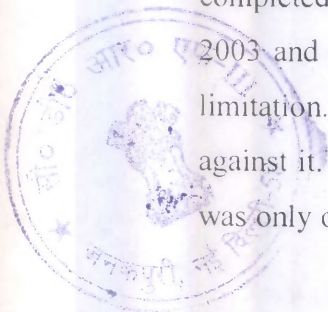


complainant's society as per advice on 28.3.00 by draft which was acknowledged by OP. As per scheme framed by erstwhile Delhi vidhyut Board in short referred as DVB society earmarked space for erecting bay/panel for installation of 2 numbers of transformers as advised and execution took place but not completed by DVB and only one transformer was installed instead of two. DVB informed that they would install the second transformer in due course as for the time being one number of transformer would meet the requirement. In spite of various repeated requests it was not done and so requests were made to BSES since 25.2.05 OP estimated Rs.771458/-.

As installation cost of second transformer but again nothing happened thereafter and complainant sent a letter to OP on 20.10.08 thereby asking for installation of second transformer or to refund the amount paid by the complainant to erstwhile DVB. Nothing substantial happened hereafter and on the personal meeting officer of the OP accepted his obligation to instal second transformer but does not commit any time frame for the same. Being aggrieved by the in action of OP, complainant has filed the present complaint before us.

Notice was issued and pleadings are complete before us by the parties. We have heard the arguments and have also gone through the record filed by the parties before us. OP has filed their reply and supplementary reply as well and the main contention and defence of OP is that there is no deficiency on their part as it is not the case of the complainant that he was not getting electricity properly or the transformer is not functioning properly or was defective. OP has stated that they have installed second transformer in the year 2010 itself and there is, therefore, no cause of action or deficiency that can be attributed to them. Another defence of OP is that the complaint is barred by limitation as admittedly payment for both the transformers were made to the erstwhile DVB which completed the electrification and also installed the first transformer in the year 2002 and 2003 and the present complaint is being filed in May 2010 and, therefore, barred by limitation. OP has also contested its case that there is no cause of action that has arisen against it. It is submitted that as already the first transformer was installed by DVB it was only on 25.2.05 that complainant society wrote to OP informing and admitting that



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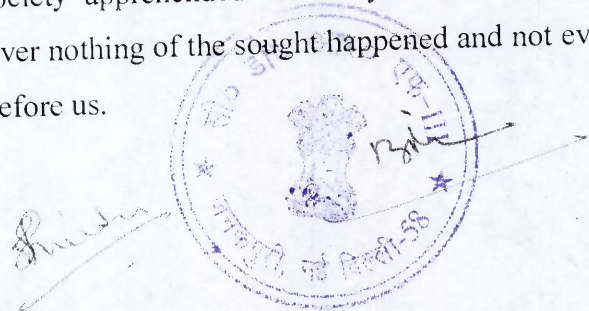
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as on date the occupancy level of the society was 40 out of 75 flats and the request was made to OP to install the second transformer so as to avoid any discomfort to the members of the society. It is further stated by the OP that in the letter it was admitted that complainant was informed that the second transformer will be installed in due course depending upon the occupancy level in the society flats and its only now at this belated stage they are raising this issue of noninstallation of the second transformer. OP has also contested its case on the grounds that electrification schemes, such schemes including DDA Housing Scheme initially only one transformer out of provision of two transformers is installed till occupancy level of the housing complex /flats and loading on one transformer increases to 60 to 70% of its capacity. This is so because at low lodge the efficiency of the transformer is low and electrical iron losses are on the higher side which do not go into billing and are at a loss to the utility i.e, loss of power. It is also stated by OP that since electrification cost included development case which was paid by the complainant to erstwhile DVB and as such OP had already installed the second transformer without any charges then the complaint of its refund does not arise.

In view of above facts and circumstances, only question that remains to be decided by us is with regard to any deficiency that can be attributable towards OP and quantum of compensation that needs to be paid to the complainant if the answer to the above is affirmative.

On the basis of the above facts in our view we do not find any deficiency on part of the OP as nowhere complainant has explained as to how the society and its members suffered due to installation of only one transformer. It is not the case of the complainant that as second transformer was not installed there was heavy overload on the single transformer or it got burnt due to over load or power supply of the society got disrupted.

To our understanding one transformer installed was sufficiently catering to the requirements of the society and as second transformer was not installed with the first transformer, complainant society apprehended that they may suffer or face some difficulty because of this, however nothing of the sought happened and not even pleaded or proved by the complainant before us.



Accordingly in view of the above discussion and facts of the case, we do not find any deficiency on the part of the OP and , therefore, case is dismissed.

A copy of this order as per the statutory requirements be forwarded to the parties free of charge. Thereafter, the file be consigned to the Record Room.

(Handwritten Signature)
(URMILA GUPTA)
MEMBER

(Handwritten Signature)
(SMITA SHANKAR)
MEMBER

(Handwritten Signature)
(BIMLA MAKIN)
PRESIDENT

Certified True Copy
(Handwritten Signature)
14/2/13
READER
District Forum-III

