**BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSION NO.1, VISAKHAPATNAM**

**CC.No.9/2021**

IN THE MATTER OF:

Kolavennu Kanaka Kumar Chand

9-21-5/10, Flat No 302, Laxmi Narasimha Nilayam,

CBM Compound, Visakhapatnam - 530003.

................ COMPLAINANT

Vs.

Air Canada

7373 Côte-Vertu Boulevard

West Saint-Laurent QC,

Canada, H4Y 1 H4.

............. OPPOSITE PARTY

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT

RESPECTFULLY SHOWETH:

1. That the Complainant is a citizen of India residing in CBM Compound, Visakhapatnam, and is a retired Engineer, and a Rotarian.
2. The Opposite Party is the flag carrier and largest airline of Canada, providing scheduled and charter air transport for passengers and cargo worldwide. Their head office is located in West Saint-Laurent QC, Canada.
3. This complaint relates to the deficiency in service of the opposite party faced by the complainant.
4. In June 2018, the Complainant traveled to Toronto, Canada to attend the Rotary International Convention held between June 24, 2018 and July 28, 2018.
5. On July 31, 2018, the Complainant was scheduled to return to India on an Air Canada flight from Toronto to Mumbai.
6. At the departure gate, Air Canada made an announcement requesting 5 volunteers to give up their seats for emergency passengers in exchange for compensation.
7. The Complainant volunteered and was promised the following: a) A confirmed seat on the next day's flight (August 1, 2018) b) One night stay at West End Hotel with free meals c) Transportation to and from the airport d) Compensation of 800 Canadian Dollars (CAD).
8. The Complainant received all the promised compensation except for the 800 CAD.
9. Despite providing bank details as requested and sending multiple reminders, Air Canada has failed to credit the promised amount of 800 CAD to the Complainant's account. The Complainant has suffered mental agony and harassment due to the Opposite Party's failure to honor its promise.
10. The Complainant sent a legal notice to the Opposite Party on [date], but no satisfactory response was received.
11. The complainant has attached the following documents in support of his complaint:
    1. Notice of Denied Boarding Compensation with DBC Ref.No.AC8763 1JUL2108 issued by YYZKS for PNR No.PKUDXR
    2. Boarding Pass JJTKT0145353534225
    3. Baggage Check slip
    4. Meal vouchers given by Opposite Party
    5. Interrupted Trip Information Brochure given by the Opposite Party
    6. Email correspondence from the Opposite Party to Complainant (Computer copy) dated 02.08.2018, 04.08.2018, 21.08.2018, 27.08.2018, and 18.09.2018.
12. The complainant has not filed any complaint having the same cause of action in any other forum or court.
13. The complainant resides within the jurisdiction of this Hon'ble Commission. Hence this Hon'ble Commission has jurisdiction to try and entertain this complaint
14. The total consideration amount (CAD 800/Rs.46,152/-) is less than Rs. 50 lakhs. Hence, this Hon'ble Commission has jurisdiction to entertain this complaint.
15. The complaint is filed within the limitation period as per the extension granted by the Hon'ble Supreme Court of India due to the COVID-19 pandemic.
16. The Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.
17. In the circumstances, the Complainant humbly prays that this Hon'ble Commission may be pleased to:
    1. Direct the Opposite Party to pay 800 CAD (equivalent to Rs. 46,152/- in Indian currency) as promised compensation.
    2. Award Rs. 19,90,00,000/- as compensation for mental agony and harassment.
    3. Direct the Opposite Party to pay Rs. 50,000/- towards the cost of this complaint.
    4. Grant any other relief deemed fit in the interest of justice.

Dated this day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COMPLAINANT**

**VERIFICATION**

I, Kolavennu Kanaka Kumar Chand, the Complainant above named, do hereby verify that the contents of the above complaint are true and correct to the best of my knowledge and belief.

Name & signature of the complainant