

## **Airlines - Deficiency of service - 'Gate No Show'**

Airlines - Deficiency of service - 'Gate No Show' - Boarding pass issued - After boarding pass is issued, the passenger is expected to proceed towards security channel area and head towards specified boarding gate on his own - There is no contractual obligation on the airlines to escort every passenger, after the boarding pass is issued to him at the check-in counter, up to the boarding gate - Airlines issuing boarding passes cannot be made liable for the misdeeds, inaction or so to say misunderstanding caused to the passengers, until assistance is sought from the ground-staff of the airlines at the airport well in time - Consumer Protection Act, 1986 (68 of 1986). *Held, Concededly, it is the primary obligation of the passenger, who has been issued boarding pass to undergo the security-check procedure and reach at the boarding gate well before (at least 25 minutes before) the scheduled departure time - It is not the case of the respondents that they were delayed during the security check much less due to the acts of commission or omission of the ground-staff of the Airlines - In fact, nothing has been stated in the complaint or the evidence as to what activities were undertaken by the respondents after issue of boarding passes at the check-in counter at 07:35 a.m. until the departure of the flight and in particular, closure of the boarding gate at 08:58 a.m. - The respondents having failed to take any initiative to ensure that they present themselves at the boarding gate before the scheduled time and considering the layout of the check-in counter upto the boarding gate, the respondents cannot be heard to complain about the deficiency in service by the ground-staff - Notably, the distance between the check-in counter, where boarding passes were issued, upto the boarding gate is so insignificant (10 metres) that there could be no just reason for the respondents not to report at the boarding gate between 07:35 a.m. till 08:58 a.m. Further held, Indeed, in a given case, if the passenger encounters difficulty or impediment to report at the boarding gate, he/she is expected to seek assistance of the ground-staff of the concerned airlines well in time. If such request is made, there is no reason to presume that the ground-staff of the concerned airlines will not extend logistical assistance to facilitate the passenger for reporting at the boarding gate in time. That, however, would be a matter to be enquired into on case to case basis. That question does not arise in the present case, as no such plea has been taken in the complaint or the evidence given on behalf of the respondents. Judgement passed in Dr. Bikas Roy v. Interglobe Aviation Ltd. (IndiGo), Decided on 22.2.2018 in Appeal Case No. A/42/2017, decided by the National Commission taking the view that after issuing boarding pass, it is the duty of the airlines' authority to help the passengers, so that they can board the flight well in time on completion of the security check-up, is a sweeping observation. We do not agree with the same.*

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