

WESTERN CAPITAL ADVISORS PRIVATE LIMITED
THE RESERVE BANK - INTEGRATED OMBUDSMAN SCHEME, 2021

The Reserve Bank of India, to make the alternate dispute redress mechanism simpler and more responsive to the customers of entities regulated by it, has integrated the three Ombudsman schemes – (i) the Banking Ombudsman Scheme, 2006, as amended up to July 01, 2017; (ii) the Ombudsman Scheme for Non-Banking Financial Companies, 2018; and (iii) the Ombudsman Scheme for Digital Transactions, 2019 into the “**Reserve Bank - Integrated Ombudsman Scheme, 2021**” (the Scheme). The Scheme shall come into force from November 12, 2021.

SALIENT FEATURES

Grounds of Complaint

Any customer aggrieved by an act or omission of a Regulated Entity (RE) resulting in deficiency in service may file a complaint under the Scheme personally or through an authorised representative.

“Authorised Representative” means a person, other than an advocate, duly appointed and authorised in writing to represent the complainant in the proceedings before the Ombudsman.”

Grounds for non-maintainability of a Complaint

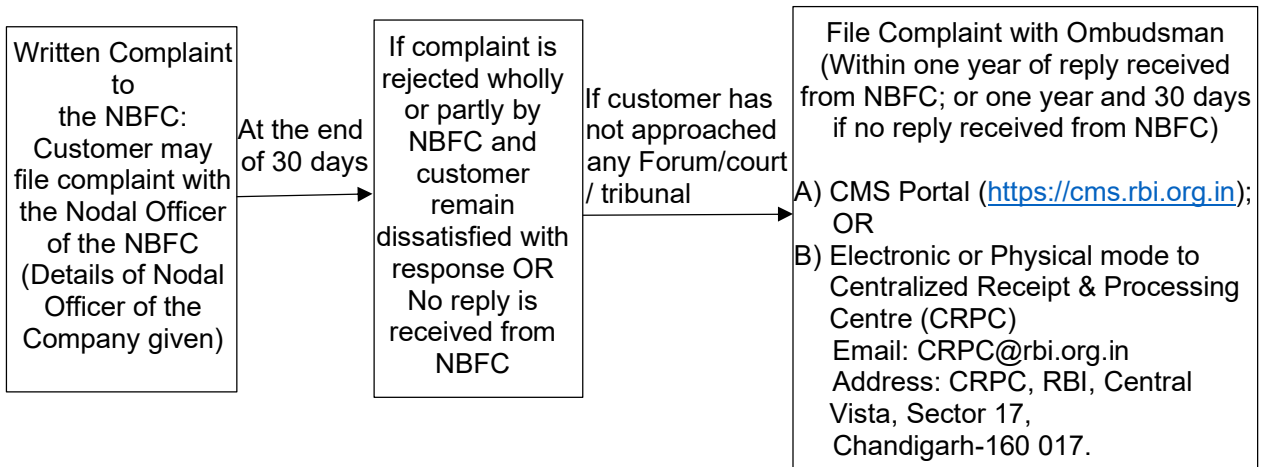
- (a) commercial judgment/commercial decision of a Regulated Entity;
- (b) a dispute between a vendor and a Regulated Entity relating to an outsourcing contract;
- (c) a grievance not addressed to the Ombudsman directly;
- (d) general grievances against Management or Executives of a Regulated Entity;
- (e) a dispute in which action is initiated by a Regulated Entity in compliance with the orders of a statutory or law enforcing authority;
- (f) a service not within the regulatory purview of the Reserve Bank;
- (g) a dispute between Regulated Entities; and
- (h) a dispute involving the employee-employer relationship of a Regulated Entity.

Complaint under the Scheme shall not lie unless

- (a) The complainant had, before making a complaint under the Scheme, made a written complaint to the Regulated Entity concerned and
 - (i) the complaint was rejected wholly or partly by the Regulated Entity, and the complainant is not satisfied with the reply; or the complainant had not received any reply within 30 days after the Regulated Entity received the complaint; and
 - (ii) the complaint is made to the Ombudsman within one year after the complainant has received the reply from the Regulated Entity to the complaint or, where no reply is received, within one year and 30 days from the date of the complaint.

- (b) the complaint is not in respect of the same cause of action which is already-
 - (i) pending before an Ombudsman or settled or dealt with on merits, by an Ombudsman, whether or not received from the same complainant or along with one or more complainants, or one or more of the parties concerned;
 - (ii) pending before any Court, Tribunal or Arbitrator or any other Forum or Authority; or, settled or dealt with on merits, by any Court, Tribunal or Arbitrator or any other Forum or Authority, whether or not received from the same complainant or along with one or more of the complainants/parties concerned;
- (c) the complaint is not abusive or frivolous or vexatious in nature;
- (d) the complaint to the Regulated Entity was made before the expiry of the period of limitation prescribed under the Limitation Act, 1963, for such claims;
- (e) the complainant provides complete information as specified in clause 11 of the Scheme;
- (f) the complaint is lodged by the complainant personally or through an authorised representative other than an advocate unless the advocate is the aggrieved person.

Procedure of Filing Complaint:



The complaint, if submitted in physical form, shall be duly signed by the complainant or by the authorised representative. The complaint shall be submitted in electronic or physical mode in such format and containing such information as may be specified by Reserve Bank.

How does Ombudsman take decision?

Proceedings before Ombudsman are summary in nature

Promotes settlement through facilitation or conciliation or mediation —————> If not reached, can issue Award/Order

Can a customer appeal, if not satisfied with decision of Ombudsman?

YES, If Ombudsman’s decision is appealable —————> Appellate Authority: Executive Director in-Charge of the Department of the Reserve Bank administering the Scheme.

Appeal Before Appellate Authority

The complainant aggrieved by an Award or rejection of a complaint by Ombudsman Office, may, within 30 days of date of receipt of award or rejection of complaint, prefer an appeal to Executive Director, Consumer Education & Protection Department (CEPD), RBI.

The Appellate Authority may, if it is satisfied that the complainant had sufficient cause for not making the appeal within the time, may allow a further period not exceeding 30 days.

NOTE:

- i. This is an Alternate Dispute Resolution mechanism.
- ii. Customer is at liberty to approach any other court/forum/authority for the redressal at any stage.
- iii. For further details of the Scheme please visit www.rbi.org.in or <https://cms.rbi.org.in>
- iv. Customer can avail the copy of the Ombudsman Scheme from the Branch Manager.

Details of Principal Nodal Officer (PNO) appointed by Company**Name & Address of Principal Nodal Officer**

Mr. Anirudh Saxena

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