**BEFORE THE HON’BLE NATIONAL/ STATE/ DISTRICT CONSUMER**

**DISPUTES REDRESSAL COMMISSION AT KOTTAYAM**

**IN RE: COMPLAINT No..................of 20.....**

**IN THE MATTER OF:**

Remadevi Amma K.K, aged 56 years

Aryasree, Chirakkadavu Center P.O

Chirakkadavu -686519,

Kottayam District ………. Complainant

Vs

Ali Ashraf

(M.D.Travel Vision Holydays)

H.O.Ernakulam, DD Vyaparabhavan

Kadavanthra, Kochi-20 ……….Opposite Party

**COMPLAINT UNDER SECTION 35 of CONSUMER PROTECTION ACT**

**RESPECTFULLY SHOWETH:**

1. The complainant, Remadevi Amma K.K is a resident of Aryasree, Chirakkadavu Center P.O Chirakkadavu -686519, Kottayam District.
2. The opposite party, Ali Ashraf (M.D.Travel Vision Holydays), operates a travel agency from H.O.Ernakulam, DD Vyaparabhavan Kadavanthra, Kochi-20.
3. Attracted by the advertisement of the tour package to Delhi, Kullu, Manali, Amritsar, Wagah Border, and Agra on the opposite party's website, the complainant participated in the said tour program.
4. The complainant paid Rs. 34,359 towards air ticket charges to the opposite party through the account of his/her friend, Ms. Sudharma. A copy of the payment receipt is attached as Annexure 1.
5. As per the advertisement, the opposite party had offered a Volvo A/C semi-sleeper deluxe bus for the journey from Delhi. However, the opposite party arranged an ordinary A/C bus instead of the promised Volvo bus.
6. The bus provided was in a pathetic condition, with non-functioning air conditioner, fan, mobile charging points, and air exhausts. During the rain, water leaked into the bus.
7. The opposite party had offered three full nights' journey and side seats during the day time. However, the food provided was prepared by three Tamilians instead of the promised Kerala-style food.
8. Due to the poor condition of the vehicle and the inability of the driver, the participants, including the complainant, reached Manali on 22/05/2022 in the evening, thereby missing the opportunity to visit Kullu and being constrained to return to Amritsar.
9. The opposite party directed the participants to cancel the journey to Amritsar and proceed to Agra. Consequently, the participants, including the complainant, lost the opportunity to visit the Golden Temple, Jallianwala Bagh, and the Wagah Border.
10. Upon reaching the Delhi airport, the driver of the vehicle retained the baggage of the participants, including the complainant, and bargained for tips.
11. Due to the hectic journey, the participants, including the complainant, were forced to take rest, unable to enjoy the tour, and suffered severe mental agony and hardship.

**CAUSE OF ACTION:** The cause of action arose on 20-05-2022 when the complainant started on the journey as per the tour programme by the opposite party. The expectations given in the advertisement of the tour programme were broken and this resulted in deficiency in service, unfair trade practice, and mental harassment caused by the opposite party.

**TERRITORIAL JURISDICTION:**  The complainant and the opposite party both reside within the jurisdiction of this Hon'ble Commission. Hence this Hon'ble Commission has jurisdiction to try and entertain this complaint.

**PECUNIARY JURISDICTION:** The total consideration amount paid in purchasing the hotel booking is less than Rs. 50 lakhs. Hence this hon'ble commission has jurisdiction to entertain this complaint.

**LIMITATION:** That the present complaint is being filed within the period prescribed under section 69 of the Act, 2019.

**COURT FEE:** Requisite Court fee as contemplated is paid on this Complaint.

**EVIDENCE:**

1. Payment receipt (Ex A.1)
2. Copies of advertisements and website information. (Ex. A.2)
3. Photos of the defects in the bus (Ex. A. 3)

**PRAYER:**

In light of the facts mentioned above, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

a) Direct the opposite party to pay a compensation of Rs. 50,000 to the complainant for deficiency in service, mental agony, and hardship suffered.

b) Pass any other order(s) as this Hon'ble Commission may deem fit and proper in the circumstances of the case.

**VERIFICATION:**

I, Ms. Remadevi Amma K.K, resident of Aryasree, Chirakkadavu Center P.O Chirakkadavu -686519, Kottayam District, hereby declare that I havenot misrepresented any facts nor have tried to hide any information in my above complaint. All the facts mentioned herein are true to the best of my knowledge.

**Name & signature of the complainant**