

Ombudsman Scheme for Digital Transactions, 2019

I. RBI, through their notification bearing Ref. CEPD. PRS. No. 3370 /13.01.010/ 2018-19 dated 31st January, 2019, has notified Ombudsman Scheme for Digital Transactions, 2019 (hereinafter referred to as “the RBI ODT Scheme”) providing for a mechanism of Ombudsman for redressal of complaints against deficiency in services related to digital transactions. Salient features of the scheme, which has come into force on 31st January, 2019, are as under.

1. Object of the Scheme: - To facilitate satisfaction or settlement of complaints regarding digital transactions undertaken by customers of System Participants (such as our Bank) as defined under the Scheme.
2. Appointment of Ombudsman for digital transactions (ODT) :- RBI has appointed ODT in most of the state capitals with defined jurisdiction. Following appointments are directly relevant for our Bank.
 - i. ODT, Mumbai (I):- C/o RBI 4th Floor, RBI Byculla Office Building, Opp. Mumbai Central Railway Station, Byculla, Mumbai-400 008 STD Code: 022 Tel No. 23022028 Fax : 23022024 (For Mumbai, Mumbai Suburban)
 - ii. ODT, Mumbai (II):- C/o RBI, 4th Floor, RBI Byculla Office Building, Opp. Mumbai Central Railway Station, Byculla, Mumbai-400 008 STD Code: 022 Tel. No. 23028140 Fax No 23022024 (for Goa and Maharashtra, except the districts of Mumbai, & Mumbai Suburban).
 - iii. ODT, Ahmedabad:- C/o RBI, La Gajjar Chambers, Ashram Road Ahmedabad-380 009 STD Code: 079 Tel. No. 26582357/26586718 Fax No. 26583325 Click here to lodge complaint Gujarat, Union Territories of Dadra and Nagar Haveli, Daman and Diu 2. Bengaluru C/o RBI, 10/3/8, Nrupathunga Road Bengaluru -560 001 STD Code: 080 Tel. No. 22210771/22275629 Fax No. 22244047
 - iv. ODT, Bengaluru:- C/o RBI, 10/3/8, Nrupathunga Road Bengaluru -560 001 STD Code: 080 Tel. No. 22210771/22275629 Fax No. 22244047.
3. Deputy Governor in charge of the Department of RBI implementing the Scheme is the Appellate Authority under the scheme.
4. A ‘System Participant’ means any person participating in a payment system excluding a ‘System Provider’
5. ‘Digital Transaction’ has been defined as a payment transaction in a seamless system effected without the need for cash at least in one of the two legs, if not in both. This includes transactions made through digital / electronic modes wherein both the originator and the beneficiary use digital / electronic medium to send or receive money.
6. A person having grievance/s regarding deficiency in service by the System Participants may make a complaint, which means any representation in writing or through electronic means.

7. A complainant may appoint & authorise a person (other than an advocate) to act on his / her behalf and represent him / her in the proceedings under the "RBI ODT Scheme" before the ODT as well as Appellate Authority for consideration of his / her complaint.
8. The ODT shall receive and consider complaints relating to deficiency in service on the grounds mentioned in Para II below, irrespective of the monetary value. He / She shall, to the satisfaction of the parties involved, dispose of the complaint through:
 - i. Settlement by agreement between parties; OR
 - ii. Conciliation and mediation between parties; OR
 - iii. Passing an Award as per the provisions of the Scheme.

II. GROUNDS OF COMPLAINT

Any person may file a complaint free of cost with the ODT having jurisdiction on any one of the following grounds alleging deficiency in service:

1. Prepaid Payment Instruments: Not applicable to us in Abhyudaya Bank.

2. Mobile / Electronic Fund Transfers: Non-adherence to the instructions of RBI on Mobile / Electronic fund transfers by System Participants on any of the following:

