

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 Yatra Online Limited (herewith also referred as "Company").

CORAM:

ROHIT KUMAR SINGH, CHIEF COMMISSIONER

ANUPAM MISHRA, COMMISSIONER

Dated:14.02.2024

ORDER

1. Based on the grievances lodged at National Consumer Helpline regarding non refund of cancelled air tickets on account of COVID – 19 lockdown, the Central Consumer Protection Authority issued notice to Yatra Ltd. (Company) on 09.03.2021.
2. In response to the aforementioned notice, the Company vide email dated 14.04.2021 submitted as follows:

"As per DGCA circular dated 07.10.2020, the primary onus of refund is on the airlines and they are merely travel agents who are required to pass on refund to the customer upon receipt of the same from airlines".

3. Based on the response of the Company, the Central Authority conducted the first hearing through video conference held on 08.07.2021 wherein the company was directed as follows:

"To file their written submissions stating the steps taken by them for expediting refunds and their future course of action, how many refunds against cancelled air tickets are still pending due to non-

refund from concerned airlines, how many refunds have been processed till date, number of refunds which were unable to be processed due to non-availability of customer details".

4. Subsequently, the Company vide email dated 23.07.2021 submitted as follows:

"There are 1,44,425 bookings that have been affected due to Covid-19 lockdown. Out of which, refunds have already been successfully initiated on 1,00,200 bookings, on 30,505 bookings refund is pending due to non-availability of bank details of consumers details, on 5,771 bookings refund has still not been received from the Airlines and on 7,949 bookings customers have either opted to use the credit shell as provided by the airlines, by rescheduling their travel to a future date or customers have opted to exchange tickets directly with Airlines for future travel date".

5. After examining the reply of the Company, the Central Authority vide order dated 10.08.2021 passed the following directions:

"i. In so far as those customers who are unable to receive their refunds due to lack of financial details, the Opposite Party may make suitable arrangement by way of sending SMS or calling to these customers clearly stating that refunds against cancelled air tickets has been received from the concerned airlines and for the same the customers, if required, would have to furnish their bank account details to the Opposite Party. No additional charges would be charged for receiving the refund and the Opposite Party shall ensure privacy of the financial details of the customers.

ii. The Opposite Party is requested to submit their written submission at the earliest stating the steps taken by them for expediting refunds and their future course of action, how many refunds against cancelled air tickets are still pending due to non-refund from concerned airlines, how many refunds have been processed till date, numbers of refunds which were unable to be processed as the customers have not responded.

iii. The Opposite Party should also make suitable modifications on their website by way of banner or pop up prominently highlighting the step by step process for claiming refunds of cancelled air tickets on account of COVID - 19 lockdown, refund status, information required for processing refunds etc”.

6. Through email dated 11.04.22 the Company submitted its compliance report of refunds pending on tickets affected due to Covid-19 lockdown stating the following:

“Out of 144,425 booking affected, a total of 113,489 bookings have been refunded, 4434 bookings are pending for refund due to airlines and 18,540 bookings are pending for refund due to non-availability of bank/NEFT details of the consumers. Total of 22,974 booking are pending for refund”.

7. Therefore, in light of the pending refunds by the company, the CCPA vide order dated 30.06.2022 directed the company as follows:

“To start a campaign in mission mode to collect relevant details and take necessary action towards airlines from which refunds are pending and right away expedite to provide refund on all the remaining 22,974 bookings (18,540 + 4434 bookings) within a month from the date of receipt of the order and submit a compliance report to this authority within 45 days”.

8. With reference to the order dated 30.06.2022, the company submitted its compliance report dated 13.08.2022 stating the following:

“...The Company has reached out to the customers multiple times (on 22.07.2022, 01.08.2022, 11.08.2022) through text messages intimating them to visit our website, i.e., www.yatra.com and claim their refund as per the process mentioned therein. The Company has also sent emails to the customers multiple times (on 22.07.2022, 01.08.2022, 10.08.2022) in order to help them to claim their refund. The Company has also created an exclusive and dedicated Email ID (claimrefunds@yatra.com) for the customers for helping them and reaching out to us in connection with their refunds.

