

Salient Features: The Reserve Bank - Integrated Ombudsman Scheme, 2021

RBI has integrated the three Ombudsman schemes 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 one **“The Reserve Bank - Integrated Ombudsman Scheme, 2021”**. The Scheme adopts the ‘One Nation One Ombudsman’ approach by making the RBI Ombudsman mechanism jurisdiction neutral.

The Integrated Ombudsman Scheme, 2021 is effective from 12 November 2021.

Some of the salient features of the Scheme are:

1. Any Merchant aggrieved by deficiency in service (a shortcoming or an inadequacy in service, which the Regulated Entity is required to provide statutorily or otherwise, which may or may not result in financial loss or damage), Merchant may file a complaint in writing or otherwise under the Scheme.
2. The Scheme defines ‘deficiency in service’ as the ground for filing a complaint, with a specified list of exclusions. Therefore, the complaints would no longer be rejected simply on account of “not covered under the grounds listed in the scheme”.
3. 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 Rupees 20 lakh, in addition to, up to Rupees One lakh for the loss of the complainant’s time, expenses incurred and for harassment/mental anguish suffered by the complainant
4. The responsibility of representing the Regulated Entity and furnishing information in respect of complaints filed by Merchant against the Regulated Entity would be that of the Principal Nodal Officer.
5. The Regulated Entity will not have the right to appeal in cases where an Award is issued by the ombudsman against it for not furnishing satisfactory and timely information/documents.
6. Reserve Bank of India has established the Centralised Receipt and Processing Centre (CRPC) at Chandigarh for receipt of the complaints PAN India.

While complaints can continue to be filed online on <https://cms.rbi.org.in>. Complaints can also be sent in physical mode to the ‘Centralised Receipt and Processing Centre’ set up at Reserve Bank of India, 4th Floor, Sector 17, Chandigarh - 160017 in the format provided. Additionally, a Contact Centre with a toll-free number - 14448 (9:30 am to 5:15 pm) - is also being operationalized in Hindi, English and regional language in due course. The Contact Centre will provide information/clarifications regarding the alternate grievance redress mechanism of RBI and to guide complainants in filing of a complaint.

8. A copy of the Scheme is available on the RBI website and on the CMS portal (<https://cms.rbi.org.in>).

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 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.

No complaint for deficiency in service shall lie under the Scheme in matters involving:

- (a) commercial judgment/commercial decision of the Regulated Entity.
- (b) a dispute between a vendor and the Regulated Entity relating to an outsourcing contract.
- (c) a grievance not addressed to the Ombudsman directly.
- (d) general grievances against Management or Executives of the Regulated Entity.
- (e) a dispute in which action is initiated by the 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.

For more details, please refer to the Scheme details available on the Company's website www.epaynow.in or at RBI website www.rbi.org.in.