- i) Failure to effect online payment / fund transfer within reasonable time;
- ii) Unauthorized electronic fund transfer;
- iii) Failure to act upon stop-payment instructions within the time frame and under the circumstances notified to the customers within prescribed timeline;
- iv) Failure to reverse the amount debited from customer account in cases of failed payment transactions within prescribed timeline;
- v) Non-adherence to any other instruction of RBI on Mobile / Electronic fund transfers.
- vi) Non-adherence to instructions of RBI / respective System Provider to System Participants, on payment transactions through Unified Payments Interface (UPI) / Bharat Bill Payment System (BBPS) / Bharat QR Code / UPI QR Code on the following grounds:
 - a) Failure in crediting funds to the beneficiaries' account;
 - b) Failure to return within reasonable time the payment to the originating member in case of failure to credit the funds to the beneficiary's account;
 - c) Failure to / delay in refund of money back to account in case of transaction failure or declined transactions (i.e. failed transactions);
 - d) Non-adherence to any other instruction of RBI on payment transactions / through Unified Payments Interface (UPI) / Bharat Bill Payment System (BBPS)/ Bharat QR Code / UPI QR Code.
- vii) Non-reversal / failure to reverse within reasonable time, funds wrongly transferred to the beneficiary account due to lapse at the end of System Participant.
- viii) Any other matter relating to the violation of the directives including on fees / charges, if any, issued by RBI in relation to digital transactions.

III. PROCEDURE FOR FILING COMPLAINT

1. Any person who has a grievance on any one or more of the grounds mentioned above may, himself or through his authorised representative (other than an advocate), make a complaint to the ODT within whose jurisdiction the branch or office of the System Participant complained against is located.

Provided that a complaint arising out of services with centralized operations, shall be filed before the ODT within whose territorial jurisdiction the billing / declared address of the customer is located.

2.
 - i) The complaint in writing shall be duly signed by the complainant or his authorized representative and shall be, as far as possible, in the form specified in Annexure 'A' or as near as thereto as circumstances admit, stating clearly:
 - a) The name and the address of the complainant;
 - b) The name and address of the branch or office of the System Participant against which the complaint is made;
 - c) The facts giving rise to the complaint;
 - d) The nature and extent of the loss caused to the complainant; and
 - e) The relief sought for.
 - ii) The complainant shall file along with the complaint, copies of the documents, if any, which he / she proposes to rely upon.
 - iii) A complaint made through electronic means may be accepted by the ODT.
 - iv) The ODT may also entertain complaints covered under this Scheme received by Central Government or RBI and forwarded to the ODT for disposal.
3. No complaint will be entertained by the ODT unless:
 - i) The complainant had, before making a complaint to the ODT,
 - (a) Made a written representation to the System Participant who had rejected the complaint, or,
 - (b) The complainant had not received any reply within a period of one month after the System Participant received her/his representation, or,
 - (c) The complainant is not satisfied with the reply given to her/him by the System Participant;
 - ii) The complaint is made not later than one year after the complainant has received the reply of the System Participant to her/ his representation or, where no reply is received, not later than one year and one month after the date of the representation to the System Participant;
 - iii) In exceptional circumstances as may be decided by the ODT, the complaint (made later than one year after the complainant has received the reply of the system participant, but) is made before the expiry of the period of limitation prescribed under the Indian Limitation Act, 1963 for such claims.
 - iv) The complaint is not in respect of the same cause of action which was settled or dealt with on merits by the ODT in any previous proceedings, whether or not received from the same complainant or along with one or more complainants or one or more of the parties concerned with the cause of action;

- v) The complaint does not pertain to the same cause of action, for which any proceedings before any court, tribunal or arbitrator or any other forum is pending or a Decree or Award or Order has been passed by any such Court, Tribunal, Arbitrator or Forum;
- vi) The complaint is not frivolous or vexatious in nature;
- vii) The complaint does not fall under the disputes covered under Section 24 of the Payment and Settlement Systems Act, 2007; and
- viii) The complaint does not pertain to disputes arising from a transaction between customers.

IV. POWER TO CALL FOR INFORMATION

1. For the purpose of carrying out his duties under this Scheme, the ODT may require the System Participant against whom the complaint is made or any other System Participant concerned with the complaint, to provide any information or furnish certified copies of any document relating to the complaint which is or is alleged to be in its possession.

Provided that **in the event of failure of a System Participant to comply with the requisition without sufficient cause, the ODT may, if he/ she deems fit, draw the inference that the information, if provided, or copies if furnished, would be unfavourable to the System Participant. (This means that our failure to furnish information or certified copies will lead the ODT to conclude that we have something to hide & may therefore rule against us).**

V. SETTLEMENT OF COMPLAINT BY AGREEMENT

1. The ODT may send a copy of the complaint to the branch or office of the System Participant named in the complaint, under advice to the Nodal Officer designated by the latter and try to bring about a settlement of the complaint by agreement between the complainant and the System Participant through conciliation or mediation.
2. The ODT may follow such procedure for mediation/conciliation as he considers just and proper. The ODT shall provide an opportunity to the complainant to furnish his/her submissions in writing along with documentary evidence within a time limit on the written submissions made by the System Participant.
3. Where the ODT is of the opinion that the documentary evidence furnished and written submissions by both the parties are not conclusive enough to arrive at a decision, he may call for a meeting of System Participant and the complainant together, to promote an amicable resolution.
4. Where such a meeting is held and it results in a mutually acceptable resolution of the grievance, the proceedings of the meeting shall be documented and signed by the parties specifically stating that they are agreeable to the resolution and thereafter the ODT shall pass an order recording the fact of settlement annexing thereto the terms of the settlement.

