



W.P.No.25344 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.07.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.25344 of 2025
and
W.M.P.No.28521 of 2025

Yatra Online Ltd.,
(Rep. by Ms.Jayanthi Subramanian)
B-2/101, 1st Floor, Marathon Innova,
Marathon Nextgen Complex, B-Wing,
G Kadam Marg, Opp. Peninsula Corporate Park,
Lower Parel – W, Mumbai City, Mumbai,
Maharashtra, India-400 013.

... Petitioner

-VS-

D.Ajit Kumar

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records in First Appeal No.1019 of 2024 on the file of the Hon'ble National Consumer Disputes Redressal Commission and set aside / quash the order dated 21.02.2024 in R.A.No.22 of 2024

For Petitioner : M/s.Shweta Bharti

For R1 : Mr.SR.Mounaswamynathan



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ORDER

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(By *J.Nisha Banu,J.*)

This Writ Petition has been filed, challenging order dated 21.02.2025 (date wrongly mentioned as 21.02.2024 in the impugned order) passed in the Review Application in R.A.No.22 of 2024 and the Review Application has been filed against the order dated 09.01.2025 made in First Appeal No.1019 of 2024.

2. It is the case of the Petitioner Company (in short 'the Company') that it is an online travel company and has been arranging tour sightseeing. The respondent approached the Company for availing tour package and due to completion of visa formalities, the departure was delayed, which is beyond the control of the Company. Pursuant to the prolonged delay, the respondent demanded refund of the amount vide an email dated 18.06.2012. Since the payment was no longer in possession of the Company, it was informed to the respondent that negotiation is going on. Though the refund of amount was refused by the Airlines, an offer was made for alteration of the date as a special case, which was not accepted by the respondent. Subsequently, the respondent filed Consumer Complaint



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No.7 of 2015, claiming full refund of the amount, which was allowed by the

State Consumer Disputes Redressal Commission (SCDRC) on 22.06.2023.

The order of the Commission came to the knowledge of the Company only when the respondent filed Execution Application No.22 of 2024. It is further case of the Company that aggrieved by the order of SCDRC, the Company preferred an appeal before the National Consumer Disputes Redressal Commission (NCDRC), which was dismissed as barred by limitation. Thereafter, the Company filed Review Application No.22 of 2024 for review of the order passed in the First Appeal. The said Review Application came to be dismissed, stating that there is no error apparent in the order.

3. Learned counsel for the Company assailed the impugned order on the ground that NCDRC did not take into consideration the fact that the delay was on account of non-receipt of free certified copy of the judgment dated 22.06.2023 and the Review Application was simply dismissed at the behest of the absence of apparent error, which is erroneous. It is contended that it is a well settled principles of law that all quasi-



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judicial and judicial bodies are required to pass a detailed order, recording reasons. There was no consideration of sufficient cause put forth by the Company and therefore, the order under challenge needs to be interfered with by this Court.

4. Learned counsel for the respondent contended that the Company failed to arrange for a tour under the head 'Swiss and Paris Dreams Tour' on the date agreed upon and deviated from its obligations. Despite various reminders and follow-up, there was no response on the side of the respondent and frustrated by the same, the respondent and other persons cancelled the trip. Hence, the respondent sought for refund of the amount, which was not considered by the Company. Having left with no other option, the petitioner preferred a complaint before SCDRC and obtained a favourable order and the same was upheld in Appeal.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. The Company, being a Travel Company, enticed public at



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large by way of brochures, advertising that it would undertake a sightseeing tour under the head “Swiss Paris Dreams” on 10th June, 2012. The respondent, who was attracted by the same, approached the Company to opt for a tour. Admittedly, the respondent also paid the fee and deposited passport so as to undertake the journey. However, the Company did not honour its commitment in arranging for the tour on the specified date, stating various reasons. The respondent, having lost interest in undertaking tour, asked for refund of the amount. The dispute cropped up, when such a demand was raised by the respondent.

7. The claim of the respondent for refund of the fare was allowed by SCDRC and the order passed therein was challenged by the Company in Appeal, however, with a delay of 521 days. The NCDRC declined to entertain the appeal for want of sufficient cause displayed by the Company. The Review Application filed against the appeal was also dismissed.



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8. The main ground raised by the Company is that the certified

copy of the order passed by SCDRC was not despatched to them in time and there is a suppression of material facts on the side of the respondent. It is seen that though there was an engagement of Counsel before SCDRC, none appeared on the date of passing of the order. It is for the Company to follow up its case regularly without fail. The failure on the part of the Company in following up its case cannot be put against the respondent so as to escape from its liability in returning the money.

9. The Apex Court, in a catena of judgments, namely,

N.Balakrishnan V. M.Krishnamurthy reported in (1998) 7 SCC, Esha Bhattacharjee v. Raghunathpur Nafar Academy, (2013) 12 SCC 649, H.Dohil Constructions Company Private Limited vs Nahar Exports Limited and another reported in *(2015) 1 Supreme Court Cases 680*, held that even if the delay is long, the delay can be condoned, provided it is supported by sufficient reasons and justifications to exercise the discretion of the Court. It is a well-settled proposition of law that condonation of delay is a matter of discretion of the court. What the court has to consider is



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not the length of delay, but the acceptability of the explanation.

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10. In this case, the reasons adduced by the Company are not convincing and satisfactory and therefore, the appeal was rightly rejected by NCDRC. To review an order, an error must be apparent, like non serving of notice, etc., which is not the issue in the present case. In order to cover up the fault committed by the Company, viz., not following up the case, the appeal had been filed to set aside the order passed by SCDRC and therefore, NCDRC rightly rejected the appeal and negatived the request of the Company to review the order, Hence, finding no merit in this petition, the Writ Petition filed by the petitioner Company is liable to be dismissed.

11. Accordingly, this Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B.J.,) (M.J.R,J.,)
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