



# CONSUMER UPDATE

## Consumer Guidance Seminars on Real Estate (Regulation and Development) Act - RERA

To understand the salient features of RERA and its implementation in Tamil Nadu, and to hear the consumers', builders' and the government's perspective of RERA, CAG organized Consumer Guidance Seminars on RERA in Erode and Trichy. The Erode seminar was held on 27.07.2018, in association with Erode District Consumer Protection Centre and the Trichy seminar on 31.08.2018, in collaboration with Trichy Payaneetalar Iyakkam.

Mr. Selvakumar, Secretary (Projects) - RERA, representatives from consumer groups, CREDAI, builders' associations and civil engineers' association spoke at the seminars and the participants included builders, contractors, civil engineers, consumers, and engineering and law students. The Q and A sessions were interactive and there was wide media coverage.



### கட்ட, மனை விற்பனை ஒழுங்குமுறை குழுமத்தில் இதுவரை 700 திட்டங்கள் பதிவு



திருச்சிரப்பள்ளி நகராட்சிமன்றம் தலைமையிலான கட்ட, மனை விற்பனை ஒழுங்குமுறை குழுமத்தின் தலைமையில் நடைபெற்ற கட்ட, மனை விற்பனை ஒழுங்குமுறை குழுமத்தின் 700 திட்டங்கள் பதிவு செய்த செய்தி. கட்ட, மனை விற்பனை ஒழுங்குமுறை குழுமத்தின் தலைமையில் நடைபெற்ற கட்ட, மனை விற்பனை ஒழுங்குமுறை குழுமத்தின் 700 திட்டங்கள் பதிவு செய்த செய்தி. கட்ட, மனை விற்பனை ஒழுங்குமுறை குழுமத்தின் தலைமையில் நடைபெற்ற கட்ட, மனை விற்பனை ஒழுங்குமுறை குழுமத்தின் 700 திட்டங்கள் பதிவு செய்த செய்தி.

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You tube link to Erode Seminar: <https://www.youtube.com/watch?v=WfsCONJOPKo&t=549s>

## The menace of overbooking in flights!

What is overbooking?

To reduce the risk of a flight taking off with empty seats, airlines generally overbook – sell more seats than available – to a certain limit.

While overbooking in flights is a common phenomenon, it is also a completely harrowing experience if one has to go through it!

Travelers usually have a single objective of getting to airport, boarding the flight and reaching the destination on time. However, apart from traffic jams and everyday passenger hassles, if a passenger is unexpectedly denied boarding due to overbooking and despite having a confirmed ticket, it will undoubtedly cause a lot of discomfort and annoyance.

Series M, Part IV, Section 3.2 of Civil Aviation Requirements (CAR) of Directorate General of Civil Aviation (DGCA) is about “Denied Boarding”, which includes overbooking. It states that due to overbooking, if more passengers report for a flight than the actual seats available, due to overbooking, airlines may deny boarding to anyone, even if the person holds a confirmed ticket and reports well within the required time. If someone voluntarily offers her/his seat, the airline shall offer benefits or facilities at its own discretion. But, if boarding is denied against passengers’ will, the airline is required to provide monetary compensation in accordance with timelines.

Section 3.2.2 stipulates timelines and compensation to be paid by airlines:

*If the boarding is denied to passengers against their will, the airline shall not be liable for any compensation in case alternate flight is arranged that is scheduled to depart within one hour of the original schedule departure time of the initial reservation.*

*Failing to do so, the airline shall compensate the passengers as per the following provisions:*

- a) An amount equal to 200% of booked one-way basic fare plus airline fuel charge, subject to maximum of INR 10,000, in case airline arranges alternate flight that is scheduled to depart within the 24 hours of the booked scheduled departure.*
- b) An amount equal to 400% of booked one-way basic fare plus airline fuel charge, subject to maximum of INR 20,000, in case airline arranges alternate flight that is scheduled to depart more than 24 hours of the booked scheduled departure.*
- c) In case passenger does not opt for alternate flight, refund of full value of ticket and compensation equal to 400% of booked one-way basic fare plus airline fuel charge, subject to maximum of INR 20,000*

The DGCA’s stand on overbooking has always been a contentious issue and the compensation fixed for denied boarding is nowhere near the mental agony and the loss of time that the passenger experiences due to the denial.

In a recent case heard by the Delhi High Court, the petitioner, who had a confirmed ticket and was denied boarding because of overbooking, had claimed that CAR allows overbooking of flights and this practice should not be permitted. The DGCA counsel asserted that the DGCA’s CAR rules were not meant as a countenance to the overbooking practice and cap the liability of various airlines but were issued only to ensure that the passengers who are denied boarding are paid immediate compensation and necessary arrangements for their travel are made by the airline concerned. He also added that it did not bind the passengers in any manner and they were free to claim further compensation as available under the law.

The National Consumer Disputes Redressal Commission (NCDRC) while hearing one such case, asked the central government and the DGCA to formulate a rational policy to prevent harassment of passengers who were denied boarding on account of over booked flights.

Recently, in the case of Air France Vs. O.P. Srivastava, the NCDRC observed that although the practice of overbooking is a commercially viable international practice adopted by most airlines, to ensure seats in flights do not go vacant in the event of no-shows by booked passengers, the practice cannot be at the altar of passengers. It further said that not permitting a passenger holding a confirmed ticket to board a flight amounts to deficiency in service on part of an airline and awarded a compensation of Rs.4,00,000/- to the affected consumer.