5. The ODT may deem the complaint as resolved, in any of the following circumstances:
 - i) Where the grievance raised by the complainant has been resolved by the System Participant with the intervention of the ODT; or
 - ii) The complainant agrees, whether in writing or otherwise, to the manner and extent of resolution of the grievance provided by the ODT based on the conciliation and mediation efforts; or
 - iii) In the opinion of the ODT, the System Participant has adhered to the norms and practices in vogue and the complainant has been informed to this effect through appropriate means and complainant's objections, if any, to the same are not received by the ODT within the time frame provided.
6. The proceedings before the ODT are summary in nature.

VI. AWARD

1. If a complaint is not settled by agreement within a period of one month from the date of receipt of the complaint or such further period as the ODT may allow the parties, he may, after affording the parties a reasonable opportunity to present their case, pass an Award.
2. The ODT shall consider the evidence placed before him by the parties, the principles of banking law and practice, directions, instructions and guidelines issued by RBI from time to time and such other factors which in his opinion are relevant to the complaint.
3. The Award shall state briefly the reasons for passing the Award.
4. The Award shall contain the direction/s, if any, to the System Participant for specific performance of its obligations and in addition to or otherwise, the amount, if any, to be paid by the System Participant to the complainant by way of compensation for any loss suffered by the complainant, arising directly out of the act or omission of the System Participant.
5. The ODT shall not have the power to award compensation which is more than the actual loss suffered, or two million rupees whichever is lower. The compensation that can be awarded by the ODT shall be exclusive of the amount involved in the dispute.
6. The ODT may also award compensation in addition to the above but not exceeding rupees 0.1 million to the complainant, taking into account the loss of the complainant's time, expenses incurred by the complainant, harassment and mental agony suffered by the complainant.
7. A copy of the Award shall be sent to the complainant and the System Participant free of cost.
8. An Award shall lapse and be of no effect unless the complainant furnishes to the System Participant concerned within a period of 30 days from the date of receipt of copy of the Award, a letter of acceptance of the Award in full and final settlement of

his/her claim. However, such an acceptance will not be necessary by the complainant if he has filed an Appeal.

9. The System Participant shall, within one month from the date of receipt by it of the acceptance in writing of the Award by the complainant, comply with the Award and intimate compliance to the ODT, unless it has preferred an appeal.
10. It shall be the obligation of the System Participant concerned to implement the settlement arrived with the complainant or the Award passed by the ODT when it becomes final and send a report in this regard to RBI within 15 days of the Award becoming final. In the event of non-implementation of settlement or the Award, the complainant may represent to the RBI and RBI may initiate such action under the provisions of applicable Statutes, as it deems fit.

VII. REJECTION OF THE COMPLAINT

1. The ODT may reject a complaint at any stage if it appears to him that the complaint made is;
 - i) Not on permissible grounds as listed in the “RBI ODT Scheme”; or
 - ii) Not in accordance with clauses in the “RBI ODT Scheme” regarding prior non-exhaustion of the remedy of direct complaint to the System Participant, limitation or its exceptions etc; or
 - iii) Beyond the limit of compensation prescribed under “RBI ODT Scheme”: or
 - iv) Requiring consideration of elaborate documentary and oral evidence and the proceedings before the ODT not being appropriate for adjudication of such complaint; or
 - v) Without any sufficient cause; or
 - vi) Not pursued by the complainant with reasonable diligence; or
 - vii) In the opinion of the ODT, there is no loss or damage or inconvenience caused to the complainant.
2. The ODT, shall, if it appears at any stage of the proceedings that the complaint pertains to the same cause of action, for which any proceedings before any court, tribunal or arbitrator or any other forum is pending or a decree or Award or order has been passed by any such court, tribunal, arbitrator or forum, pass an order rejecting the complaint giving reasons thereof.

