

The Reserve Bank – Integrated Ombudsman Scheme, 2021

The Reserve Bank of India (“RBI”) in the interest of the customers of the entities regulated by it has integrated the existing three Ombudsman schemes of RBI namely, (i) the Banking Ombudsman Scheme, 2006; (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”) which provides cost free, simpler and more customers responsive alternate dispute redress mechanism.

Salient Features of the Reserve Bank – Integrated Ombudsman Scheme, 2021 is as follows:

1. Any customer aggrieved by an act or omission of a Regulated Entity resulting in Deficiency in Service can complaint under the Scheme.

“Deficiency in service” means a shortcoming or an inadequacy in any financial service or such other services related thereto, which the Regulated Entity is required to provide statutorily or otherwise, which may or may not result in financial loss or damage to the customer;

“Regulated Entity” shall means a bank or a Non-Banking Financial Company, or a System Participant or a Credit Information Company⁶ as defined in the Scheme, or any other entity as may be specified by the Reserve Bank from time to time; to the extent not excluded under the Scheme

2. Procedure for filling Complaint

(a) The RBI has established the Centralised Receipt and Processing Centre at such locations to receive the complaints filed under the Scheme and process them. The complaints under the Scheme made online shall be registered on the portal (<https://cms.rbi.org.in>)

(b) In case Complaints that are filed in electronic mode (E-mail) and physical form (**format enclosed as Annexure 1**), including postal and hand-delivered complaints either personally or through Authorized representative (**format for authorization enclosed as Annexure 2**), shall be addressed, and sent to the Centralized Receipt and Processing Centre of the RBI established, for scrutiny and initial processing at below address:

Email crpc@rbi.org.in

Correspondence Address

Centralized Receipt and Processing Centre, Reserve Bank of India,
4th Floor, Sector 17,
Chandigarh – 160017

(c) complaints that are received directly in any of the offices of the Reserve Bank shall be forwarded to the Centralised Receipt and Processing Centre for further action

3. Powers and Function of Ombudsman/ Deputy Ombudsman

- (a) There is no limit on the amount in a dispute that can be brought before the Ombudsman for which the Ombudsman can pass an Award. However, for any consequential loss suffered by the complainant, the Ombudsman shall have the power to provide a compensation up to Indian Rupees 20 lakhs, in addition to, up to Indian Rupees 1 lakh for the loss of the complainant’s time, expenses incurred and for harassment/mental anguish suffered by the complainant
- (b) While the Ombudsman shall have the power to address and close all complaints, the Deputy Ombudsman shall have the power to close those complaints falling under clause 10 of the Scheme, complaints settled through facilitation as stated under clause 14 of the Scheme and the Complaint

- made is in nature of offering suggestions or seeking guidance or explanation.
- (c) the Ombudsman shall pass an Award in the event referred in clause 15 of the scheme
 - (d) The Ombudsman may reject a complaint at any stage if:
 - i. in his opinion there is no deficiency in service; or
 - ii. the compensation sought for the consequential loss is beyond the power of the Ombudsman to award the compensation as indicated in clause 8(2) of Scheme; or
 - iii. the complaint is not pursued by the complainant with reasonable diligence; or
 - iv. the complaint is without any sufficient cause; or
 - v. the complaint requires consideration of elaborate documentary and oral evidence and the proceedings before the Ombudsman are not appropriate for adjudication of such complaint; or
 - vi. in the opinion of the Ombudsman there is no financial loss or damage, or inconvenience caused to the complainant.

4. Grounds for non-maintainability of a Complaint

- (a) No complaint filed by complainant for deficiency in service shall lie under the Scheme in matters involving:
 - i. commercial judgment/commercial decision of a Regulated Entity;
 - ii. a dispute between a vendor and a Regulated Entity relating to an outsourcing contract
 - iii. a grievance not addressed to the Ombudsman directly
 - iv. general grievances against Management or Executives of a Regulated Entity
 - v. a dispute in which action is initiated by a Regulated Entity in compliance with the orders of a statutory or law enforcing authority
 - vi. a service not within the regulatory purview of the Reserve Bank
 - vii. a dispute between Regulated Entities; and
 - viii. a dispute involving the employee-employer relationship of a Regulated Entity
 - ix. a dispute for which a remedy has been provided in Section 18 of the Credit Information Companies (Regulation) Act, 2005;
 - x. a dispute pertaining to customers of Regulated Entity not included under the Scheme
- (b) A 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 authorized representative other than

an advocate unless the advocate is the aggrieved person.

