

**In the District Consumer Disputes Redressal Commission
Bhojpur Ara.**



Present:

1. Krishna Pratap Singh,
President, D.C.D.R.C.
Bhojpur, Ara.
 2. Kamal Kishore Singh,
Member, D.C.D.R.C.
Bhojpur, Ara.
- Date. 12/05/2022

Consumer Case No. 296/2022

Ravi Shanker Pandey.....Complainant

Vrs.

1. North Central Railway
Through General Manager, CQPVH +V83
Sabedarganj Prayagraj, U.P.

2. East Central Railway
Through General Manager,
Patna, Distt. Baisali Bihar

3. Ministry of Railway (Rail Board)

Through Chairman, Rail Bhavan Raisina Road, (N.D.)-110001

- For complainant : Sri V. N. Sachchu, Advocate
For opposite party no. 1 and 3 : Sri Sanjay Kumar, Advocate
For Opposite party no. 2 : Smt. Pratima Singh, Advocate

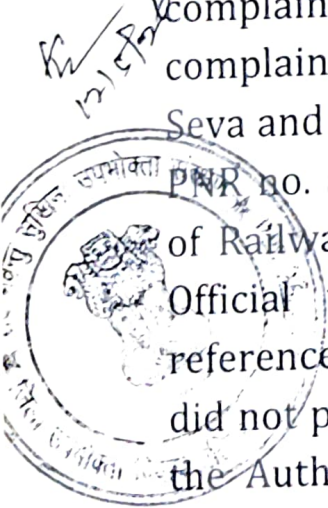
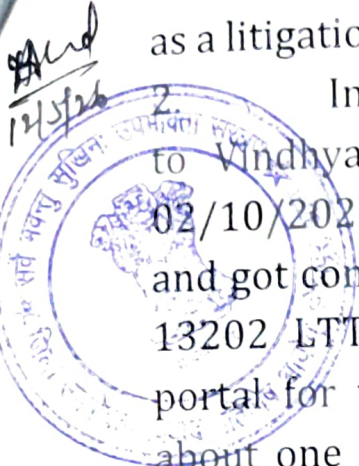
JUDGMENT

K.P.Singh, President:

1. Present case has been filed by the complainant against t
opposite parties (hereinafter called O.Ps. for short) for the claim

refunding booking amount Rs. 1876.80/- with 18% annual interest and Rs. 50,000/- compensation for mental agony and Rs. 30,000/- as a litigation cost.

In brief, the complainant, and his three other friends went to Vindhyachal on 01.10.2022 on returning their home dated 02/10/2022 they booked train tickets through complainant's IRCTD and got confirmed seats no. 58, 62, 63 and 68 in B4 Coach Train no. 13202 LTT-Patna Exp. They paid Rs. 1876.80/- through IRCTD portal for their tickets from Vindhyachal to Ara. The train came about one hour delay very hardly due to huge crowd in the train they got entered in their coach. They approached to their seats but seats were occupied by some stranger persons introducing themselves as Railways employees. They asked to vacant their seats then they behaved rudely. They searched TTE and Railway Police Force but they did not find then they tried to connect 139 to complain but they could not connect. At last they made online complaint over official tweeter handle of Indian Railway @ Railway Seva and @ Rail Min India. The complainant got instruction to share PNR no. and personal contact number from official tweeter handle of Railway and after sharing of relevant information to Rail Seva Official tweeter handle registered his complaint and shared reference no. 2022100204979 through SMS. The Railway Authority did not provide any positive response. Again they sent message but the Authority did not take any positive action so, they travelled standing. At Buxar Station a TTE came then they repeated their complaint but the TTE favored them and said the season of rush so manage. They completed their journey without any seat in spite of confirmed tickets. It shows the deficiency of service by the Railways and they suffered mental, physical and economical loses. The cause



of action arose on 02/10/2022 and the case is under time limitation and under the jurisdiction of Hon'ble Commission.

