

Reserve Bank of India – Integrated Ombudsman Scheme 2021

Salient Features

Introduction

The Reserve Bank of India (“RBI”) - Integrated Ombudsman Scheme, 2021 (“Scheme”) is effective from November 12, 2021. The Scheme adopts ‘One Nation One Ombudsman’ approach by making the RBI Ombudsman mechanism jurisdiction neutral. The Scheme integrates the existing three Ombudsman schemes of RBI 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. The Scheme will provide cost-free redressal of customer complaints involving deficiency in services rendered by entities regulated by RBI, if not resolved to the satisfaction of the customers or not replied within a period of 30 days by the regulated entity.

Applicability

In terms of the provisions of the Scheme, Arka Fincap Limited (“the Company” / “AFL”) is a regulated entity.

Key / Salient Features of the Scheme

➤ **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.

“Authorized Representative” means a person, other than an advocate (unless the advocate is the aggrieved person) duly appointed and authorized in writing to represent the complainant in the proceedings before the Ombudsman.

➤ **Complaints which can be filed under the Scheme**

- a. Complaints for which the complainant had first made a written complaint to the regulated entity 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.

‘written complaint’ shall include complaints made through other modes where proof of having made a complaint can be produced by the complainant.

- 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.

a complaint in respect of the same cause of action does not include criminal proceedings pending or decided before a Court or Tribunal or any police investigation initiated in a criminal offence.

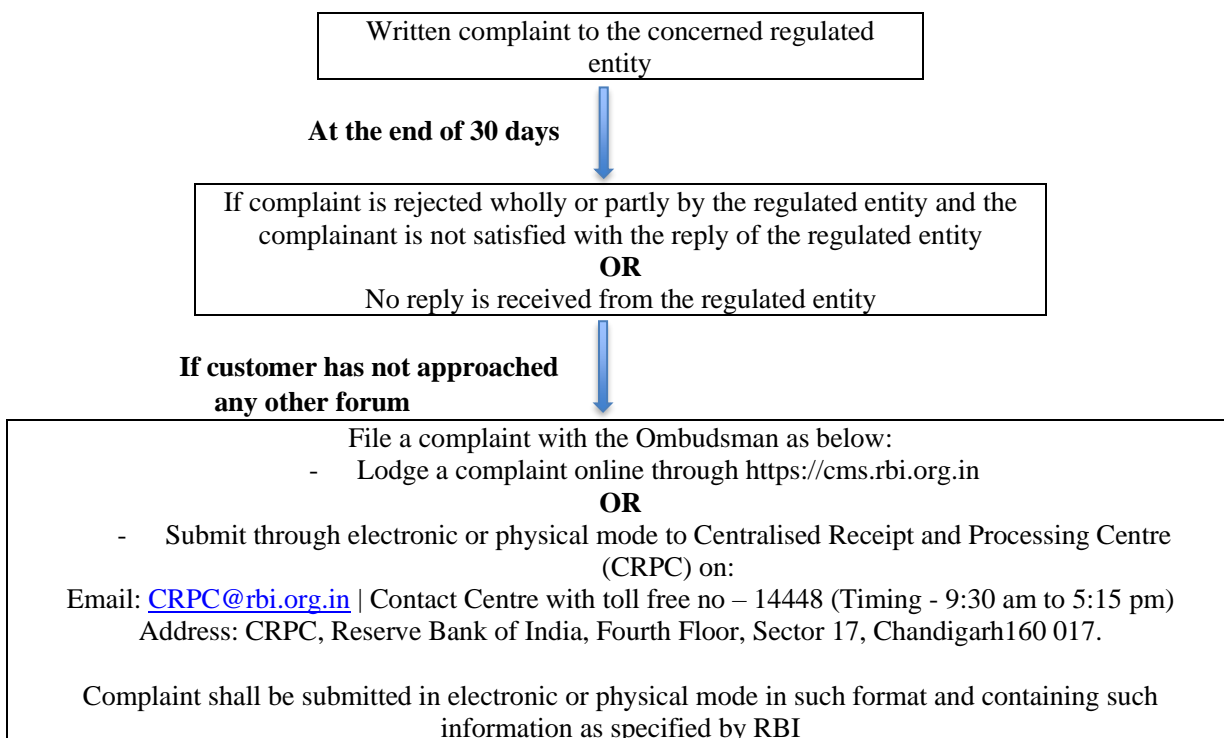
- c. the complaint is not abusive or frivolous or vexatious in nature;
- d. the complaint to the regulated entity was made before the expiry of the period of limitation prescribed under the Limitation Act, 1963, for such claims;
- e. the complainant provides complete information as specified in clause 11 of the Scheme;
- f. the complaint is lodged by the complainant personally or through an Authorised Representative.

➤ **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 RBI;
- g. a dispute between regulated entities; and
- h. a dispute involving the employee-employer relationship of a regulated entity.

➤ **Procedure for Filing a Complaint**



➤ **Decision by Ombudsman**

- Proceedings before Ombudsman are summary in nature
- Promotes settlement through conciliation, if not reached, can issue an Award / Order

➤ **Appeal before the Appellate Authority**

- The complainant may, aggrieved by an Award or rejection of a complaint by Ombudsman, 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 he 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.

“Appellate Authority” means the Executive Director in-Charge of the Department of the Reserve Bank administering the Scheme.

The Scheme is available on the website of RBI at <https://www.rbi.org.in> and on the Company’s website at <https://www.arkafincap.com>. A copy of the Scheme is also available at the branches and can be provided to the customer for reference upon request.



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