The said email id is also communicated in the text message and email sent to customers”.

9. The progress of refunds from 23rd July 2021 to 13th August 2022 is provided in a tabular chart is as under:

(A) Year	(B) Total number of bookings affected due to lockdown owing to COVID-19	(C) Total number of bookings for which refunds have been provided	(D) Total number of bookings for which refund is pending due to airlines	(E) Total number of bookings for which refund is pending due to non-availability of bank details of customers	(F) Total bookings pending for refund (D+E)
23 rd July 2021	1,44,425	1,00,200	5,771	30,505	36,276
13 th August, 2022	1,44,425	1,14,140	4046	17,341	21,387

10. In 2023, the hearings held between 16th February 2023 to 30.05.2023, it was informed by the Company that they had to face several challenges in approaching the airlines for pending refunds of consumers whose tickets were booked during Covid-19 pandemic. The Company vide its response dated 30.05.2023 submitted that total 881 bookings are pending for refund from the airlines. In a hearing held on May 30th, 2023, the Company informed the Central Authority that they were unable to refund the majority of consumers because they hadn't received refunds from several airlines. The Central Authority issued notices on June 9, 2023 and June 20, 2023 to 20 airlines from whom refunds were pending. The notices called upon the airlines to address the issue of pending refunds and directed them to promptly refund consumers in accordance with the directions of the Hon'ble Supreme Court in Pravasi Legal Cell vs. Union of India. The airlines such as Etihad, British Airways, Emirates, Air Arabia, Air India, Air France, Malindo Air, Qatar Airways, Alitalia, Hahn Air during the course of hearing informed the Central Authority that they couldn't process refunds

promptly due to the unavailability of certain documentation which was not provided by Yatra on time.

11. In continuation of previous order dated 08.12.2023, hearing was held on 11.01.2024 with the Counsels, Mr. DarpanBatra (Vice President, Corporate Affairs & Legal), Mr. Arvind Ray and Mr. Tridib Bose for Yatra Online Limited (Company), Mr.SaroshDamania for Qatar Airways, Advocate MananTakkur for Air France& KLM Royal Dutch Airlines, Mr. Bharat Kapoor for Hahn Air, Ms.EsraaAsraf for Air Arabia and Mr.Dheeraj K. Garg for British Airways over VC.
12. The Company submitted their current status of pending refunds indicating the status of pendency due from Airlines as of 8th January, 2024 as below:

(A) Date of Response	(B) Total number of bookings for which refund is pending due from Airlines	(C) Total number of bookings for which original mode of payment has expired and the Company has reached out to customers for bank details.	(D) Total No. of Bookings pending for refund (B+C)
Response dated July 23,2021	No. of bookings: 5,771 Amount in INR: 9,60,14,463/-	No. of bookings: 30,505 Amount in INR: 16,65,68,021/-	No. of bookings: 36,276 Amount in INR: 26,25,82,484/-
March 16, 2023	No. of bookings: 1757 Amount in INR: 3,50,68,084/-	No. of bookings: 16,090 Amount in INR: 8,32,19,901/-	No. of bookings: 17,847 Amount in INR: 11,82,87,985/-
March 21, 2023	No. of bookings: 1756 Amount in INR: 3,50,58,700/-	No. of bookings: 16,036 Amount in INR: 8,29,08,112/-	No. of bookings: 17,792 Amount in INR: 11,79,66,812/-
March 30, 2023	No. of bookings: 1208 Amount in INR: 3,04,48,463/-	No. of bookings: 14,713 Amount in INR: 7,55,91,657/-	No. of bookings: 15,921 Amount in INR: 10,60,40,120/-
April 18, 2023	No. of bookings: 909 Amount in INR: 2,72,47,499/-	No. of bookings: 13,157 Amount in INR: 6,72,48,406/-	No. of bookings: 14,066 Amount in INR: 9,44,95,905/-
April 30, 2023	No. of bookings: 900	No. of bookings: 11,722	No. of bookings:

