

CC/1900/2019
Date of Filing: 10.12.2019
Date of Disposal: 31.01.2023

BEFORE THE IV ADDL DISTRICT CONSUMER
DISPUTES REDRESSAL COMMISSION BENGALURU
1ST FLOOR, BMTc, B-BLOCK, TTMC BUILDING, K.H
ROAD, SHANTHINAGAR, BENGALURU - 560 027.

PRESENT:- Hon'ble Sri.Ramachandra M.S., B.A., LL.B., President Sri.Chandrashekar S Noola., B.A., Member Smt.Nandini H Kumbhar, B.A., LL.B., LL.M., Member	
ORDER C.C.No.1900/2019 Order dated this the 31 st day of January 2023	
Sri.Ramesh Naik.L 	COMPLAINANT/S
Party in Person	
- v/s -	
Managing Director, Bangalore Metropolitan Transport Corporation, No.222, 2nd Floor, BMTc Building, Central Offices, Shanthinagar, Bangalore-560027.	OPPOSITE PARTY/S
Adv: Sri.B.L.Sanjeev	

Sri M.S.Ramachandra,
President

1. The Complainant has filed this complaint under
section 12 of the Consumer Protection Act 1986,

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against the Opposite party (herein after called as OP) alleging deficiency of service.

2. The brief facts of the complaint is as follows;

The complainant filed the complaint against the OP as he was travelling in BMTC Volva bus route 360B (V-356/6 Depot 7) on 11.09.2019 from Shanthinagar Bus Station to Majestic. The complainant alleges that the OP employee, the lady conductor of the bus issued a ticket for Rs.29/- and she has collected Rs.30/-. When the complainant demanded for the change of Rs.1/- the conductor refuse to pay and conductor started behaving rudely and shouting on complainant, as if the commuter should not ask Rs.1/- change. When the matter was brought to the higher officer of the OP establishment, despite of that the OP employee did not refund the change of Rs.1/-. Aggrieved by act and action of OP, the complainant was forced to file present complaint seeking for the relief of refund of Re.1/- along with other reliefs as prayed in complaint.

3. Notice to the OP duly served, OP represented by counsel and filed written version and affidavit in support of their contention.

4. The Complainant has also filed chief examination affidavit by reiterating the complaint

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allegations and also filed documents in support of their plea. Heard arguments and the matter is posted for orders.

5. The points that arise for our consideration are;

1) Whether the Complainant proves that there is deficiency of service on the part of the OP as alleged in the complaint and thereby prove that he is entitle for the relief sought?

2) What order?

6. The findings on the above points are as under:

Point No.1 : Partly in Affirmative
Point No.2 : As per final order

REASONS

7. POINT NO.1:- That the complainant filed the complaint against the OP as he was travelling in BMTC Volva bus route 360B (V-356/6 Depot 7) on 11.09.2019 from Shanthinagar Bus Station to Majestic. The complainant alleges that the OP employee, the lady conductor of the bus issued a ticket

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8. The OP represented by counsel has filed written version and denied the complaint allegations as against them and they denied any deficiency in service. It is specifically contended that the issue of Re.1/- is a trivial issue and the complainant is trying to make it as a big issue it is not so in the case of complainant. They deny the deficiency in service and pray for dismissal of complaint for the above reason.

9. The complainant filed chief examination affidavit by reiterating the complaint averments as against the OP and also produced relevant documents in support of their contention. In the light of the written version filed by OP, the commission is of the opinion that the allegation which is made by



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complainant as against the OP concern with respect to the non-refund of the change of Re.1/- appears to be a proved fact. The complainant has sought for the relief of damages of Rs.15,000/- this prayer of complainant cannot be granted for the simple reason that the issue of non-refund of Re.1/- is a small claim. The OP employee by refusing to give the same has conducted negligent and careless service to the complainant. In order to get the damages of Rs.15,000/- the complainant has to establish his entitlement of damage of Rs.15,000/-. In order to get an order the commission require strong proof in absence of any evidence from the complainant side the commission cannot grant a relief of damages of Rs.15,000/-. The prayer of damages is liable to be rejected only the OP is liable to refund amount of Re.1/- along with other reliefs. In the complaint it is observed by commission even though the dispute between the parties is a matter of non-refund of change of Re.1/- to the complainant. The dispute appears to be a trivial in nature since the complainant took the issue as a matter of right before the commission. It needs to be appreciated and recognized as a matter of right of a 'Consumer'. In such event the complainant is entitled for the refund of relief. Accordingly, we answer **Point No.1 Partly in Affirmative.**



DSR

10. POINT NO.2:- In the result, we passed the following:

ORDER

1. The complaint filed by the Complainant U/s.12 of the Consumer Protection Act, 1986 is allowed in part.
2. OP is directed to refund a sum of Re.1/- (Rupee One Only) along with compensation of Rs.2,000/- towards deficiency of service together with cost of litigation of Rs.1,000/- to the complainant within 45 days from this order, failing which OP is liable to pay interest on the said amount at the rate of 6%p.a from the date of order till payment is made.
3. OP is directed to comply with the order within 45 days from the date of this order failing which the Complainant is also at liberty to file criminal case




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against the OP for the offence punishable under section 72 of Consumer Protection Act, 2019.

4. Furnish free copy of this order to both the parties.

(Dictated to the Stenographer, got it transcribed, typed by her and corrected by me, then pronounced in the Open Commission on 31st January 2023)


MEMBER
(NANDINI H KUMBHAR)


MEMBER
(CHANDRASHEKAR S. NOOLA)


PRESIDENT
(RAMACHANDRA M.S.)



Witness examined on behalf of the complainant by way of affidavit:

Sri.Ramesh Naik L-who being the complainant

Copies of Documents produced by the complainant:

Ex.A-1	Ticket issued by OP-employee
Ex.A-2	Photo showing the complainant travelled in the OP public service bus.
Ex.A-3	Email complaint raised by complainant in grievance redressal system of OP
Ex.A-4	Email from OP to complainant with the complaint number
Ex.A-5	Notice dated 03.10.2019
Ex.A-6	Acknowledgement

Witness examined on behalf of the OP/s by way of affidavit:

Sri.S.Manju Naik- Divisional Traffic Officer of OP Central Zone

Documents produced by the OP/s-NIL



M. K. Kumbhar
MEMBER
(NANDINI H KUMBHAR)

Chandrashekar S. Noola
MEMBER
(CHANDRASHEKAR S.NOOLA)

Ramachandra M.S.
PRESIDENT
(RAMACHANDRA M.S.)

CERTIFIED TO BE TRUE COPY (FREE)

P.G. Kausalya 10/2/23
Asst. Registrar-Cum-Asst.
Administrative Officer
IV Addl. Consumer Commission
Bangalore Urban

Place: B.L.O.Z... Dated: 09/02/2023