

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-I,
U.T. CHANDIGARH**

Consumer Complaint No.	:	CC/257/2023
Date of Institution	:	18.5.2023
Date of Decision	:	8/4/2024

Pallavi Gupta through her GPA holder i.e. Lalit Kumar Gupta S/o Radhey Sham Gupta R/o SCF 43, Sector-18D, Chandigarh.

...COMPLAINANT

Versus

1. State Bank of India (SBI) Cards and Payment Services Ltd, SBI Card, 1st Floor, Plot No.57, Industrial Area, Phase-1, Chandigarh 160002. through authorized representative.

2. State of Bank of India (SBI) Cards and Payment Services Ltd, 10th to 12th Floor, DLF Infinity Towers, Tower-C, Block-2, Building-3, DLF Cyber City Gurgaon, Haryana-122002. through authorized representative.

3. Housing.Com, Echelon Square, Plot No: 25, Sector -32, City Gurgaon, Haryana.-122001. through authorized representative.

....OPPOSITE PARTIES

CORAM :	PAWANJIT SINGH	PRESIDENT
		MEMBER
	SURJEET KAUR	
		MEMBER
	SURESH KUMAR SARDANA	

ARGUED BY : Sh. Chirag Suri, Advocate for complainant.
: Sh. Kartik, Advocate for OPs No.1&2
: OP No.3 exparte.

Per surjeet kaur, Member

Briefly stated on 1 November, 2021 complainant received a call from No. 18601801290 by one Priya the customer care executive of the SBI Card to enquire about the drop of the insurance of Credit Card; complainant accepted the proposal of customer care executive. The customer care executive messaged the complainant on What's App via phone No.9394909034 to send OTP on this number then the complainant

provided the OTP number to the customer care executive i.e., Priya the complainant received a debit message of an amount of Rs. 70,403/- spent on her State Bank of India (SBI) Card ending with 9934 at Housing.com on 1 November 2021 i.e., opposite party No. 3. The complainant tried to contact the customer care executive via phone No.9394909034 regarding the debit amount of Rs. 70,403/- from the Credit Card however, the call was not picked, then the complainant called the SBI card customer care to enquire about the matter and blocked the said credit card and also requested to OPs No.1&2 to withhold the disputed amount. But to the utter shock of the complainant they informed the complainant to approach the merchant for follow up. Thereafter the complainant made various communications with the Ops for redressal of her grievance but till date no action has been taken by the OPs. Ultimately the complainant served a legal notice upon the OPs in response to that the sent reply and held liable to the complainant for the fraudulent and disputed transaction. Alleging the aforesaid act of Opposite Parties deficiency in service and unfair trade practice on their part, this complaint has been filed.

2. The Opposite Parties NO.1&2 in their joint reply stated that the transaction in question performed in a secured manner asw the One time password (OTP) was successfully delivered at the registered mobile number of the complainant. Transaction alert SMS regarding the aforesaid transaction was also delivered at the registered mobile number of the complainant. Thus the liability in such cases lies with the complainant and accordingly the complainant was informed that the transaction have been performed in a secured manner and the same was validated by complainant's CVV and OTP. It is stated that though the answering Ops have no liability for the negligent act of the complainant yet they followed the due process and approached the merchant to hold the disputed transaction. It is alleged that due to negligent act of the complainant of sharing the OTP the fraudulent transactions happened. All other allegations made in the complaint has been denied being wrong.
3. OP No.3 did not turn up despite due service, hence vide order dated 4.7.2023 it was proceeded against exparte.
4. Rejoinder was filed and averments made in the consumer complaint were reiterated.
5. Contesting parties led evidence by way of affidavits and documents.
6. We have heard the learned counsel for the contesting parties and gone through the record of the case.
7. It is an admitted case of the complainant that she herself shared the One time password received on her registered mobile number with the third person and despite of negligence on her own part she has preferred the present complaint for refund of the disputed amount of Rs.70,403/- which was debited from her debit card fraudulently.
8. As per Reserve Bank of India guidelines July 6, 2017, a customer shall be liable for the loss occurring due to negligence of the customer. The relevant portion of the guidelines is as under:-

“7. A customer shall be liable for the loss occurring due to unauthorised transactions in the following cases:

(i) In cases where the loss is due to negligence by a customer, such as where he has shared the payment credentials, the customer will bear the entire loss until he reports the unauthorised transaction to the bank. Any loss occurring after the reporting of the unauthorised transaction shall be borne by the bank.

9. As per aforesaid guidelines it is specifically mentioned that the customer shall bear the entire loss occurring due to unauthorized transactions on account of negligence of the customer where he/she shares the payment credential until he/she reports the unauthorized transaction to the bank and any loss occurred after the reporting of such unauthorized transaction shall be borne by the bank. In the instant case it has come on record that the complainant had herself shared the payment credential with the third person by sharing her OTP received on her registered mobile number as a result of that the disputed amount of Rs.70,403/- was debited from her account and when she reported the matter with the OP bank they blocked the card and thereafter no transaction had taken place.
10. In view of the aforesaid RBI guidelines, we are of the opinion that complainant is liable for her own act and conduct and the bank cannot be held liable for the mistake of the complainant. Hence, the complaint has no merit and the same is liable to be dismissed.

11. In view of the aforesaid discussion, the present consumer complaint, being devoid of any merit, is hereby dismissed leaving the parties to bear their own costs.
12. Pending miscellaneous application(s), if any, also stands disposed off.
13. Certified copies of this order be sent to the parties free of charge. The file be consigned.

sd/-

**[Pawanjit Singh]
President**

Sd/-

[Surjeet Kaur]

Member

Sd/-

[Suresh Kumar Sardana]

Member

8/4/2024

mp