

**Ombudsman Scheme for Digital Transactions, 2019**

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## **Ombudsman Scheme for Digital Transactions, 2019**

The Scheme is introduced with the object to facilitate the satisfaction or settlement of complaints regarding digital transactions undertaken by customers of System Participants as defined under the Scheme.

### **1. Definitions**

'Digital Transaction' means 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."

'Ombudsman for Digital Transactions' means any officer of the Reserve Bank appointed under Clause 4 of the Scheme.

'Scheme' means the Ombudsman Scheme for Digital Transactions, 2019.

'System Participant' means any person other than a bank participating in a payment system as defined under Section 2 of the Payment and Settlement Systems Act, 2007 excluding a 'System Provider2'

All other expressions unless defined herein shall have the same meaning as has been assigned to them under the Payment and Settlement Systems Act, 2007 or any statutory modification or enactment thereto or as used in commercial parlance, as the case may be.

'System Provider' means and includes a person who operates an authorised payment system as defined under Section 2 of the Payment and Settlement Systems, 2007.

All other related definitions remain the same and mentioned in the Banking Ombudsman Scheme.

### **2. Procedure for redressal of grievance – Grounds of Complaint.**

Any person may file a complaint free of cost with the Ombudsman for Digital Transactions having jurisdiction on any one of the following grounds alleging deficiency in service: (

1) Prepaid Payment Instruments: Non-adherence to the instructions of Reserve Bank by System Participants about Prepaid Payment Instruments on any of the following:

- a) Failure in crediting merchant's account within reasonable time;
- b) Failure to load funds within reasonable time in wallets / cards;
- c) Unauthorized electronic fund transfer;
- d) Non-Transfer / Refusal to transfer/ failure to transfer within reasonable time, the balance in the Prepaid Payment Instruments to the holder's 'own' bank account or back to source at the time of closure, expiry of validity period etc., of the Prepaid Payment Instrument;
- e) Failure to refund within reasonable time / refusal to refund in case of unsuccessful / returned / rejected / cancelled / transactions;
- f) Non-credit / delay in crediting the account of the Prepaid Payment Instrument holder as per the terms and conditions of the promotion offer(s) from time to time, if any;
- g) Non-adherence to any other instruction of the Reserve Bank on Prepaid Payment Instruments.

(2) Mobile / Electronic Fund Transfers: Non-adherence to the instructions of the Reserve Bank on Mobile / Electronic fund transfers by System Participants on any of the following:

- a) Failure to effect online payment / fund transfer within reasonable time;
- b) Unauthorized electronic fund transfer;

c) Failure to act upon stop-payment instructions within the time frame and under the circumstances notified to the customers within prescribed timeline;

d) Failure to reverse the amount debited from customer account in cases of failed payment transactions within prescribed timeline;

e) Non-adherence to any other instruction of the Reserve Bank on Mobile / Electronic fund transfers.

(3) Non-adherence to instructions of Reserve Bank / 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 the Reserve Bank on payment transactions / through Unified Payments Interface (UPI) / Bharat Bill Payment System (BBPS)/ Bharat QR Code / UPI QR Code.

(4) Non-reversal / failure to reverse within reasonable time, funds wrongly transferred to the beneficiary account due to lapse at the end of System Participant.

(5) Any other matter relating to the violation of the directives including on fees / charges, if any, issued by the Reserve Bank in relation to digital transactions.

### **3. Procedure for filing Complaint**

(1) Any person who has a grievance on any one or more of the grounds of the Scheme may, himself or through his authorised representative (other than an advocate), make a complaint to the Ombudsman for Digital Transactions 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 Ombudsman for Digital Transactions within whose territorial jurisdiction the billing / declared address of the customer is located.

(2) (a) 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 or as near as thereto as circumstances admit, stating clearly: I. The name and the address of the complainant; II. The name and address of the branch or office of the System Participant against which the complaint is made; III. The facts giving rise to the complaint; IV. The nature and extent of the loss caused to the complainant; and V. The relief sought for.

(b) The complainant shall file along with the complaint, copies of the documents, if any, which he / she proposes to rely upon.

(c) A complaint made through electronic means may be accepted by the Ombudsman for Digital Transactions.

(d) The Ombudsman for Digital Transactions may also entertain complaints covered under this Scheme received by Central Government or Reserve Bank and forwarded to the Ombudsman for Digital Transactions for disposal.

