

## CENTRAL CONSUMER PROTECTION AUTHORITY

Ref: F. No. J – 25/25/2021 – CCPA

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

**CORAM:**

**ANUPAM MISHRA, COMMISSIONER**

Dated:04.08.2023

### ORDER

1. In continuation of order dated 21.07.2023, hearing was held on 28.07.2023 with the Counsels, Ms. Ashu Joshi (Legal Manager), Mr. Darpan Batra (Vice President, Corporate Affairs & Legal) Mr. Prakash Harpalani (Vice President, Industry Relations) and Mr. Rajesh Bhanot for Yatra Online Limited (Company), Mr. Sarosh Damania for Qatar Airways, Mr. Bharat Kapoor for Hahn Air, Mr. Michael Pilkington for Air Arabia, Mr. A R Takkar for KLM Royal Dutch Airlines, Mr. Karun Mehta and Mr. Yugam Taneja for Alitalia Airline and Ms. Mamta Walia for Turkish Airlines over VC.
2. The Company submitted their status report dated 28.07.2023 indicating the status of Airlines refund as of July 26, 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: 2,61,08,434/-	No. of bookings: 9824 Amount in INR: 4,61,39,967/-	No. of bookings: 10705 Amount in INR: 7,46,50,594/-	
June 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/-	
July 18, 2023	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 26, 2023	No. of bookings: 426 Amount in INR: 1,41,00,458/-	No. of bookings: 8064 Amount in INR: 3,95,88,136/-	No. of bookings: 8490 Amount in INR: 5,36,88,594/-	

3. The counsel for AIR Arabia submitted that

*“Total 28 tickets are left for refunds as these passengers neither applied for refund applications nor they utilize the credit notes. The data base is already with AIR Arabia. Yatra is in touch with legal team of Air Arabia, Yatra has been chasing the airline over e-mails since a long period of time, the details of passengers could be shared with Yatra so that they can contact these passengers, credit notes issued personally to passengers by Air Arabia but the database is already with Air Arabia due to which Yatra is not able to access the data of passengers, Air Arabia will try their best to directly call the passengers, the airline will further see if their legal team can approach the customers in order to expedite the refund process at earliest”.*

4. The Counsel for Qatar Airways stated that

*“The third party (ticket agency) has been chasing Qatar for status of tickets to expedite the process. Out of 11 tickets, details of only two passengers are received, since two hearings this status is pending, out of two passenger, the signatures on the NOC of one passenger does not match with their passport signatures, ideally only details of one passenger are matching, and 10 are left for docs. Qatar is ready to refund the entire amount but Yatra has not provided details. As far as the third party is concerned, those tickets are part of different contract, The Riya travels and Akbar travels had approached Qatar a long time back, their passengers have taken the refunds on time, but Yatra approached the Qatar Airways very late due to which refund gets delayed, Two affidavits have already been filed by the airline seeking the inputs from Yatra regarding passport copies and NOC of passengers so that they will be refunded on time. If Yatra could share the details of NOC and passport copies on time then refunds will be done immediately. Yatra delayed the process of refunds by not approaching the Qatar Airways on time, also Yatra has not complied with the provisions of refund process on time, now it is requested that Yatra will have to take the follow ups urgently so that the consumers get refunds on time”.*

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

*"For Air France there are total 13 tickets which are already under process, regarding this pendency the mail was received on 27.07.2023 by Yatra, this will be processed in 4 weeks time. Total 12 refunds are pending from Yatra. Most of the passengers are issued non refundable vouchers, some have expired and some have utilized, and some of them have not come forward for re validating it, now refund request has been made from Yatra, it will be expedited within 3 weeks. Regarding refunds pertaining to KLM, it will be processed within 3 weeks time".*

6. The counsel for Alitalia Airlines stated that

*"The excel sheet has been shared on 28.07.2023 in which the status of unutilized 20 tickets booked with Alitalia Airlines is mentioned. As it is evident from the excel sheet that out of total 20 tickets, 7 tickets have already been refunded by the Airlines. With respect to remaining 13 tickets, it is submitted that the Airline is willing to refund the same, however, the Airline has not received the requisite details and documents required for refund. The airline will directly refund to passengers if there could be any particular change regarding any particular passenger".*

7. The Malaysia Airline submitted that

*"We are open for refunds if passengers are not ready for rebooking option, 14 passengers confirmed the receipt of refund on email but for 15 passengers there is no response, 29 passengers are left for refunds, if permitted, the airline shall process the refunds for 15 also, for 29 passengers RAs will be raised. Since the tickets were initially booked through Yatra so the company can take the refunds and then can process it through RAs. The airline shall share the 29 ticket images along with the approval code shortly in order to expedite the refunds. Once the RAs are raised by Yatra then the airline will expedite the refunds of 29 tickets".*

8. The counsel for Hahn Air stated that

*"There are 84 tickets pending for refunds. The moment we receive the passenger consent forms and copies of passports, refund application along with the relevant docs from the ticketing agency, then our accounting team will process it and further 84 tickets will be refunded. Yatra is approaching the passengers as the airline does not have the passenger contact numbers, we usually do not contact the passenger, the ticket agency does that. Hahn air have no direct sales, we operate through travel agency only, all information flows through travel agency only".*

12. 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 airline had already advised the process to*

*Yatra, the airline requires customer feedback number from Yatra so that they can process the refunds. As per the records of airline only three tickets are showing non-refunded. The airline has shared a feedback link in the previous emails shared with Yatra where the travel agent or passenger can place the request for refund with the feedback number then the customer relation team of airline will process the refunds, then within 7 to 8 working days the refunds will be processed.*

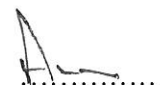
13. It is clear from the above submissions that the airlines have complied with the directions of the Apex Court and have further extended their support to cooperate regarding the pending bookings provided they get adequate information from the company but the company has not pro-actively approached the airlines despite several reminders and till date the total number of bookings pending for refunds are 8490 amounts to Rs. 5,36,88,594/- is a huge sum of money which amounts to unfair trade practice and unscrupulous exploitation of consumers.

14. 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 426 pending tickets which amounts to Rs. 1,41,00,458/- that are due from airlines and submit information regarding number of tickets that were refunded, Number of tickets pending for refunds and whether the company has responded late due to which airline fails to refund on time.
- ii. Provide the concrete data of refunds pending from airlines along with the reason that why yatra did not approach the airlines on time, which airline is more supportive, what is the substantial progress so that the consumer may know the reason behind delay in refunds, what is the total progress of refunds since the beginning of this case. Comparative statement has to be provided by Yatra in a tabular sheet.
- iii. The aforementioned airlines are also directed to submit their status report of compliance at Central Authority before 18.08.2023.
- 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.
- iii. The Company shall file its status report of compliance with zero pendency and with all directions contained in this order before 18.08.2023.

15. In case submissions as directed above in para-14 are not received before 18.08.2023, the Central Authority may be constrained to take a serious view on the matter.

16. The matter is now listed for hearing on 18.08.2023 at 4:00 PM.



(Anupam Mishra)  
Commissioner