	Amount in INR: 2,71,40,073/-	Amount in INR: 5,86,37,744/-	12,622 Amount in INR: 8,57,77,817/-
May 14, 2023	No. of bookings: 900 Amount in INR: 2,71,40,073/-	No. of bookings: 10,510 Amount in INR: 5,20,26,900/-	No. of bookings: 11410 Amount in INR: 7,91,66,973/-
May 28, 2023	No. of bookings: 881 Amount in INR: 2,61,08,434/-	No. of bookings: 9824 Amount in INR: 4,61,39,967/-	No. of bookings: 10705 Amount in INR: 7,46,50,594/-
June 11, 2023	No. of bookings: 875 Amount in INR: 2,61,08,434/-	No. of bookings: 9391 Amount in INR: 4,61,39,967/-	No. of bookings: 10,266 Amount in INR: 7,22,48,401/-
July 18, 2023	No. of bookings: 494 Amount in INR: 1,52,42,534/-	No. of bookings: 8327 Amount in INR: 4,08,21,326/-	No. of bookings: 8821 Amount in INR: 5,60,63,860/-
July 26, 2023	No. of bookings: 426 Amount in INR: 1,41,00,458/-	No. of bookings: 8,064 Amount in INR: 3,95,88,136/-	No. of bookings: 8490 Amount in INR: 5,36,88,594/-
August 16, 2023	No. of bookings: 405 Amount in INR: 1,21,72,841/-	No. of bookings: 6,749 Amount in INR: 3,48,23,200/-	No. of bookings: 7,154 Amount in INR: 4,69,96,041/-
September 2, 2023	No. of bookings: 376 Amount in INR: 1,10,09,983/-	No. of bookings: 6,352 Amount in INR: 3,10,24,698/-	No. of bookings: 6,728 Amount in INR: 4,20,34,681/-
September 28, 2023	No. of bookings: 340 Amount in INR: 96,27,819/-	No. of bookings: 6,011 Amount in INR: 2,90,15,549/-	No. of bookings: 6,351 Amount in INR: 3,86,43,368/-
October 13, 2023	No. of bookings: 322 Amount in INR: 88,38,420/-	No. of bookings: 5,454 Amount in INR: 2,61,17,637/-	No. of bookings: 5,776 Amount in INR: 3,49,56,056/-

October 30, 2023	No. of bookings: 302 Amount in INR: 83,66,677/-	No. of bookings: 5393 Amount in INR: 2,56,42,893/-	No. of bookings: 5695 Amount in INR: 3,40,09,570/-
November 19, 2023	No. of bookings: 259 Amount in INR: 72,67,462/-	No. of bookings: 5352 Amount in INR: 2,59,23,459/-	No. of bookings: 5611 Amount in INR: 3,31,90,921/-
November 28, 2023	No. of bookings: 259 Amount in INR: 72,67,462/-	No. of bookings: 5,298 Amount in INR: 2,55,25,859/-	No. of bookings: 5611 Amount in INR: 3,27,93,321/-
January 4 th , 2023	No. of bookings: 207 Amount in INR: 55,45,507/-	No. of bookings: 5,203 Amount in INR: 2,58,80,362/-	No. of bookings: 5,400 Amount in INR: 3,14,25,869/-

13. The company during the hearing held on 11.01.2024 submitted as follows:

- a) *Its communication initiatives reduced the pendency from 36,276 as per their response dated 23.07.2021 to 5400 as on 08.01.2024.*
- b) *The Company has filed their two affidavits dated 01.12.2023 in regard to convenience fee as per the directions of CCPA vide its order dated 14.11.2023 and 22.11.2023.*
- c) *There are 50 tickets which are confirmed by Hahn Air which has been processed to the third party so the pendency has been further reduced. Now the pendency due from airlines has been reduced 207 to 147.*
- d) *There are 33 tickets pending from Aeroflot, the maximum pendency is due from Aeroflot. None appeared on behalf of Aeroflot. Out of*

33 tickets, 20 tickets are pending wherein the passengers were asked to submit their documents and balance 13 tickets the documents have been submitted to Aeroflot to process the refunds. For balance 20 tickets, the Aeroflot has to take the undertaking from the passengers in order to refund timely.

