

## NEED TO REGULATE HOILDAY RESORTS

A time has come when the multi-crore holiday resort business is regulated by a separate agency or by amending the Consumer Protection Act to include transactions relating to holiday resorts. For, hundreds of consumers are being taken for a ride in the name of providing holiday homes in prestigious tourist places. While the Consumer Forums have washed off their hands, consumers are left with no other legal remedy except approaching Trade Practices Commission (MRTPC). Very soon the MRTPC will be defunct with the establishment of the Competition Commission.

In one of the cases decided by the MRTPC, a prestigious company dealing with holiday homes has been pulled up for having indulged in unfair trade practices. The members namely Mrs Belu Syal had paid Rs1, 10,000 for a time share at the Chapora Fort Resort, Goa. Despite getting a confirmation from the company the members were denied timeshare for the simple reason that the resort had not yet been built. The alternative offer of the company in a different resort could not be availed by the members due to short notice.

A complaint was filed before the MRTPC for recovery of the amount along with interest. The resort company argued that the member is not a consumer and hence the complaint not maintainable. But the MRTPC took a different view. It said though the MRTP Act does not define a consumer, the definition as used in the CPA is applicable. It also said that providing boarding and lodging facilities is a 'service' as contemplated in the CPA.

The MRTPC found that even after seven years of reaching into an agreement, the resort was not built. As a result, the member could not use the facility for three years. Hence the MRTPC came to the conclusion that the resort company had collected payments without providing the facility which was an unfair trade practice within the meaning of the MRTP Act. As a result, the members had to face hardship and inconvenience and consequently suffered loss. In its order the MRTPC has asked the company to refund the sum of Rs1,10,000 with interest at 12 per cent p.a. in addition to Rs 10,000 as costs incurred by the consumers. However the commission has declined to give any monetary award towards mental agony and harassment.

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