(3) No complaint to the Ombudsman for Digital Transactions shall lie unless:

(a) The complainant had, before making a complaint to the Ombudsman for Digital Transactions, (i) made a written representation to the System Participant who had rejected the complaint, or, (ii) the

complainant had not received any reply within a period of one month after the System Participant received her/his representation, or, (iii) the complainant is not satisfied with the reply given to her/him by the System Participant;

(b) 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, 10 where no reply is received, not later than one year and one month after the date of the representation to the System Participant;

(c) In exceptional circumstances as decided by the Ombudsman, the complaint is made before the expiry of the period of limitation prescribed under the Indian Limitation Act, 1963 for such claims.

(d) The complaint is not in respect of the same cause of action which was settled or dealt with on merits by the Ombudsman for Digital Transactions 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;

(e) 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;

(f) The complaint is not frivolous or vexatious in nature;

(g) The complaint does not fall under the disputes covered under Section 24 of the Payment and Settlement Systems Act, 2007; and

(h) The complaint does not pertain to disputes arising from a transaction between customers.

#### **4. Power to call for information**

(1) For the purpose of carrying out his duties under this Scheme, the Ombudsman for Digital Transactions 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 the failure of a System Participant to comply with the requisition without sufficient cause, the Ombudsman for Digital Transactions 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.

(2) The Ombudsman for Digital Transactions shall maintain confidentiality of any information or document that may come into his knowledge or possession in the course of discharging his duties and shall not disclose such information or document to any person except with the consent of the person furnishing such information or document. Provided that, nothing in this Clause shall prevent the Ombudsman for Digital Transactions from disclosing information or document furnished by a party in a complaint to the other party or parties to the extent considered by him to be reasonably required to comply with any legal requirement or the principles of natural justice and fair play in the proceedings.

#### **5. Settlement of complaint by agreement**

(1) As soon as it may be practicable to do, the Ombudsman for Digital Transactions shall 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, and endeavour to promote a settlement of the complaint by agreement between the complainant and the System Participant through conciliation or mediation.

(2) For the purpose of promoting a settlement of the complaint, the Ombudsman for Digital Transactions shall not be bound by any rules of evidence and may follow such procedure as he may consider just and proper, which shall, however, at the least, require the Ombudsman for Digital Transaction to 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. Provided, where

the Ombudsman for Digital Transactions 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. Provided further that where such 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 Ombudsman for Digital Transactions shall pass an order recording the fact of settlement annexing thereto the terms of the settlement.

(3) The Ombudsman for Digital Transactions may deem the complaint as resolved, in any of the following circumstances:

a. Where the grievance raised by the complainant has been resolved by the System Participant with the intervention of the Ombudsman for Digital Transactions; or

b. The complainant agrees, whether in writing or otherwise, to the manner and extent of resolution of the grievance provided by the Ombudsman for Digital Transactions based on the conciliation and mediation efforts; or c. In the opinion of the Ombudsman for Digital Transactions, 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 Ombudsman for Digital Transactions within the time frame provided.

(4) The proceedings before the Ombudsman for Digital Transactions shall be summary in nature.

### **6. 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 Ombudsman for Digital Transactions may allow the parties, he may, after affording the parties a reasonable opportunity to present their case, pass an Award.

(2) The Ombudsman for Digital Transactions shall consider the evidence placed before him by the parties, the principles of banking law and practice, directions, instructions and guidelines issued by the Reserve Bank 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 passed under Sub-Clause (1) 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) Notwithstanding anything contained in Sub-Clause (4), the Ombudsman for Digital Transactions 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 Ombudsman for Digital Transactions shall be exclusive of the amount involved in the dispute.

(6) The Ombudsman for Digital Transactions 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. Provided that no such acceptance may be furnished by the complainant if he has filed an Appeal

(9) The System Participant shall, unless it has preferred an appeal 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 Ombudsman for Digital Transactions.

(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 Ombudsman for Digital Transactions when it becomes final and send a report in this regard to the Reserve Bank 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 Reserve Bank and the Reserve Bank may initiate such action under the provisions of applicable Statutes, as it deems fit.

### **7. Rejection of the complaint**

(1) The Ombudsman for Digital Transactions may reject a complaint at any stage if it appears to him that the complaint made is; a. Not on the grounds of complaint referred to in Clause 8; or b. Not in accordance with the scheme; or c. Beyond the limit of compensation prescribed or d. Requiring consideration of elaborate documentary and oral evidence and the proceedings before the Ombudsman for Digital Transactions are not appropriate for adjudication of such complaint; or e. Without any sufficient cause; or f. Not pursued by the complainant with reasonable diligence; or g. In the opinion of the Ombudsman for Digital Transactions there is no loss or damage or inconvenience caused to the complainant.

