

**Udyog Sadan Qutub Institutional Area New Delhi-16
Heading2**

**Complaint Case No. CC/332/2022
(Date of Filing : 11 Nov 2022)**

1. RAVINDRA KUMAR SINGH
B-256/3, TIGRI EXTENSIO, NEW DELHI-110062.Complainant(s)
Versus

1. VOLTAS LTD.
A-43, MOHAN CO-OPERATIVE INDUSTRIAL ESTATE,
MATHURA ROAD, NEW DELHI-110044.Opp.Party(s)

BEFORE:

**Monika Aggarwal Srivastava PRESIDENT
Dr. Rajender Dhar MEMBER
Ritu Garodia MEMBER**

PRESENT:

Dated : 07 Jun 2024

Final Order / Judgement

.

CONSUMER DISPUTES REDRESSAL COMMISSION – X

GOVERNMENT OF N.C.T. OF DELHI

Udyog Sadan, C – 22 & 23, Institutional Area

(Behind Qutub Hotel)

New Delhi – 110016

Case No.332/2022

RAVINDER KUMAR SINGH

B-256/3 TIGRI EXTENSION,

NEW DELHI - 110062

....COMPLAINANT

Vs.

VOLTAS LTD.

A-43, MOHAN CO-OPERATIVE INDUSTRIAL ESTATE,

MATHURA ROAD, NEW DELHI – 110044**.....RESPONDENT****Date of Institution-****11.11.2022****Date of Order- 07.06.2024****ORDER****DR. RAJENDER DHAR-MEMBER**

1. The complaint pertains to deficiency in service on the part of OP with respect to selling defective/ faulty deep freezer to the complainant.
2. Brief facts as stated in the complaint are that complainant has purchased a deep freezer of Voltas Make Company on 23.09.2019 from M/s Bunt Music Centre, H-2/20, Madangir, New Delhi-110062 for Rs.20,000/- who is the authorized dealer of OP.
3. Complainant has further stated that on 25.07.2022, the deep freezer stopped working all of a sudden and on 27.07.2022, the complainant, complained about it to the Voltas service centre. It is further stated by complainant that OP sent mechanic from their service centre, and after checking the deep freezer the mechanic informed the complainant that the compressor was not working and there is a leakage of gas and the mechanic filled the gas in the compressor. This was done two to three times despite that the leakage of gas did not stop and thereafter the said mechanic changed the compressor but the leakage of gas was continued. Complainant has also enclosed various emails exchanged between him and the OP. Perusal of the emails sent by complainant to OP clearly reflects that the gas in the compressor was filled/ refilled two to three times but despite that leakage continued to happen due to which the complainant suffered huge monetary loss of about Rs.40,000/- to Rs.45,000/- as the delicate items like milk, curd, butter, buttermilk etc. got spoiled.
4. Complainant has also sent an email dated 19.09.2022 to OP stating that despite refilling the gas in the compressor the leakage problem has not been resolved and freezer is not working. He also informed the Voltas that as per the mechanic report the cabinet of the deep freezer is required to be changed since, the leakage of the gas is from the cabinet.
5. It is further stated by the complainant that the mechanic also informed the complainant on 22.09.2022 that no spare parts of cabinet or outer cover are available since the company (OP) is not manufacturing these type of parts/ cabinet anymore. The complainant also informed the OP about loss of Rs.40,000/- to Rs.45,000/- due to non-working of the deep freezer as the delicate items like milk, curd, butter, buttermilk etc. got spoiled.
6. It is further stated by the complainant that OP in their email dated 17.10.2022 have informed the complainant that he may select a different model and 50% of the amount of the old freezer i.e. Rs.10,000/- can be adjusted against the new purchase.
7. It is further submitted by the complainant that two representatives of OP namely Shri Kuldeep and Shri Umesh informed the complainant that up to 23.09.2022 or prior to that OP may give him refund of 50% of the total cost of deep freezer and in case it is done beyond 23.09.2022 in that case, the complainant will get only 20% of the invoice value as refund.

8. Complainant has prayed that he should be provided with replacement of deep freezer or the same may be rectified.
9. Notice dated 20.02.2023 was sent to OP which was delivered on 25.02.2023 as per the track report placed in the file. OP was provided one more opportunity to appear and defend his case. Since, there was no appearance, accordingly, OP was proceeded Ex-parte vide order dated 07.07.2023.
10. Complainant has filed Ex-parte evidence by way of affidavit and has exhibited the following documents:
 - i. Copies of the complaint are exhibited as **Ex.CW-1/A(Colly)**.
 - ii. Copy of email is exhibited as **Ex.CW1/B**.
 - iii. Signature of complainant and complaint is exhibited as **Ex.CW1/C**.
11. Complainant has filed written submissions and reiterated his complaint.
12. It is true that the complainant had purchased deep freezer from M/s Bunty Music Centre for which he has paid Rs.20,000/-. Invoice no.058 dated 23.09.2019 issued by M/s Bunty Music Centre has also enclosed by the complainant which shows the purchasing price of Voltas deep freezer 320 liter is Rs.20,000/-. The complainant has also enclosed various chats and emails to which OP has also responded. It is also seen that the deep freezer purchased by the complainant had repeated leakage of gas from the compressor, mechanic/technician of service centre of OP visited and refilled the gas two to three times despite that the leakage did not stop, thereafter, the compressor was also changed but leakage did not stop.
13. Email dated 19.09.2022 sent by complainant to the OP in which he has mentioned that the mechanic/ technician of OP visited on 12.09.2022 and informed the complainant that the leakage is from the cabinet of the deep freezer and the cabinet needs to be replaced/changed but also informed the complainant that the OP company does not manufacture these types of cabinet/ parts anymore.
14. Under these circumstances, it is clear that OP has washed of his responsibilities by simply ignoring the complaint and has not taken any initiative in redressing the complaint of the complainant, neither refund has been given nor the faulty deep freezer has been replaced/ repaired properly. The complainant has spent Rs.20,000/- for the purchase of the deep freezer which became faulty for two years and despite changing the compressor by OP the leakage did not stop. Faulty/ non-functional deep freezer lead to the financial loss of Rs.40,000/- to Rs.45,000/- which was primarily due to non-working of the deep freezer as the delicate items like milk, curd, butter, buttermilk etc. got spoiled.
15. It is also seen that complainant has not substantiated his monetary loss ranging from Rs.40,000/- to Rs.45,000/- as no documents to this effect have been filed by him. It is also seen that the quantity of spoiled items (milk products) have also not been mentioned in order to assess the financial loss suffered by the complainant.
16. This Commission is of considered opinion that OP has defaulted in their services. Since, neither replacement of deep freezer has been provided nor refund has been given to the complainant. Ends of justice would be met if some component of financial loss is provided to the complainant. Therefore, OP is guilty of deficiency of services. Hence, OP is directed to pay:-
 - i. An amount of Rs.20,000/- along with interest @7% per annum for the loss of damage items due to non- functioning of deep freezer.

ii. An amount of Rs.15,000/- as compensation.

17. Order to be uploaded and to be complied with within 30 days from the date of the order.
File consigned to record room.

[Monika Aggarwal Srivastava]
PRESIDENT

[Dr. Rajender Dhar]
MEMBER

[Ritu Garodia]
MEMBER