refund the pending 53 tickets which amounts to Rs. 31,50,561 but they did not get requisite details from the travel agency. The details which are to be furnished by Yatra to Airlines are as under:

- Ticket Number
- Date of Booking
- Name of Passenger
- Passenger Declaration Form
- Front passport Copy of Passengers
- Name of the Agent and Details of tickets re-issued.

9. It may be mentioned that in furtherance of the directions of 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.*

10. 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 but the company has not pro-actively approached the airlines despite several reminders and till date the total number of bookings pending for refunds are 10,266 amounts to Rs. 7,22,48,401/- is a huge sum of money which amounts to unfair trade practice and unscrupulous exploitation of consumers.

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

- i. The company along with the airlines are directed to collectively resolve the refunds of 875 pending tickets which amounts to Rs. 2,61,08,434/- at the earliest that are due from airlines and submit the tabular sheet highlighting the reasons that by what time they will receive all the documents, How many tickets are refunded, How many tickets are pending for refunds and whether the company has responded late due to which airline fails to refund on time.
- ii. The Company is directed to submit their written submission at the earliest by providing the data in a tabular sheet of each of the pending airlines which have not refunded to the consumers.
- iii. The Company is requested 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.
- iv. Company shall file its status report of compliance with all directions contained in this order on or before 23.06.2023.

12. In case submissions as directed above in para-11 are not received before 23.06.2023, the Central Authority may be constrained to take a serious view on the matter and direct the total amount i.e Rs. 7,22,48,401/- pending for refund to be deposited in an escrow account.

13. The matter is now listed for hearing on 23.06.2023 at 4:00 PM.

  
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(Nidhi Khare)  
Chief Commissioner