(2) The Ombudsman for Digital Transactions, 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.

### **8. 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: (a) Dismiss the appeal; or, (b) Allow the appeal and set aside the Award; or, (c) Remand the matter to the Ombudsman for Digital Transactions for fresh disposal in accordance with such directions as the Appellate Authority may consider necessary or proper; or, (d) Modify the Award and pass such directions as may be necessary to give effect to the Award so modified; or, (e) 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 Ombudsman for Digital Transactions or the order rejecting the complaint as the case may be.

## Shinhan Bank

### 9. Shinhan Bank branches (the system participants) to display salient features of the scheme for common knowledge of public

(1) Shinhan Bank branches shall ensure to display prominently in all its branches the internal customer grievance redressal framework, including contact details of the designated nodal officer to handle the customer complaints / grievances along with the escalation matrix.

(2) Shinhan Bank branches shall also ensure that the purpose of the Scheme and the contact details of the Ombudsman for Digital Transactions to whom the complaints are to be made by the aggrieved party are displayed prominently in all the offices and branches in such manner that a person visiting the office or branch has adequate information of the Scheme.

(3) Shinhan Bank branches shall ensure that a copy of the Scheme is available with the designated officer in the office premises and notice about the availability of the Scheme with such designated officer shall be displayed. The bank shall place a copy of the Scheme on its websites / mobile applications and update the same as and when required.

(4) Shinhan Bank shall appoint Nodal Officers for its branches.

### 10. Address and Area of operation of Ombudsman for Digital transactions applicable to Shinhan Bank

Sl. No.	Centre	Name & Address of the Office of Banking Ombudsman	Area of Operation
1	Ahmedabad	C/o Reserve Bank of India La Gajjar Chambers, Ashram Road Ahmedabad-380 009 STD Code: 079 Tel. No. 26582357/26586718 Fax No. 26583325 Email : cms.odtahmedabad@rbi.org.	Gujarat
2	Chennai	C/o Reserve Bank of India Fort Glacis, Chennai 600 001 STD Code: 044 Tel No. 25395964 Fax No. 25395488 Email: cms.odtchennai@rbi.org.in	Tamil Nadu
3	Hyderabad	C/o Reserve Bank of India 6-1-56, Secretariat Road Saifabad, Hyderabad-500 004 STD Code: 040 Tel. No. 23210013 Fax No. 23210014 Email: cms.odthyderabad@rbi.org.in	Telangana
4	Mumbai (I)	C/o Reserve Bank of India 4th Floor, RBI Byculla Office Building, Opp. Mumbai Central Railway Station, Byculla, Mumbai- 400 008 STD Code: 022 Tel No. 23022028 Fax: 23022024 Email: cms.odtmumbai1@rbi.org.in	Districts of Mumbai, Mumbai Suburban and Thane
	Mumbai (II)	C/o Reserve Bank of India, 4th Floor, RBI Byculla Office Building, Opp. Mumbai Central Railway Station, Byculla, Mumbai- 400 008 STD Code: 022 Telephone: 2300 1280 Fax: 23022024 Email: cms.odtmumbai2@rbi.org.in	Goa and Maharashtra, (except the districts of Mumbai, Mumbai Suburban and Thane)

## Shinhan Bank

5	New Delhi (I)	C/o Reserve Bank of India, Sansad Marg, New Delhi STD Code: 011 Tel. No. 23725445 Fax No. 23725218 Email: <a href="mailto:cms.odtnewdelhi1@rbi.org.in">cms.odtnewdelhi1@rbi.org.in</a>	North, North-West, West, South-West, New Delhi and South districts of Delhi
	New Delhi (II)	C/o Reserve Bank of India Sansad Marg, New Delhi STD Code: 011 Tel. No. 23724856 Fax No. 23725218-19 Email: <a href="mailto:cms.odtnewdelhi2@rbi.org.in">cms.odtnewdelhi2@rbi.org.in</a>	Haryana (except Panchkula, Yamuna Nagar and Ambala Districts) and Ghaziabad and Gautam Budh Nagar districts of Uttar Pradesh
	New Delhi (III)	C/o Reserve Bank of India Sansad Marg, New Delhi STD Code: 011 Tel. No. 23715393 Fax No. 23765234 Email: <a href="mailto:cms.odtnewdelhi3@rbi.org.in">cms.odtnewdelhi3@rbi.org.in</a>	North-East, Central, Shahdara, East and South- East districts of Delhi

Under the revised Banking Ombudsman Scheme, the complainants will be able to file their complaints in any form, including online.

