

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

Consumer Complaint No.	:	CC/615/2021
Date of Institution	:	09/09/2021
Date of Decision	:	01/04/2024

Jeet Singh S/o Sh.Nanak Chand, R/o #2248 G, SBI Colony, Sector 42-C, Chandigarh.

... Complainant

**V E R S U S**

1. SBI Card through its Manager, SCO 50-51/2<sup>nd</sup> Floor, above Fab India, Sector 17-A, Chandigarh.
2. SBI Card through its Manager, Unit 401,402, 4<sup>th</sup> Floor, Aggarwal Millenium Tower, E-1,2,3, Netaji Subhash Palace Wazirpur, New Delhi-110034.

... Opposite Parties

**CORAM :**                      **SURJEET KAUR**                                      **PRESIDING MEMBER**  
                                         **SURESH KUMAR SARDANA**                                      **MEMBER**

**ARGUED BY**                : Sh.Amit Bhanot, Advocate for Complainant.  
                                      : Sh.Kartik, Advocate proxy for Sh.Sandeep Suri, Advocate for OPs.

**Per Suresh Kumar Sardana, Member**

1. Averments are in the month of July 2019 & August 2019, someone other than complainant, by using the credit card of complainant without the knowledge and consent of complainant transferred the money from the SBI credit card to the e-wallet used by the complainant and several purchases were also made, in several different transactions, ranging from Rs.1500/- to 4000/-. It is further stated that the complainant did not receive any OTP on his registered mobile number as it ought to have been issued for security purposes and neither the complainant got any kind of alert/message from the OPs side reflecting or showing that the SBI credit card of complainant is being used for the aforesaid transactions (Annexure C-2). After receiving the SBI statement complainant made a complaint/request to the OPs office while giving all the information in writing and further forwarded an email dated 26.08.2019 wherein the complainant provided all the details of the date and time and the online portal where the credit card money was finally used by the online fraudsters/scamsters and other documents required for the proper investigation of the same. But it resulted into no action by the OPs and the matter never saw light of the day till date (Annexure C-3). Despite several efforts made by the complainant no satisfactory response has been received from the side of OPs nor any solution is provided to the complainant till date. Hence, is the present consumer complaint.

2. OPs contested the consumer complaint, filed their written reply and stated that the alleged fraudulent transaction was carried out in 3D secure conditions, the transaction was secured transaction and the transaction was validated through Dynamic OTP which is sent to the mobile number registered with the OP and provided by the complainant. The OP has no chargeback rights on secured transaction since the same gets completed/confirmed post second level of authentication. It is further stated that the transaction done by the complainant through his credit card is online transaction and the usage of which requires various mandatory details like card expiry date, CVV which makes the transaction is fully secured and the same is available with the complainant and only the complainant can provide the same to someone else. On these lines, the case is sought to be defended by the OPs.
3. No rejoinder was filed by the complainant.
4. Parties led evidence by way of affidavits and documents.
5. We have heard the learned counsel for the parties and gone through the record of the case.
6. The main grievance of the complainant is that on various dates in the month of July 2019 & August 2019, unauthorized transactions took place from the SBI Card issued by OPs to the e-wallet used by the complainant and once this was brought to the notice of OPs, they refused to refund the money to the complainant.
7. On perusal of complaint, Annexure C-1 & C-2, it is observed that the complainant has raised on 26.08.2019 a transaction dispute with OPs, with regard to an unauthorized transaction of Rs.2000/- carried out by free charge Gurgaon from his credit card issued by the OPs, but the OPs have failed to place on record as to when & in what manner the dynamic password or transaction alert SMS was issued. By not resolving the issue in satisfactory manner within reasonable period of three months, the OPs are deficient in providing service to the complainant.
8. In view of the above discussion, the present consumer complaint succeeds and the same is accordingly partly allowed. OPs are directed as under :-
  - i. to resolve the transaction dispute within a period of 45 days from the date of receipt of this order.
  - ii. to pay an amount of ₹7000/- to the complainant as lumpsum compensation for causing mental agony and harassment & towards litigation.
9. This order be complied with by the OPs within 45 days from the date of receipt of its certified copy, failing which, they shall make the payment of the amount mentioned at Sr.No.(ii) above, with interest @ 12% per annum from the date of this order, till realization, apart from compliance of direction at Sr.No.(i) above.
10. Pending miscellaneous application, if any, also stands disposed of.
11. Certified copies of this order be sent to the parties free of charge. The file be consigned.

01/04/2024

*Ls*

**Sd/-**  
**[Surjeet Kaur]**  
**Presiding Member**  
**Sd/-**  
**[Suresh Kumar Sardana]**  
**Member**