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3. On notice the O.P. no. 1 and 3 appeared with written statement and alleged that this case is not maintainable on the ground of frivolous, without cause of action and remaining law and order and further alleged that this case comes under the state G.R.P not under the Railway Authority para 1 to 7 have to be proved by the complainant and para 8 to 14 of the plaint are not acceptable have to be proved by the complainant. The Railway Authority removed the complaint of the petitioner para 15, 16 and 17 are not acceptable. The Railway Authority took action soon and their seats had been to be available. There is not any deficiency of service by the Railway Authority and they did not suffer any mental, physical and economical harassment. Not any comment about the para of 18 and 19. This case should be dismissed with cost.

12/5/26
4. On notice the O.P. no. 2 appeared with written statement and alleged that the complainant had started his journey from Vindhayachal to Ara which comes under North Central Railway Zone under the Zone of the O.P. no. 2, so the O.P. no. 2 should be expunged from this case.

5. In support of the case the petitioner produced the photo copies of printed Railway Tickets in 2 pages (Ext. !), copies of complaint through tweeter in 5 pages (Ext. 2) copy of Text message in 2 pages (Ext. 3), copy of photograph along with 65 B certification in 3 pages (*Ext. 4) written argument and affidavit. In the cross-examination of the petitioner, the O.P. no. 1 and 3 appeared and asked some question on which mentioned with it.

6. In support of the case the O.P. no. 1 and 3 produced written statement and the photo copies of the Judgment of High

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Court of Delhi W.P © 8892/2015 (Annt. 1). The letter of Railway Department Railway Board 2001/L.C/Misc. II (Annt. 2), The letter of Railway Department Railway Board 2014/L.C/ Misc/12 (Annt. 3) and affidavit . In the cross examination of the O.P. no. 1. The petitioner appeared and asked some questions on which mentioned with it.

7. In support of fthe case the O.P. no. 2 produced written statement and Vakalatnama.

8. Heard the learned counsel of the complainant as well as the learned counsel of the O.Ps. and perused the entire records and evidences (oral and documentary) filed by the parties.

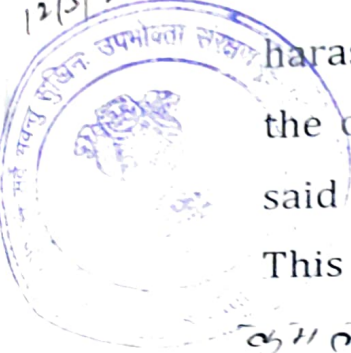
On above explanation and discussion I find that the complainant is a consumer and purchased four tickets for Rs. 1876.80/- and got confirmed seats no. 58, 62, 63, and 68 in B4 Coach, Train nq. 13202 LTT Patna exp. For the journey of Vindhayachal to Ara. The complainant tried to approach the Railway Department through several ways but the petitioner alongwith other three did not get their seats in B4 coach, Train no. 13202 LTT Patna Exp.. It is cristal clear that the petitioner along with other three friends suffered mental, physical and economical harassment and it constitutes deficiency of service by the O.P. no. 1 and 3 hence the complainant is entitled to get their grievances. It is therefore

ORDERED

That the case of the complainant is maintainable consequently it is ordered and directed to the O.P. no.1 and 3 to

return the booking amount Rs. 1876.80/- with 8% annual Interest and Rs. 20,000/- compensation for mental, physical and economical harassment and Rs. 15,000/- as a litigation cost within 60 days of the order otherwise the complainant would be free to recover the said amount through the process of law with 10% annual interest. This case is accordingly disposed of.

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12-5-26
(Kamal Kishore Singh)
Member
D. C. D. R. C.
Bhojpur, Ara.

Dictated and corrected by me.

Krishna Pratap Singh
(Krishna Pratap Singh) 12/5/26
President
D. C. D. R. C.
Bhojpur, Ara.



Memo No. 05 12/5/26
Copy to Sri V. N. Sachelu, Adm. & Comp. /
O.P. No. 1 & 3 Sri Sanjay Kumar, Adm. / O.P. No. 2
Smt. Pratima Singh, Adm. / O.P. No. 1

Hand
12/5/26
जिला उपभोक्ता विवाद प्रतिकार आयोग
भोजपुर, आरा

Certified to be true. Page no. 01/2005

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12/5/26

आशुलिपिक
जिला उपभोक्ता विवाद प्रतिकार आयोग
भोजपुर, आरा