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### **TRAI for control of all entities dealing with consumer data**

India's telecom watchdog has suggested regulation of all entities dealing with consumer data – devices such as iphones, operating systems such as Android, browsers like Google's Chrome and apps such as Facebook, Paytm, Uber – by bringing them under licence conditions that apply to telecom service providers until a general data protection law is put in place by the government.

TRAI said the framework for protection of personal information is not sufficient and that the issue of data ownership, privacy and security is complex and multi-dimensional. It suggested expanding the ambit of licence conditions governing telecos to all entities handling customer information and empowerment of customers to keep their data secure.

The telecom regulator further said that individual users owned their data, or personal information and entities such as devices were mere custodians and do not have primary rights over that information.

For more details, <https://economictimes.indiatimes.com/industry/telecom/telecom-policy/trai-for-control-of-all-entities-dealing-with-consumer-data/articleshow/65017175.cms>

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### **Private Engineering College told to pay Rs.95,000/- as compensation to dropout**

District Consumer Disputes Redressal Forum (DCDRF), Madurai directed a private engineering college in the city to pay compensation of Rs.95,000/- to a student, who was refused a refund of tuition fees after he dropped out of the college two months after joining a course.

In his petition, V. Bala Vignesh of West Moola Avani Street in Madurai, stated that he got a seat in B.Tech (Information Technology) under management quota at the Velammal College of Engineering and Technology in 2010. At the time of joining, he paid a sum of Rs.1,02,800/- as tuition fees, which included the cost of books and college transport facility.

The petition stated that Bala Vignesh paid Rs.1,00,000/- as capitation fees in July 2010. In October 2010, he discontinued his studies after he contracted typhoid and jaundice. His doctors had advised a two-month rest to recover from the illnesses.

In December 2010, the college authorities assured that he would be re-admitted in the college the next academic year and that he would not have to pay tuition fee or capitation fee. However, when he approached the college in April 2011 seeking re-admission, the management demanded Rs.3,00,000 as capitation fee, claimed the petitioner.

Hearing the case, President of the Forum V. Balasundarakumar and C. Packialakshmi cited the public notices issued by UGC and AICTE, which clearly stated that when a student discontinues after joining the course, the institution must return the fee collected after deducting the monthly fees. The Forum directed the college to reimburse a sum of Rs.95,250/-.

Source: The New Indian Express

## மொபைல் போன் குறைபாடு - நுகர்வோர் கோர்ட் தீர்ப்பு

குறைபாடான மொபைல் போனை விற்பனை செய்த நிறுவனம், 15 ஆயிரம் ரூபாய் இழப்பீடும் புது மொபைல் போனும் வழங்க வேண்டும், என நுகர்வோர் கோர்ட் உத்தரவிட்டது.

திருப்பூர், அம்மா பாளையத்தை சேர்ந்த துரைசாமி என்பவர், முனிசிபல் ஆபிஸ் வீதியில் உள்ள மொபைல் போன் விற்பனை நிறுவனத்தில் ஒரு மொபைல் போன் வாங்கினார். அதற்கு ஓராண்டு உத்தரவாதத்தை நிறுவனம் அளித்தது. இந்நிலையில், மொபைல் போனின் பேட்டரி வேலை செய்யவில்லை. இதனால், அதை நிறுவனத்தின் அங்கீகரிக்கப்பட்ட சர்வீஸ் சென்டரில் பழுது பார்த்தார். மூன்று முறை சர்வீஸ் செய்தும் பயனில்லை, உத்தரவாத காலம் உள்ளதால், பேட்டரியை மாற்றி தருமாறு கேட்ட போது மறுக்கப்பட்டது. இதனால், நுகர்வோர் கோர்ட்டில் துரைசாமி புகார் அளித்தார்.

விசாரித்த திருப்பூர் நுகர்வோர் தீர்ப்பாய தலைவர் பாலசந்திரன், உறுப்பினர் பிரபாகரன் ஆகியோர், புகார்தாரர் துரைசாமிக்கு புதிய மொபைல் போன் வழங்கவும், அந்த மாடல் தற்போது சந்தையில் இல்லையெனில் அந்த தொகைக்கு ஈடான வேறு மொபைல் போன் வழங்கவும், அவருக்கு நஷ்ட ஈடாக, 15 ஆயிரம் ரூபாய் வழங்க வேண்டும் என விற்பனை நிறுவனத்துக்கு உத்தரவிட்டனர்.



# CAG

Citizen consumer and civic Action Group

New No.246, Old No.277-B,  
T.T.K. Road (J.J. Road),  
Alwarpet, Chennai 600 018.  
Ph: 044 - 2499 4458 / 2466 0387  
Email: [helpdesk@cag.org.in](mailto:helpdesk@cag.org.in)

CAG is a 32 year old non profit, non political, professional organization working towards protecting citizen's rights in consumer and environmental issues and promoting good governance including transparency, accountability and participatory decision making.

The complaints cell at CAG addresses specific problems of consumers. Also CAG regularly conducts consumer awareness programmes for schools, colleges and special target groups.

### TRUSTEES

Sriram Panchu  
Arjun Rajagopalan  
Suchitra Ramakumar  
R. Hema  
George S. Thomas  
C. Rammanohar Reddy  
Keshav Desiraju

### ADVISORS

Tara Murali  
N.L. Rajah