

You can get compensation if your food order is not delivered | रसरंग में आपके अधिकार: फूड ऑर्डर की डिलीवरी न होने पर पा सकते हैं मुआवजा

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Your rights in Rasrang: You can get compensation if your food order is not delivered

Gaurav Pathak1 day ago



In India, the trend of ordering food from food delivery apps or platforms is constantly increasing. These apps are convenient for ordering food, but sometimes the fun is spoiled due to late delivery, sending something else instead of the ordered food or payment related problems. There are consumer laws to help in these cases. Let us know what rights the customers have regarding this and how they can be used.

What are consumer rights? Consumer rights are clearly explained in Section 2(9) of the Consumer Protection Act, 2019. According to Section 2(9)(i), consumers have the right to protection from dangerous products. That is, according to this, consumers cannot be given stale food or harmful food. Consumers also have the right to be informed about the quality, quantity and price of goods, products or services. This means that food delivery platforms and restaurants have to maintain transparency. However, despite these rights, they are often violated. On this, Section 2(9)(v) provides the right to seek 'redressal (solution of the problem)'.

What to do in case of delay or non-delivery? The key to the food delivery market is timely delivery of the ordered food. Therefore, if a service provider delays or fails to deliver, it is considered as deficiency in service as per the Consumer Protection Act, 2019. In this regard, the case of Arun Krishnan from Kerala can be taken. One of his orders was not delivered by a food delivery platform. Therefore, Arun had to order the same item again. However, that too could not be delivered to the consumer and no refund was given. The Consumer Commission considered this as deficiency in service as per Section 2(6)(iii) of the Act. The non-refund was considered as unfair trade practice under Section 2(47) of the Act. The Commission ordered the refund of the amount paid by Arun, along with an amount of Rs 5,000 for mental agony and Rs 3,000 as litigation costs. Some delivery platforms have launched campaigns like 'Get your order on time or get it free if you don't' to lure customers **after unilaterally cancelling the order**. A man in Ambala ordered pizza for his children late at night but the delivery platform cancelled it unilaterally. The man first filed a complaint with the district commission and then with the state commission. This was the situation even after he had paid Rs 10 extra to avail the 'order on time' scheme. The commission said that if delivery platforms 'cannot fulfil such promises' then they 'should not give tempting advertisements or launch such campaigns'. The complainant was given Rs 10,000 and a free meal voucher as compensation.

Vegetarian vs non-vegetarian There have been many cases where restaurants have tampered with the order and served non-vegetarian food instead of vegetarian food. This hurt the religious sentiments of consumers and many such cases came before the consumer commissions. In Ludhiana, the district commission ordered a compensation of Rs 50,000 for serving chicken biryani to a consumer instead of veg biryani. Similarly, when a big food chain served non-vegetarian food to a vegetarian family, the Jodhpur district commission ordered a compensation of Rs 1 lakh and Rs 5,000 as litigation expenses. **(The author is also the secretary of CASC.)**