**BEFORE THE HON'BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION**

**AT ERNAKULAM**

COMPLAINT NO. .......... OF 20..

IN THE MATTER OF:

Pradeep Kumar P.R.

S/o. Rajappan Nair

Gangothri, LBS Road

Edappally, Ernakulam - 682024

Email: ...................

Mobile: ....................

......COMPLAINANT

VERSUS

M/s. Cleartrip

Cleartrip Head Office

Unit No. 1, Ground Floor

DTC Building, N M Joshi Marg

Delisle Road, Lower Parel (E)

Mumbai - 400013

......OPPOSITE PARTY

**COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019**

RESPECTFULLY SHOWETH:

INTRODUCTION:

1. The Complainant is a resident of Ernakulam district and is employed as \_\_\_\_\_\_\_\_\_\_\_\_ (mention occupation).

2. The Opposite Party is M/s. Cleartrip, an online travel portal with its head office located in Mumbai.

TRANSACTION:

3. The Complainant and one Mr. Binu G. had booked flight tickets for to and fro journeys between Kochi and Bangalore on 08.10.2016 and 11.10.2016 respectively, through the Opposite Party's online portal (www.cleartrip.com).

4. The Complainant had paid Rs. 12,916/- for the ticket for multi-city flight trip ID-1605195195502, in cash, vide the Opposite Party's online payment receipt no. [receipt number] dated 08.10.2016 (Annexure A).

NATURE OF COMPLAINT:

6. The return flight on 11.10.2016 was cancelled by the airline without prior intimation, resulting in unexpected expenses like hiring vehicles, lodging, and food expenses for the Complainant's family members, including elderly and children.

7. Despite repeated requests and the Opposite Party's assurance via email dated 02.11.2016 (Annexure B) to refund the charges for the unavailed part of the journey, the Opposite Party failed to refund the amount and denied the refund citing unjustifiable reasons.

RECTIFICATION:

8. The Complainant had reported the matter to the Opposite Party through an email dated 28.10.2016 (Annexure C), intimating the problems caused due to the cancellation of the flight.

9. The Complainant had also sent a notice through email dated 02.04.2017 (Annexure D) to the Opposite Party, requesting a refund. However, despite all pleadings, the Opposite Party did not take any action to refund the charges for the cancelled return journey.

CAUSE OF ACTION:

10. The cause of action for the present complaint arose on 11.10.2016 when the return flight was cancelled by the airline, and the Opposite Party failed to refund the charges for the unavailed part of the journey despite repeated requests and assurances.

OTHER PROVISIONS:

11. The Opposite Party has violated the provisions of the Consumer Protection Act, 2019, by engaging in unfair trade practices and deficiency in service, thereby causing financial loss, mental agony, and hardships to the Complainant and his family members.

EVIDENCES:

12. The Complainant relies on the following documents in support of his case:

a) Copy of the online payment receipt for the ticket booked by the Complainant (Annexure A).

b) Copy of the email from the Opposite Party assuring refund (Annexure B).

c) Copy of the email sent by the Complainant to the Opposite Party intimating the problem (Annexure C).

d) Copy of the notice sent by the Complainant to the Opposite Party requesting a refund (Annexure D).

TERRITORIAL JURISDICTION:

13. The cause of action has arisen within the territorial jurisdiction of this Hon'ble District Consumer Disputes Redressal Commission, and therefore, this Commission has the appropriate territorial jurisdiction to adjudicate the present complaint.

PECUNIARY JURISDICTION:

14. As the total amount involved is less than Rs. 50 lakhs, the present complaint is being filed with this Hon'ble District Consumer Disputes Redressal Commission.

LIMITATION:

15. The present complaint is being filed within the period prescribed under Section 69 of the Consumer Protection Act, 2019.

COURT FEE:

16. As per Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, no court fee is applicable.

PRAYER:

In view of the aforementioned facts and circumstances, the Complainant most respectfully prays that this Hon'ble Commission may be pleased to:

a) Direct the Opposite Party to refund the charges for the unavailed part of the journey, amounting to Rs. \_\_\_\_\_.

b) Direct the Opposite Party to pay compensation of Rs. 50,000/- to the Complainant for the mental agony, financial loss, and hardships suffered due to the Opposite Party's negligence.

c) Direct the Opposite Party to pay the cost of these proceedings.

d) Pass such other and further orders as this Hon'ble Commission may deem fit and proper in the circumstances of the case.

PLACE: Ernakulam

DATE:

Pradeep Kumar P.R.

**VERIFICATION**

I, Pradeep Kumar P.R., S/o. Rajappan Nair, resident of Gangothri, LBS Road, Edappally, Ernakulam - 682024, do hereby verify that the contents of the above complaint are true and correct to the best of my knowledge and belief, and nothing material has been concealed therefrom.

Verified at Ernakulam on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 20...

(Name and Signature of the Complainant)