- e) For Qatar Airways, 12 ACMs have been received by third party, other 4 are in process and for 5 tickets documents are available.
- f) The legal agreement shared by the Company will be again looked into positively. There is a time lapse in order to refund the customers timely as many consumers did not pick up the call believing the calls are fake or spam calls. The Company has approached the customers through multiple channels and almost every week via linkedin profile, e-mails and text messages. The Company is also trying its best to approach consumers through NCH so that refunds can be made to all the pending consumers.

14. The Counsel for Air France and KLM Royal Dutch Airlines stated that:

"All matters pertain to Air France & KLM are closed and the same has been mailed to Yatra. There is nothing pending from the airline and the same has been confirmed by Yatra via e-mail dated 02.01.2024".

15. The Counsel for Qatar Airways orally submitted during the hearing held on 11.01.2024 that:

- a. *The amount charged by Yatra has not been disclosed to Qatar Airways at the time of booking of tickets.*
- b. *As per Section 18 (2)(a) of the Consumer Protection Act, 2019., the Central Authority may, for any of the purposes aforesaid,-- (a) inquire or cause an inquiry or investigation to be made into violations of consumer rights or unfair trade practices, either suo moto or on a complaint received or on the directions from the Central Government.*

16. Further, Qatar Airways vide its written response dated 18.01.2024 submitted as under:

- a. *That the delay in providing NOC by Yatra has directly affected the Passengers/Consumers and has also caused inconvenience to the Passengers.*
- b. *That the refund process has been delayed due to Yatra not providing the NOC.*
- c. *Qatar Airways has a multiple occasion followed up with Yatra to provide the NOC and process the refund at the earliest.*
- d. *That Qatar Airways has been continuously following up on multiple occasions to provide customer details/ NOC so the refund can be processed.*
- e. *Yatra has filed the Affidavit dated 1st December 2023 admitting that the conveyance fees have been charged by them.*
- f. *It is submitted that the Conveyance fees charged by the travel agent will also form part of the ticket cost for the passenger/customer.*
- g. *That the Conveyance fees charged by the travel agent should also be refunded to the Passengers/ Consumers.*
- h. *While there is a lack of specific regulation regarding the tour and travel industry, travel agents are still expected to adhere to ethical practices and procedural fairness.*
- i. *The Travel Agents Association of India (TAAI) represents ethical standards in the country's travel-related activities.*
- j. *Unfair and unjust practices against consumers are not permissible, even in industries with less regulation.*
- k. *The relationship between the travel agent and Qatar Airways is defined as a principal-to-principal relationship, where both parties are independently registered with the International Air Transport Association (IATA).*

- l. Qatar Airways does not provide commissions to travel agencies for the sale of tickets.*
- m. Travel agencies purchase tickets from Qatar Airways and subsequently sell them to passengers or consumers, adding their own profit margin. d. Consequently, Qatar Airways is not liable for the actions or representations made by the travel agency in this principal-to-principal arrangement.*
- n. That Qatar Airways is not aware at what price has Yatra/ Travel Agency sold the ticket to the end Passenger/Consumer.*
- o. Yatra has filed a very vague Affidavit dated 1st December 2023 regarding cost of the Qatar Airways ticket trying to showcase that they have sold ticket for a loss.*
- p. It is pertinent to note that the discounts given on the tickets by Yatra is a business decision taken by them as they also have tie up with various banks/cards regarding discount offers and they are reimbursed by the Banks/Cards.*
- q. That no travel agent will conduct their business on a loss making model hence the representation made by Yatra to the Learned CCPA is misleading false and frivolous.*

17. The Counsel for Air Arabia stated that:

“Out of 18 PNRs, 11 PNRs have already been refunded but for remaining 7 PNRs the airline has tried to contact the passengers but no response received from passengers. As soon as the passenger responds then refunds will be processed to them”.

18. Considering the situation of pandemic and lockdown where cancellation or postponement/rescheduling of tours is only due to government norms and no fault of either parties, it is vital to ensure that neither party makes an ‘unjust enrichment’ by exploiting the current situation. Therefore, it is essential that the amount being charged by the Company in case of cancellation should be fair and

proportional to the actual cost incurred by the company plus a reasonable charge for the services provided by the company.

