

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-VI  
(NEW DELHI), 'M' BLOCK, 1<sup>ST</sup>FLOOR, VIKAS BHAWAN,  
I.P.ESTATE, NEW DELHI-110002**

**Case No.CC/494/2016**

**IN THE MATTER OF:**

**MEENA CHAUDHARY SHARMA,  
W/o Late Sh. Raj Kamal Sharma,  
R/o 392, SFS Flats, Phase-IV  
Ashok Vihar, Delhi-110052**

**...Complainant**

**VERSUS**

**Qatar Airways,  
Through its authorized official  
Contact Center at:  
Dr. Gopal Dass Bhawan,  
28, Barakhamba Road,  
Connaught Place, PO Box 110001,  
New Delhi (India).  
Having Mob. No.7930616000**

**...Opposite Party**

**Quorum:**

**Ms. Poonam Chaudhry, President  
Sh. Bariq Ahmad, Member  
Sh. Shekhar Chandra, Member**

**Date of Institution: 04/08/2016**

**Reserved for Order:25/09/2025**

**Date of Order: 15/10/2025**

**ORDER**

**Poonam Chaudhry, President**

1. The present complaint has been filed under Section 12 of Consumer Protection Act, 1986 (in short CP Act) against Opposite Party (in short OP) alleging deficiency of service.

2. Briefly stated the facts of the case are that the complainant is a practicing lawyer in Delhi for the last 20 years, while the complainant No. 2 is daughter of the complainant No.1. It is further alleged that the complainant is an income tax payee and was invited to visit the State of Verginia, USA alongwith her daughter and she booked her ticket online through Qatar Airways the respondent, the complainant No.1 got the booking done of business class online in her name and also booked online ticket for her daughter in economy class.
3. That while travelling to USA at Delhi Airport at the time of checking in the complainant who was travelling alone suffered misconduct and ill behavior at the hands of the lady staff of the respondent, as wheel chair request was made by the complainant, but the wheel chair arrived but in the middle of the way while complainant reached the exit point for alighting the plane the wheel chair attendant stopped the wheel chair near the Lift and demanded Rs.500/- from the complainant. The complainant was constrained to give/pay him Rs.500/- apprehending that in case she did not pay him the said amount, he might leave her stranded on the wheel chair. It is further alleged the flight attendant on board were very cordial and respectful. The flight reached on time and though there was a change of Airplane at Qatar Airport, the complainant did not face much difficulty.

4. It is further stated that the complainant's daughter Dr. Parul Sharma who was on a voyage with her husband who is a Merchant Navy Officer came from Korea to Delhi and thereafter she boarded the flight of Qatar Airways for Virginia, USA from Delhi.
5. The complainant's daughter who had discovered just 2 days earlier in a random pregnancy test she has conceived, the complainant tried her level best to get the ticket of her daughter upgraded but it was declined.
6. That while coming back from USA, the complainant and her daughter boarded the plane of the respondent, the staff on duty was courteous and cooperative but the night mare of the complainant an her daughter started when they changed their seated in the plane mid-way.
7. That the daughter of the complainant because of her condition fell sick during the turbulence of the plane and informed the complainant about her ill health and also the attending crew of the respondent Airways but the staff turned a blind eye to her condition and refused to give her any medical aid or help. Having no alternative the complainant exchanged her seat with her daughter, so that her condition could become stable, the complainant asked her daughter to rest on her seat temporarily for some time, this fact was in the knowledge of the respondent's crew but they started harassing and troubling both the complainant and her daughter by threatening them with illegal arrest and deportation and one of the attendant infact who claimed to be the head, attempted to physically

shove and lift both the complainant and her daughter from their respective seats on the false ground that some passengers might object to this exchange.