### 11. Shinhan Bank Nodal Officers / Principal Nodal Officer

Location	Nodal Officer Name and Contact Details
Gujarat – Ahmedabad	Mr. Sanjay Srivastava  Address :Shapath V, First Floor, Unit 2 and 3 Beside Crowne Plaza Hotel, Opp. Karnavati Club, S G Road, Ahmedabad - 380015  Tel :079-71170400 Email : <a href="mailto:sanjaysri@shinhan.com">sanjaysri@shinhan.com</a>
Maharashtra – Mumbai	Ms. Gita Khemani  Address: Unit No.001, Peninsula Corporate Park, G Kadam Marg, Lower Parel, Mumbai – 400 013  Tel: 022-61992000 Email : <a href="mailto:gita@shinhan.com">gita@shinhan.com</a>
Maharashtra – Pune	Mr. Amit Kumar  Address: Ground Floor, Red Building, Plot No. 2, Galaxy Society, Boat Club, Pune 411 001  Tel: 020-67044811 Email : <a href="mailto:amitkumar@shinhan.com">amitkumar@shinhan.com</a>
New Delhi	Mr. Rajmohan Sharma  Address: 2 <sup>nd</sup> and 3 <sup>rd</sup> Floor, D-5 South Extension – Part II Ring Road, New Delhi – 110 049  Tel: 011-45004800 Email: <a href="mailto:rajmohan@shinhan.com">rajmohan@shinhan.com</a>
Tamil Nadu – Poonamallee	Ms. Shakila K  Address: No. 84/1C2B1, Bangalore Highway Road, Madavilakam Village, Nazarathpettai, Poonamallee Taluk, Tamil Nadu – 600123



## Shinhan Bank

	Tel: 044-67144400 Email: shakila.k@shinhan.com
Telangana – Ranga Reddy	Ms. Madhavi Dasika  Address: SLN Terminus, 1 <sup>st</sup> Floor, Survey No. 133, Gachibowli Serilingampally Mandal, Ranga Reddy Dist, Telangana - 500032  Tel: 040-66352000 Email: madhavi@shinhan.com

### 12. FORM OF COMPLAINT (TO BE LODGED WITH THE OMBUDSMAN FOR DIGITAL TRANSACTIONS) (TO BE FILLED UP BY THE COMPLAINANT)

To: The Ombudsman for Digital Transactions Place of Ombudsman office

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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) .....  
Pin Code ..... Phone No. / Fax No.....
4. Particulars of branch/ System Participant (If any) .....  
(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.....
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 .....  
(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 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 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. 20 (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. (vii) 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. Address and Area of Operation of Ombudsmen for Digital Transactions.

**13. Monitoring the implementation of awards under the Banking Ombudsman Scheme / Nodal Department / Nodal Officer.**

## Shinhan Bank

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The Customer Service Committee of the branch should play a more pro-active role with regard to complaints / grievances resolved by Banking Ombudsmen of the various States.

The Scheme of Banking Ombudsman was introduced with the object of enabling resolution of complaints relating to provision of banking services and resolving disputes between a bank and its constituent through the process of conciliation, mediation and arbitration in respect of deficiencies in customer service. After detailed examination of the complaints / grievances of customers of banks and after perusal of the comments of banks, the Banking Ombudsmen issue their awards in respect of individual complaints to redress the grievances. Banks should ensure that the Awards of the Banking Ombudsmen are implemented expeditiously and with active involvement of Top Management.

Further, with a view to enhancing the effectiveness of the Customer Service Committee, the bank should also:

a) place all the awards given by the Banking Ombudsman before the Customer Service Committee to enable them to address issues of systemic deficiencies existing in banks, if any, brought out by the awards; and

b) place all the awards remaining unimplemented for more than three months with the reasons therefor before the Customer Service Committee to enable the Customer Service Committee to report to the Standing Committee on Customer Service / Management Committee such delays in implementation without valid reasons and for initiating necessary remedial action.

The Standing Committee on Customer Service at Head Office should monitor all complaints which has been raised to the Ombudsman and should report to the Management Committee.

Further the Nodal Department for customer service in Head Office will be the Business Support Department (BSD) and the Nodal Officer will be the Head of BSD. The customers may also approach in the first instance to the Head of BSD and he will be the coordinator for Banking Ombudsman and RBI.

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