

Salient features of Integrated Ombudsman Scheme 2021

RBI Ombudsman is a quasi-judicial authority created in 2006, and the authority was created pursuant to a decision made by the Government of India to resolve complaints of the customers of regulated entities relating to the certain services rendered by them in an expeditious and cost effective manner.

The integrated Ombudsman Scheme 2021 has been framed by RBI under which all banking, non-banking and digital transaction service provider were brought under the single purview.

The Integrated Ombudsman Scheme, 2021 is effective from November 12, 2021. With the publication of the said scheme, the erstwhile schemes viz. (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Ombudsman Scheme for Digital Transactions, 2019 into the Reserve Bank - Integrated Ombudsman Scheme, 2021, have been repealed.

Following are the salient features of the Integrated Ombudsman Scheme, 2021:

1. 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 Company and
 - i) the Company has either rejected the complaint either wholly or partly or the complainant is not satisfied with the reply or the complainant had not received any reply within 30 days after lodging the complaint with the Company and
 - ii) the complaint has been made to the Ombudsman within one year after the complainant has received the reply from the Company 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; and pending before any Court, Tribunal or Arbitrator or any other Forum or Authority;
 - ii) 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 abusive or frivolous or vexatious in nature;
 - d) The complaint to the Company was made after the expiry of the period of limitation prescribed under the Limitation Act, 1963, for such claims;
 - e) The complainant does not provide complete information as specified in clause 11 of the Scheme;
 - f) The complaint is not lodged by the complainant personally or through an authorised representative other than an advocate (unless the advocate is the aggrieved person).
2. No complaint for deficiency in service shall lie under the Scheme in matters involving:
 - Commercial judgment/commercial decision of the Company;

- A dispute between a vendor and the Company relating to an outsourcing contract;
- General grievances against Management or Executives of the Company;
- A dispute in which action is initiated by the Company in compliance with the orders of a statutory or law enforcing authority;
- A service not within the regulatory purview of the Reserve Bank;
- A dispute between the Company and other Regulated Entities;
- A dispute involving the employee-employer relationship of the Company.
- A grievance not addressed to the Ombudsman directly;

3. Procedure for filing complaint

- i) The complaint may be lodged online through the portal designed for the purpose (<https://cms.rbi.org.in>).
- ii) The complaint may also be submitted through electronic or physical mode to the Centralised Receipt and Processing Centre as notified by the Reserve Bank. The complaint, if submitted in physical form, shall be duly signed by the complainant or by the authorised representative (other than an Advocate), The complaint shall be submitted in electronic or physical mode in such format and containing such information as may be specified by Reserve Bank.

4. Appeal before the Appellate Authority

- a) The complainant aggrieved by an Award or rejection of a complaint may within 30 days of the date of receipt of the Award or rejection of the complaint, prefer an appeal before the Appellate Authority.
- b) The Appellate Authority may, if satisfied that the complainant had sufficient cause for not making the appeal within the time allow a further period not exceeding 30 days.
- c) The Appellate Authority's Secretariat shall scrutinise and process the Appeal.
- d) The Appellate Authority may, after giving the parties a reasonable opportunity of being heard:
 - dismiss the appeal; or
 - allow the appeal and set aside the Award or order of the Ombudsman; or
 - remand the matter to the Ombudsman for fresh disposal in accordance with such directions as the Appellate Authority may consider necessary or proper; or
 - modify the order of the Ombudsman or Award and pass such directions as may be necessary to give effect to the order of the Ombudsman or Award so modified; or
 - pass any other order as it may deem fit.
- e) The order of the Appellate Authority shall have the same effect as the Award passed by Ombudsman or the order rejecting the complaint as the case may be.

5. Format of Complaint Form is provided on the website at

<https://www.srei.com/storage/app/media/pdf/FORM%20OF%20COMPLAINT.pdf>