

CENTRAL CONSUMER PROTECTION AUTHORITY
Krishi Bhawan, New Delhi -110001

Ref: F. No. J – 25/25/2021 – CCPA

In the Matter of: Suo Moto case against MakeMyTrip (India) Private Limited (herein referred as “Company”).

CORAM:

NIDHI KHARE, CHIEF COMMISSIONER
ANUPAM MISHRA, COMMISSIONER

Dated: 20.11.2023

ORDER

1. In continuation of order dated 31.10.2023, the hearing was held on 15.11.2023 with the Counsels Mr. Adhiraj Singh & and Mr. S. Sreesh (Counsels) for MakeMyTrip (India) Private Limited over VC.
2. The Company in its reply dated 10.11.2023 submitted that
 - a) The list of 223 grievances registered on NCH Portal shared by Central Authority vide e-mail dated 27.10.2023 pertain to all lines of businesses of MMT, such as hotels, buses, cab bookings, flights, etc. It is to be noted that a large number of the grievances relate to alleged service deficiency by service partners or quality issue amongst several others. In such a scenario, the Company has promptly acted and provided best possible resolution to the customer grievances.
 - b) 22 out of the 223 grievances pertain to refunds related to cancelled air tickets belonging to COVID 19 Lockdown. The Company has satisfactorily resolved all these cases successfully by either processing refund or credit vouchers as applicable.
 - c) Regarding the pendency of refunds which are limited to just 63 tickets belonging to a low-cost carrier based out of Thailand, Nok Scoot Airlines. Due to COVID 19 pandemic, the said airline went under liquidation and as a result did not process any refund on the tickets booked with them during the COVID 19 Pandemic Lockdown.
 - d) The Company is not prohibited from charging any convenience fee or booking fee as part of its facilitation services to customers. As an online intermediary, the Company offers a platform to its customers for completing their travel requirements. To this extent, MakeMyTrip incurs costs for technology support, IT services, etc., to its customers to assist them in ticket selection and booking.

e) Insofar as the refunds arising out of COVID 19 Pandemic Lockdown, Hon'ble Supreme Court in its order in *Pravasi Legal Cell vs Union of India and Others*, has recognized and accepted travel agents shall be '**entitled to their usual fees/booking fee/ service charges**'. Accordingly, as an Online Travel Agent, MMT is rightfully entitled to retain the convenience fees/service charges collected from the customers at the time sharing the booking confirmation. Thus, MMT is under no legal obligation to refund the booking fee/convenience fee charged from the aforementioned 63 tickets.

f) The Company has processed refund of the all booking fee/convenience fee on the pending 63 tickets. As on 10 November 2023, the convenience fees amounting to Rs 47,943 for these pending 63 flight tickets have been processed to respective wallets of the customers from where the customer is free to transfer the amount to their bank accounts or use the money to book services on the portal of MakeMyTrip.

3. In view of the aforesaid, The Company's short submission pertaining to refunds pending are as below:

a) For 63 tickets, Rs 47,943 as Convenience fee was charged by MakeMyTrip and that has been credited into the wallets of Customers.

b) Till now, no liquidator has been appointed in the matter of NokScoot Airlines, no claims have been sought as no assets have been left in the Company, since the airline is a low cost carrier therefore the Company has assured to follow up with the liquidator whenever any information comes regarding the claims of 63 bookings whose refunds are pending from NokScoot Airlines.

4. While the Central Authority noted that out of total 223 grievances 22 grievances pertain to refunds related to cancelled air tickets belonging to COVID 19 Lockdown, however upon examination of these 22 grievances, following 2 grievances are still unresolved as the passengers did not receive any refund, the details of two passengers are as below:

i) Mr. Niranjana Dharambhai Manubhai (Grievance Number- 1983610)

ii) Ms. Vaishali Arora (Grievance Number- 3136256)

The remaining 201 grievances pertain to alleged service deficiency by service partners or quality issue amongst several others and grievances related to wrong promises done by the Company.

5. In view of the aforesaid, the Company is directed to resolve the issue of 2 passengers whose refunds are pending due to cancelled tickets during covid-19 lockdown within 3 days and submit the final compliance report before 24.11.2023.



(Nidhi Khare)

Chief Commissioner



(Anupam Mishra)

Commissioner