5. Resolution of Complaint

- (a) The Ombudsman/Deputy Ombudsman shall endeavour to promote settlement of a complaint by agreement between the complainant and the Regulated Entity through facilitation or conciliation or mediation
- (b) The Regulated Entity shall, on receipt of the complaint, file its written version in reply to the averments in the complaint enclosing therewith copies of the documents relied upon, within 15 days before the Ombudsman for resolution.
Provided that the Ombudsman may, at the request of the Regulated Entity in writing to the satisfaction of the Ombudsman, grant such further time as may be deemed fit to file its written version and documents
- (c) In case the complaint is not resolved through facilitation, such action as may be considered appropriate, including a meeting of the complainant with the officials of Regulated Entity, for resolution of the complaint by conciliation or mediation may be initiated.
- (d) The complaint would be deemed to be resolved when:
 - (a) it has been settled by the Regulated Entity with the complainant upon the intervention of the Ombudsman; or
 - (b) the complainant has agreed in writing or otherwise (which may be recorded) that the manner and the extent of resolution of the grievance is satisfactory; or
 - (c) the complainant has withdrawn the complaint voluntarily.

6. Appeal before the Appellate Authority

- (a) The complainant may, aggrieved by an Award passed for non-furnishing of documents/information or rejection of a complaint under clauses 16(2)(c) to 16(2)(f) of the Scheme, within 30 days of the date of receipt of the Award or rejection of the complaint, prefer an appeal before the Appellate Authority i.e Executive Director in Charge of the Department, RBI administering the Scheme.
Provided that the Appellate Authority may, if he 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.

7. Name and contact details of the Principal Nodal Officer with PAN India Jurisdiction is given below:

Mr. K Selvaraj

Chief Compliance Officer and General Counsel

Address: Office No 501, 05th Floor, South Annexe Tower 2, One World Center, Senapati Bapat Marg, Lower Parel, Mumbai – 400013

E-mail: k.selvaraj@apacfin.com

Tel No.: 022 - 66668169

A copy of the Scheme is available on the website of the Company at <https://apacfin.com/> and at our branches and the same shall be shared upon request.

FORM OF COMPLAINT (TO BE LODGED) WITH THE OMBUDSMAN

[Clause 11(2) of the Scheme]

(TO BE FILLED UP BY THE COMPLAINANT)

All the fields are mandatory except wherever indicated otherwise

To

The Ombudsman

Madam/Sir,

Sub: Complaint against(place of Regulated Entity's branch or office) of
.....(name of the Regulated Entity)

Details of the complaint:

1. Name of the complainant

2. Age (years).....

3. Gender.....

4. Full address of the complainant

.....

.....

Pin Code

Phone No. (if available).....

Mobile Number.

E-mail (if available)

5. Complaint against (Name and full address of the branch or office of the Regulated
Entity)

.....

Pin Code

6. Nature of relationship/account number (if any) with the Regulated Entity

.....

7. Transaction date and details, if available

.....
(a) Date of complaint already made by the complainant to the Regulated Entity
(Please enclose a copy of the complaint)

.....
(b) Whether any reminder was sent by the complainant? Yes/No
(Please enclose a copy of the reminder)

.....
8. Please tick the relevant box (Yes/No)

Whether your complaint:

(i)	is sub-judice/under arbitration ¹¹ ?	Yes	No
(ii)	is made through an advocate, except when the advocate is the aggrieved party?	Yes	No
(iii)	has already been dealt with or is under process on the same ground with the Ombudsman?	Yes	No
(iv)	is in the nature of general complaint/s against Management or Executives of a Regulated Entity?	Yes	No
(v)	is on account of a dispute between Regulated Entities?	Yes	No
(vi)	involves employer-employee relationship?	Yes	No

9. Subject matter of the complaint

.....
10. Details of the complaint:

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

.....
.....

11 Complaint is sub-judice/under arbitration if the complaint in respect of the same cause of action is already pending/dealt with on merits by any Court, Tribunal or Arbitrator or any other Authority, whether individually or jointly.

11. Whether any reply has been received from the Regulated Entity within a period of 30 days of receipt of the complaint by it? Yes/No
(if yes, please enclose a copy of the reply)

12. Relief sought from the Ombudsman

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

13. Nature and extent of monetary loss, if any, claimed by the complainant by way of compensation (please refer to clauses 15 (4) & 15 (5) of the Scheme)

Rs.....
.....

14. List of documents enclosed:

Declaration

(i) I/We, the complainant/s herein declare that:

a) the information furnished above is true and correct; and

b) I/We have not concealed or misrepresented any fact stated above, and in the documents submitted herewith.

(ii) The complaint is filed before the expiry of a period of one year reckoned in accordance with the provisions of clause 10 (2) of the Scheme.

Yours faithfully

(Signature of the Complainant/Authorised Representative)

AUTHORISATION

If the complainant wants to authorise a representative to appear and make submission on her/his behalf before the Ombudsman, the following declaration should be submitted:

I/We hereby nominate Shri/Smt..... as my/our authorised representative whose contact details are as below:

Full Address
.....
.....

Pin Code

Phone No:.....

Mobile Number.

E-mail

(Signature of the Complainant)