VIII. APPEAL BEFORE THE APPELLATE AUTHORITY

1. Party to the complaint aggrieved by an Award or rejection of a complaint, may within 30 days of the date of receipt of communication of Award or rejection of complaint, prefer an appeal before the Appellate Authority.
Provided that, in case of appeal by the System Participant, the period of thirty days for filing an appeal shall commence from the date on which the System Participant receives letter of acceptance of Award by complainant.
Provided that the Appellate Authority may, if satisfied that the applicant had sufficient cause for not making the appeal within time, allow a further period not exceeding 30 days.

Provided further that appeal may be filed by a System Participant only with the previous sanction of the Chairman or, in his absence, the Managing Director or the Executive Director or the Chief Executive Officer or any other equivalent officer.

2. The Appellate Authority shall, after giving the parties a reasonable opportunity of being heard:
 - i) Dismiss the appeal; or,
 - ii) Allow the appeal and set aside the Award; or,
 - iii) Remand the matter to the ODT for fresh disposal in accordance with such directions as the Appellate Authority may consider necessary or proper; or,
 - iv) Modify the Award and pass such directions as may be necessary to give effect to the Award so modified; or,
 - v) Pass any other order as it may deem fit.
3. The order of the Appellate Authority shall have the same effect as the Award passed by the ODT or the order rejecting the complaint, as the case may be.

**FORM OF COMPLAINT
(TO BE LODGED WITH THE OMBUDSMAN FOR DIGITAL
TRANSACTIONS(ODT))**

(TO BE FILLED UP BY THE COMPLAINANT)

To:

The Ombudsman for Digital Transactions

Place of Ombudsman office.....

Dear Sir,

Sub: Complaint against (Name of the branch of System Participant) of
.....(Name of the System Participant)

Details of the complaint are as under:

1. Name of the Complainant

2. Full Address of the Complainant

..... Pin Code.....

Phone No/ Fax No Email

3. Complaint against (Name and full address of the branch/ System Participant)

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.....

Pin Code Phone No. / Fax No.....

4. Particulars of branch/ System Participant (If any)

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(Please state the number and the nature of the wallet / instrument related to the subject matter of the complaint being made.)

5. (a) Date of representation already made by the complainant to the System Participant

(Please enclose a copy of the representation)

(b) Whether any reminder was sent by the complainant? YES/NO

(Please enclose a copy of the reminder).....

6. Subject matter of the complaint *(Please refer to Clause 8 of the Scheme)*

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7. Details of the complaint:

(If space is not sufficient, please enclose separate sheet)

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8. Whether any reply (Within a period of one month after the System Participant concerned received the representation) has been received from the System Participant? Yes/ No

(if yes, please enclose a copy of the reply)

9. Nature of Relief sought from the Ombudsman

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(Please enclose a copy of documentary proof, if any, in support of your claim)

10. Nature and extent of monetary loss, if any, claimed by the complainant by way of compensation (please refer to clauses 12 (5) & 12 (6) of the Scheme) Rs.....

11. List of documents enclosed:

(Please enclose a copy of all the documents)

12. Declaration:

- (i) I/ We, the complainant/s herein declare that:
 - a) the information furnished herein above is true and correct;
 - and
 - b) I/We have not concealed or misrepresented any fact stated in the above columns and in the documents submitted herewith.
- (ii) The complaint is filed before expiry of period of one year reckoned in accordance with the provisions of Clause 9(3)(a) and (b) of the Scheme.
- (iii) The subject matter of the present complaint has never been brought before the Office of the Ombudsman by me / us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.
- (iv) The subject matter of the present complaint has not been decided by/pending with any forum / court / arbitrator.
- (v) The complaint does not fall under the disputes covered under Section 24 of the Payment and Settlement Systems Act, 2007.
- (vi) The complaint does not pertain to disputes arising from a transaction between customers.
- (vii) I / We authorise the System Participant to disclose any such information / documents furnished by us to the Ombudsman for Digital Transaction and disclosure whereof in the opinion of the Ombudsman is necessary and is required for redressal of our complaint.
- (viii) I / We have noted the contents of the Ombudsman Scheme for Digital Transactions 2019.

Yours faithfully,

(Signature of Complainant)

NOMINATION – (If the complainant wants to nominate his representative to appear and make submissions on his behalf before the Ombudsman for Digital Transactions or to the Office of the Ombudsman for Digital Transactions, the following declaration should be submitted.)

I/We the above named complainant/s hereby nominate Shri / Smt who is not an Advocate and whose address is as my / our REPRESENTATIVE in all proceedings of this complaint and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He / She has signed below in my presence.

ACCEPTED

(Signature of Representative)

(Signature of Complainant)

Note: If submitted online, the complaint need not be signed.