

Salient features of the Ombudsman Scheme for Non-Banking Financial Company
Grounds for filing a complaint by a customer (as covered under chapter iv, para 9 of the RBI
Ombudsman scheme)

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 authorized representative.

A. Grounds for non-maintainability of a Complaint:

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.

B. A complaint under the Scheme shall not lie unless:

The complainant had, before making a complaint under the Scheme, made a written complaint to the Regulated Entity concerned and –

- a) 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
- b) The complaint is made to the Ombudsman within one year after the complainant has received the reply from the Regulated Entity to the 7 complaint or, where no reply is received, within one year and 30 days from the date of the complaint.
- c) 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;
- d) the complaint is not abusive or frivolous or vexatious in nature;
- e) 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;
- f) the complainant provides complete information as specified in clause 11 of the Scheme;
- g) the complaint is lodged by the complainant personally or through an authorised representative other than an advocate unless the advocate is the aggrieved person.

C. Procedure for Filing a Complaint:

- a) The complaint may be lodged online through the portal designed for the purpose (<https://cms.rbi.org.in>).

- b) 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. The complaint shall be submitted in electronic or physical mode in such format and containing such information as may be specified by Reserve Bank.

There will be initial scrutiny of complaints by Ombudsman and which are non-maintainable shall be separated and the remaining complaints shall be assigned to the offices of the Ombudsman for further examination under intimation to the complainant.

The Ombudsman may, for the purpose of carrying out duties under this Scheme, require the Regulated Entity against whom the complaint has been made or any other Regulated Entity which is a party to the dispute to provide any information or furnish certified copies of any document relating to the complaint which are or is alleged to be in its possession.

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.

Further the Ombudsman may reject a complaint at any stage if it appears that the complaint made:

- d) is non-maintainable or is in the nature of offering suggestions or seeking guidance or explanation or
- e) in his opinion there is no deficiency in service; or
- f) the compensation sought for the consequential loss is beyond the power of the Ombudsman to award the compensation; or
- g) the complaint is not pursued by the complainant with reasonable diligence; or
- h) the complaint is without any sufficient cause; or
- i) 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
- j) in the opinion of the Ombudsman there is no financial loss or damage, or inconvenience caused to the complainant.