

## **SALIENT FEATURES: THE RESERVE BANK – INTEGRATED OMBUDSMAN SCHEME, 2021**

RBI has introduced The Integrated Ombudsman Scheme, 2021 which 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for Non-Banking Financial Companies, 2018; and (iii) the Ombudsman Scheme for Digital Transactions, 2019 have been repealed.

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

### **A) Grounds of Complaint**

Any customer aggrieved by an act or omission of a Regulated Entity 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;)*

### **B) Grounds for non-maintainability of a Complaint**

#### **I. Complaint shall not lie under the Scheme, 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.

#### **II. No complaint for deficiency in service shall lie under the Scheme in matters involving:**

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.

**C). Procedure for Filing a Complaint**

- a) The complaint may be lodged online through <https://cms.rbi.org.in>
- b) The complaint may also be submitted through electronic or physical mode to the Centralized 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 authorized 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.

**D). Appeal before the Appellate Authority**

The complainant aggrieved by an Award or rejection of a complaint by Ombudsman Office, may, within 30 days of the date of receipt of the Award or rejection of the complaint, prefer an appeal before the Appellate Authority.

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.

However there shall not be any right of appeal to a Regulated Entity for an Award issued for non-furnishing of documents/information sought within stipulated time.

E). Format of Complaint Form is provided on the website at [India Factoring](#)