19. In view of the above, the Company submitted their compliance report dated 28.01.2023 and submitted as follows:

"4. We have successfully refunded an amount of about INR 1318 Million for the Covid Period against the 1,26,536 bookings till 22 January 2024. It is submitted that the effective implementation of all the above-mentioned measures have been brought to the notice of this Ld. Authority vide various replies filed by Yatra from time to time. The latest presentation from 20 November 2023 till 22 January 2024 comprising various reports/status/initiatives being taken by Yatra is annexed herewith as Annexure — A while various presentations have been made/submitted in the past several months before/with the Ld. Authority".

"5. It is submitted that as on 22 January 2024, 127 number of bookings are yet to be processed by the respective airlines".

A	B	C	D
Refund Status as on	Total number of bookings for which refund is pending due to airlines	Total number of bookings for which original mode of Payment has expired and the Company has reached out to Customers for Bank Details	Total Bookings pending for refund (B+C)
22nd January 2024	No. of Bookings: 127 Amount: INR 38,84,614/-	No. of Bookings: 5,235 Amount: INR 2,68,20,026/-	No. of Bookings: 5,362 Amount: INR 3,07,04,640/-

"6. Despite taking all possible initiatives and measures in reaching out to the customers 5,235 number of bookings with the corresponding amount of about INR 27 Million as on 22 January 2024, is pending to be refunded to the customers due to unavailability of the relevant bank details required for processing respective refunds towards air fares. A chart evincing the pendency of refunds from the respective airlines as well as pendency of refunds due to lack of requisite information of the respective customers as on 22 January 2024 is set out herein below":

"7. It is submitted that Yatra has approached the NCH to book 10 exclusive dedicated seats for making arrangements to make calls to the remaining customers whose refunds are yet to be processed". The relevant details and data of the customers have been shared with the NCH vide an email dated 12 December 2023".

"8. It is further submitted that with regard to 90 complaints registered with NCH, 63 cases have already been resolved. We require booking details for 6 complaints in order to seek expeditious resolution which has been requested to NCH. Further, out of the 90 complaints 17 complaints relate to the airline operator - Go Airlines (India) Private Limited which is undergoing corporate insolvency resolution process under the provisions of the Insolvency and Bankruptcy Code, 2016".

"9. It is further submitted that refund from airlines is pending against 2 complaints relating to Ukraine Airlines and Avianca Airlines and the remaining 2 complaints pertain to Oman and KLM airlines for which NEFT details from customers is awaited".

"10. The Hon'ble Apex Court analyzed the Office Memorandum

issued by the Ministry of Civil Aviation dated 16th April 2020 ,which provided that for flights booked during the first lockdown period, if the customer sought a refund of the air ticket against the booking being cancelled, the airline shall refund the booking amount, without levy of any cancellation charge. For flight bookings made during the lockdown, airlines were again bound to refund the booking amount without levy of any cancellation charges”.

“13. The Civil Aviation Requirements (“CAR”) provides minimum requirements for refund of tickets purchased by passengers, for both international as well as domestic flights. “Regulation 3(c) provides that in case of bookings made through travel agent/ portals, onus of the refund shall lie with the airline, as the agents are their appointed representatives. The airlines must ensure that the refund process is completed within a period of 30 days”.

“Regulation 3(d) provides that the airlines shall refund all statutory taxes and User Development Fee (UDF)/Airport Development Fee (ADF)/Passenger Service Fee (PSF) to the passengers in case of cancellation/non-utilization of tickets/no show”.

“Regulation 3(f) provides that the option of holding the refund amount in a credit shell by the airline shall be the prerogative of the passenger, and not by default. Regulation”.

“3(i) provides that under no circumstances, the airline or its agent shall levy cancellation charge more than the basic fare plus fuel surcharge. This will exclude any charges levied by the travel agent, which have been fully disclosed at the time of booking. It shall be the responsibility of the airline to ensure this through their contracts with travel agents/portals”.