8. The attendants of OP forced the complainant's daughter to go back to her seat despite her physical condition, the complainant's daughter because of the discomfort suffered uneasiness and complication throughout the remaining journey.
9. That on coming back to Delhi the daughter of the complainant visited the Doctor. The complainant's daughter suffered great pain and had to be rushed to the hospital in emergency immediately, wherein it was informed that the complainant's daughter was in precarious condition of threatened abortion. That the daughter of the complainant was hospitalized for 4 days and somehow the child was saved.
10. That the acts of the respondent amounts to deficiency in service and highly callous attitude for which the complainant and her daughter are seeking damages separately/ individually.
11. That the respondents have caused both mental harassment and financial loss to the complainant and her daughter because of their apathetic behavior and deficiency in service of the flight attendants.. The complainant's daughter suffered threatened abortion and was hospitalized in Vinayak Hospital, Gujrawala Town and with great difficulty the life of the complainant's daughter and her unborn child was saved.

12. The flight expenditure was born by the complainant and she is entitled to compensation damages to the tune of Rs.10,00,000/- (Rupees Ten Lakh) for the harassment and ill treatment meted out to her during the return flight and also at the time of leaving the airport.
13. It is alleged that the complainant is also entitled to sum of Rs.5,00,000/- (Rupees Five Lakh) for the mental trauma and agony suffered by them at the hands of the flight attendants.
14. It is further alleged that the complaint is within limitation period and no other similar complaint has been filed by the complainant in any court.
15. It is prayed that:
  - (1) To direct the opposite party to pay sum of Rs. 10,00,000/- (Rupees Ten Lakh) to the complainant for deficiency of service and Rs.5,00,000/- (Rupees Five Lakh) for causing mental torture and harassment.
  - (2) OP be further directed to pay Rs.1,00,000/- (Rupees One Lakh) to complainant for unfair trade practice for not giving proper address and names of responsible officers.
  - (3) OP be also directed to pay Rs.50,000/- (Rupees Fifty Thousand) for the hospital expenses and other misc. expenses incurred for the daughter of the complainant, while under treatment and Rs.50,000/- (Rupees Fifty Thousand) for cost of litigation.

- (4) Any other relief or remedy which this Hon'ble Forum may deem fit and proper may also be passed in favour of the complainant and against the opposite party.
16. Notice of the complaint was issued to OP, pursuant to which OP appeared and filed written statement/ reply stating that all allegation/averment/ contention/claim/demand, made by the Complainant are false, baseless, misconceived, untenable.
17. It was also alleged that complainant has no cause of action and that there is no deficiency or negligence of service on part of the Respondent. The complaint is liable to be dismissed on this ground alone.
18. It was also stated that the Complainant was booked to travel Business Class from Delhi (DEL) 10 (2 Doha (DOH) and Doha (DOH) to Washington DC on June 24, 2014 and was scheduled to return from Washington DC to Doha on 20 August and from Doha New Delhi on the 1 of August 2014.
19. That the Complainant's daughter was also subsequently booked to fly Economy Class with the Respondent on 1<sup>st</sup> of July, 2014 from Delhi to Doha and onwards Washington DC and scheduled to return on 2<sup>nd</sup> August 2014 from Washington DC to Doha and thereafter from Doha to New Delhi on 3<sup>rd</sup> August 2014.
20. It was further alleged that while returning from Washington DC the daughter of the Complainant fell sick during the flight from Doha to New

Delhi. That on becoming aware of the condition of the Complainant's daughter, the Complainant exchanged her seat with her daughter so that she could recuperate. as the Complainants daughter was travelling Economy Class and the Complainant was Flying Business Class,

21. The Cabin Crew of the Respondent objected to such exchange of seat and informed the Complainant and her daughter that Cabin upgrades from economy classes were not permitted as per the policy of the Respondent.
22. It was further alleged the Complainant and her daughter were repeatedly requested to return to their respective seats by the Cabin attendants but to no avail. It was repeatedly conveyed to the Complainant and her daughter that in flight Cabin upgrade from Economy to Business was not permitted and that any upgrade could only be done either at the time of booking of the ticket or at the airport. That the Complainant and her daughter remained adamant on exchanging seats in flight owing to the ill health of the Complainant's daughter.
23. The allegations of alleged misconduct and ill behaviour on part of the Respondent demanding Rs.500/- for wheelchair assist are denied. It was also alleged that the allegations of suffering mental harassment and physical torture at the hands of the in-flight Cabin Crew of OP are denied. It is prayed that complaint be dismissed.
24. Both parties thereafter filed their evidence by affidavits and written arguments.

