

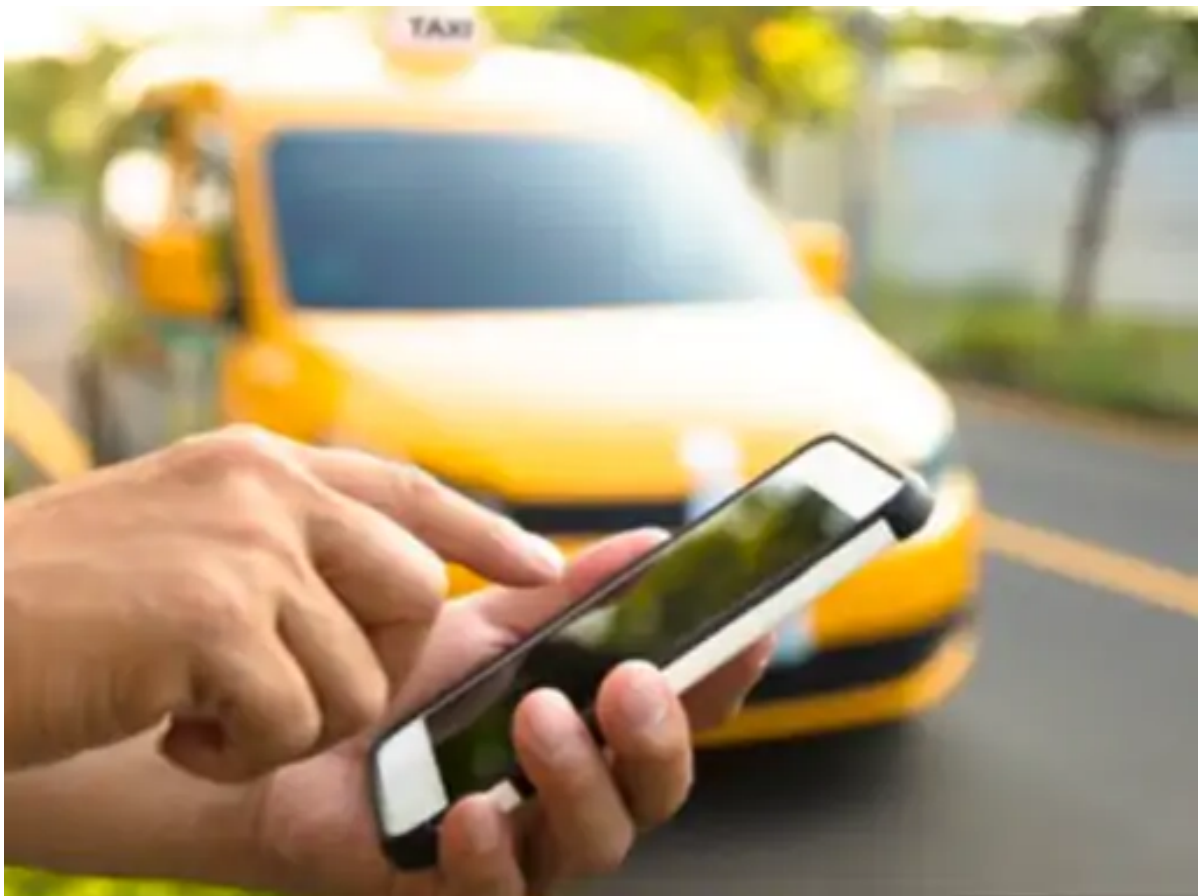
# You can get compensation for wrong deduction of cancellation charge | रसरंग में आपके अधिकार: कैंसलेशन चार्ज की गलत कटौती पर पा सकते हैं मुआवजा

[bhaskar.com/magazine/rasrang/news/you-can-get-compensation-for-wrong-deduction-of-cancellation-charge-133754658.html](https://bhaskar.com/magazine/rasrang/news/you-can-get-compensation-for-wrong-deduction-of-cancellation-charge-133754658.html)

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## Your rights in Rasrang: You can get compensation for wrong deduction of cancellation charges

Gaurav Pathak 16 days ago



In our country too, the number of ride sharing apps and their users is increasing day by day. Most of these app companies claim that they are only technical platforms, which connect drivers with passengers/riders. For this, they take a part of the drivers' earnings as their fee. As a result, they refuse to take responsibility for any deficiency in service. Today, in this column, we know how the consumer commissions faced such arguments of the apps and what kind of orders were passed in favor of the consumer.

**Under which rule do the cases fall?** The Consumer Protection (E-Commerce) Rules, 2020 have been framed under the Consumer Protection Act. These rules apply to goods and services sold on digital or electronic networks. Importantly, these rules apply to "all models of e-commerce, including marketplace and inventory models of e-commerce." Therefore, the argument that ride sharing apps are merely technology platforms is rejected. Some companies have even claimed that since they are not incorporated in India, they are not covered under the law here. However, the Consumer Protection (E-Commerce) Rules, 2020 also apply to foreign companies doing business in India and it is mandatory to appoint a nodal officer to ensure compliance with the rules. Therefore, it is clear that any app providing cab hailing service in India is covered under the Act. In *Uber India vs Mukesh Bansal*, the Himachal Pradesh State Commission analysed the Consumer Protection (E-Commerce) Rules, 2020 in June 2024 and held that despite being a foreign company, Uber "can be held liable for the actions of its independent contractor (i.e. drivers associated with it)."

**Under Section 2(9)(ii) of the Act, the consumer has the right to be informed about the price of the services in case of a fare hike .** Under Section 2(6)(iv) of the Act, if a display charges more than the price, the consumer can file a complaint against it. In 2021, a Mumbai lawyer filed a consumer complaint after his cab fare was hiked by Rs 62. He alleged that this was an unfair trade practice as the cab company had hiked the fare without any reason. The district commission agreed with the argument and ordered Ola Cabs to pay Rs 10,000 as compensation and Rs 5,000 as litigation costs to the lawyer.

**On wrong deduction of cancellation charges,** it often happens that the driver not only refuses to pick up but also refuses to provide service. In such a situation, the consumer is forced to cancel the trip on his own. But on doing so, the cab app charges cancellation charges. In this case, a consumer filed a case against a cab app before the District Commission in Telangana. Holding that the app wrongly charged the cancellation charge, the cab app was directed to refund the amount of Rs 27.44 and Rs 37.45 to the complainant.

**Unprofessional conduct of driver** A consumer books a cab with the expectation that he will be picked up on time and dropped off at a reasonable time. If this does not happen, it is a 'deficiency in service' under Section 2(11) of the Act. A district commission in Mumbai in 2022 ordered a cab app to pay Rs 20,000 to a woman as she missed her flight to Chennai due to the negligence and unprofessional conduct of the driver. In *Uber India vs Mukesh Bansal* too, the state commission dismissed Uber's appeal and upheld the compensation of Rs 15,000 awarded to the consumer by the district commission.

**(The author is also the Secretary, CASC.)**

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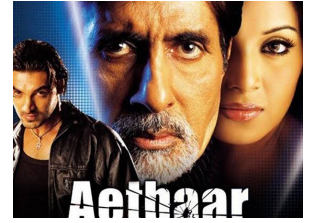
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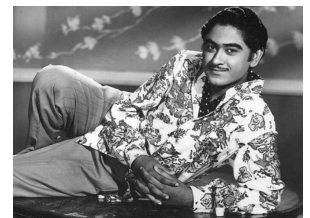
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