“16. Drawing from these rules and regulations, the Hon'ble

Supreme Court's directions in Pravasi Legal Cell provide that (i) airlines must refund the full amount collected without levying any cancellation charges;(ii)airlines shall issue full refunds for bookings made through travel agents, and travel agents shall pass on the amount to the passengers;(iii) refunds shall be governed by the provisions of the CAR; (iv) immediate refunds shall be made even for international travel bookings; (v) credit shells may be issued if airlines are unable to refund due to financial distress, and credit shells shall be transferable; (vi) credit shells shall be used through the travel agent with whom the initial bookings were made; and (vii) where credit shells have been provided, their face value shall increase each month, up to certain specified periods”.

“19. Regarding the point ofthe convenience fee asit was brought out in the last hearing held on 11th January 2024, it is respectfully submitted that Yatra charges a convenience fee for the flight bookings being done on Yatra website/mobile application. Such convenience fee is charged for the purposes of providing facilitation services to the consumers by Yatraon its website/ mobile application. It may be noted that it is imperative to charge such convenience fee to offset the costs incurred by Yatra for maintaining the website/ mobile application and to run its operations/business. In order to provide seamless services to the consumers, Yatra needs to maintain its platform and infrastructure in connection with its operations and also engages a number of personnel for the same purposes. Yatra also provides messaging/calling services for its consumers for ensuring smooth and convenient services”.

“21. It is further submitted that the e-commerce entities including government undertakings such asIRCTC, impose convenience fee upon consumers for providing services as available on their respective websites/ mobile applications. Thee-commerce entities charge such convenience feeinorder to cover their costs in connection with the services being rendered by them. It is further

stated that the consumers have already availed the services provided by Yatra at the time of booking their tickets, and accordingly Yatra has charged such convenience fee”.

20. The Apex Court in its decision in *Pravasi Legal Cell Vs. Union of India (W.P.(C)D.No.10966 of 2020)* dated 01.10.2020 has directed as follows under para:

“3. (i) If a passenger has booked a ticket during the first lockdown period (from 25th of March to 14 of April, 2020) and the airline has received payment for booking of the air ticket during the first lockdown period for travel during the same period, for both domestic and international air travel and refund is sought by the passenger against that booking being cancelled, the Airline shall refund the full amount collected without levy of cancellation charge. The refund shall be made within a period of W.P.(C)D.No.10966 of 2020 etc. three weeks from the date of request of cancellation”.

under para 19:

2. If the tickets have been booked during the lockdown period through a travel agent for a travel within the lockdown period, in all such cases full refund shall be given by the airlines immediately. On such refund, the amount shall be passed on immediately by the agent to the passengers.

6. In all other cases, the airlines shall make all endeavors to refund the collected amount to the passenger within 15 days from today. If on account of financial distress, any airline / airlines are not able to do so, they shall provide credit shell, equal to the amount of fare collected, in the name of passenger when the booking is done either directly by the passenger or through travel agent so as to consume the same on or before 31st March, 2021. It is open to the passenger either to utilize such credit shell upto 31st March, 2021 on any route of his choice or the passenger can transfer the credit shell

to any person including the travel agent through whom he / she has booked the ticket and the airlines shall honor such a transfer.

21. In view of the above, the Central Authority issues the following directions:

a. The airlines are directed to expeditiously resolve the refunds of 127 pending tickets which amounts to Rs.38,84,614/- that are due from airlines and submit final information regarding number of tickets that are refunded and number of tickets pending for refunds.

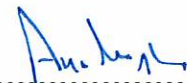
b. Further, a Hyperlink can be created on the NCH Portal by way of pop up banner of "Claim your Covid-19 Refund" so that whenever any complaint is registered on NCH regarding pending refunds then the customer can click on that hyperlink and that link shall re-directs the consumer to a specified url of Yatra.com.

c. The Company (Yatra Online Limited) is directed to pro-actively approach the remaining 5362 bookings worth Rs.3,07,04,640/- in order to expeditiously resolve their refunds through other modes such as coordination with NCH and calling these pending users clearly stating that the pending refund amount will be refunded by the Company and submit a final compliance report to this authority within 30 days from the date of receipt of this communication.



.....
(Rohit Kumar Singh)

Chief Commissioner



.....
(Anupam Mishra)

Commissioner