25. We have heard the Learned counsels for parties and perused the record.
26. Learned Counsel for OP has filed the Qatar Airways conditions of carriage for passenger and baggage, the rules are of 13.06.2017 whereas the present case relates an incident of year 2016. OP has not filed rules of the year 2016.
27. Learned counsel for OP contended that there was a delay of one day in filing the complaint. We condone the delay of one day in filing the complaint, in the interest of justice.
28. The complainant in support of her contention has relied on a judgment of Hon'ble State Commission in Complaint case no.247/200 titled Shri G.L. Sanghai and another Vs. Scandinavian Airlines and another decided on 17<sup>th</sup> September 2008 in support of her contention that the act of OP denying complainant to exchange seat with her daughter was inhuman particularly when OP has admitted that daughter of complainant was unwell during the journey, wherein it has been held that:

*OP Airlines even did not care to inform or caution the complainant that change of date of booking required fresh registration for vegetarian meals. Even if it was the omission on the part of the travel agent or on the part of the OP, the OP No.1- Airlines is liable for all consequence being the main service provider and also liable for the acts and omission of its agent through whom they procure business by way of sale of ticket. There was a waiting period of nine hours and merely on the premise that the complainant No.2 had a ticket in economic class, the child was not*

*even allowed to eat in the lounge. Merely because the complainants had booked two tickets in business class and one in economic class for the grandchild does not mean that the minor child should be denied the company of his elders in the lounge. Such an action could have been taken if the passenger had not been a child and been an adult. To keep the child away from the parents and grandparents was an inhuman act and against the human emotional element. Officials of the OP Airlines in this regard acted like hardware and not like human beings.*

*There are allegations of highly arrogant and impolite behavior of the OPs crew and staff causing mental injury, humiliation and insult.*

*In Ghaziabad Development Authority Vs. Balbir Singh (2004) 5, SCC 65, the Hon'ble Supreme Court has widened the connotation of the word compensation appearing in Consumer Protection Act to such an extent that it takes in its fold each and every element which one suffers on account of the offences mentioned in the Consumer Protection Act namely deficiency in service, sale of defective goods, restrictive trade practice, unfair trade practice etc. etc. The observations made in this regard are very pithy and need to be quoted in full. These are as under:*

*The word compensation is of a very wide connotation. It may constitute actual loss or expected loss and may extend to compensation for physical, mental or even emotional suffering, insult or injury or loss. The provision of the Consumer Protection Act enable a consumer to claim and empower the Commission to redress an injustice done. The Commission or the Forum is entitled to award not only value*

*of goods or services but also to compensate a consumer for injustice suffered by him. The Commission/forum must determine that such sufferance is due to mala fide or capricious or oppressive act. It can then determine amount for which the authority is liable to compensate the consumer for his sufferance due to misfeasance in public office by the officers. Such compensation is for vindicating the strength of law.*

29. In the facts and circumstances of the case, we are of the view that OP is guilty of deficiency of services and the act of OP caused mental agony and harassment to the complainant and her daughter. We accordingly grant compensation of Rs.1,00,000/- (Rupees One Lakh) and Rs.50,000/- (Rupees Fifty Thousand) as cost of litigation. OP is directed to make payment within one month from the date of receipt of the order, failing which OP will be liable to pay interest @ 7 per annum till realization of the decretal amount.

A copy of this order be provided/sent to all the parties free of cost.

The order be uploaded on the website of this Commission.

File be consigned to record room along with a copy of the order.

Poonam Chaudhry  
(President)

Bariq Ahmad  
(Member)

Shekhar Chandra  
(Member)