**BEFORE THE HON'BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT ERNAKULAM**

COMPLAINT NO. ........ OF 20..

IN THE MATTER OF:

Ajith Sathya Murthi

S/o. C.S. Sathyamoorthy, resident of ‘Vrindavanam’, Kumaranasan Road, Kochi – 17

EMAIL: .............

MOBILE: .............

...COMPLAINANT

VERSUS

1) M/s. Union Bank of India, NRI Branch, MG Road, Kochi 682035.

2) The Manager, M/s. Union Bank of India, NRI Branch, MG Road, Kochi 68203

...OPPOSITE PARTIES

**COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019**

RESPECTFULLY SHOWETH:

INTRODUCTION:

1. The complainant is Ajith Sathya Murthi, son of C.S. Sathyamoorthy, aged \_\_ years, a resident of ‘Vrindavanam’, Kumaranasan Road, Kochi – 17 and was employed as a Marine Engineer working in South Africa.

2. The 1st opposite party is M/s. Union Bank of India, NRI Branch, MG Road, Kochi 682035, a scheduled bank, and the 2nd opposite party is the Manager of the same bank branch where the complainant holds a bank account.

TRANSACTION:

3. The complainant was issued an International Debit Card No. \_\_\_\_\_\_ (ending 0349) by the opposite parties against his NRI Account No. 501902020050370, with a withdrawal limit of Rs. 50,000 per month and restricted to 10 transactions per day.

4. On \_\_\_\_\_\_ (date), while returning to India from South Africa, the complainant withdrew South African Rand (ZAR) 600, approximately equivalent to Rs. 2,800.

5. However, after reaching Kochi on 24/10/2015, the complainant discovered that an amount of Rs. 4,05,263/- had been debited from his account through unauthorized withdrawals, details of which are provided in the annexed schedule.

NATURE OF COMPLAINT:

6. The complainant alleges that the unauthorized debits from his account occurred due to the opposite parties' deficiency in service by not taking adequate measures to prevent cyber attacks and failing to comply with the Reserve Bank of India's directions on:

i) Issuing EMV chip and PIN-enabled cards for international use

ii) Converting existing magnetic stripe cards to EMV chip cards

iii) Setting threshold limits for international transactions

iv) Ensuring PCI-DSS and PA-DSS certification for payment terminals

v) Framing rules based on usage patterns to prevent fraud

vi) Ensuring PCI-DSS and PA-DSS certification for IP-based acquiring infrastructure

vii) Implementing real-time fraud monitoring systems

viii) Providing easy methods for customers to block cards

ix) Implementing additional authentication factors for international transactions

x) Building a system for call referrals based on framed rules

RECTIFICATION:

7. The complainant brought the unauthorized debits to the notice of the opposite parties through written communications on \_\_\_\_\_\_ (dates) but did not receive a satisfactory response. Copies of the written communications are annexed as Annexures A, B, etc.

8. The complainant subsequently issued a legal notice dated \_\_\_\_\_ to the opposite parties calling upon them to refund the debited amount along with interest, but received no response. A copy of the notice is annexed as Annexure \_\_.

CAUSE OF ACTION:

9. The cause of action arose when the unauthorized debits occurred from the complainant's account due to the opposite parties' deficiency in service and failure to comply with RBI guidelines on secure banking practices, thereby causing financial loss to the complainant.

EVIDENCE:

10. The complainant will rely on the following documents and witnesses at the time of evidence:

Documents:

A) Copies of written communications to the opposite parties

B) Copy of legal notice

C) Bank account statements showing unauthorized debits

D) ...

Witnesses:

1) The complainant

2) ...

TERRITORIAL JURISDICTION:

The bank branch of the opposite parties where the complainant holds the account falls within the territorial jurisdiction of this Hon'ble District Commission. Hence, this complaint.

PECUNIARY JURISDICTION:

As the total amount involved is less than Rs. 50 lakhs, the pecuniary jurisdiction lies with this Hon'ble District Commission.

LIMITATION:

The present complaint is being filed within the prescribed period of limitation under Section 69 of the Consumer Protection Act, 2019.

COURT FEE:

As per Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, no court fee is applicable.

PRAYER:

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

i) Direct the Opposite Parties to refund the amount of Rs. 4,05,263/- debited from the Complainant's account along with interest at 12% per annum from the date of debit till realization;

ii) Award compensation to the Complainant for mental harassment, cost incurred and litigation expenses;

iii) Award costs of the complaint proceedings to the Complainant;

iv) Pass any other order(s) as this Hon'ble Commission may deem fit and proper.

PLACE:

DATE:

Ajith Sathya Murthi

VERIFICATION:

Verified at ........ on this .... day of ........ 20.. that the contents of the above complaint are true and correct to the best of my knowledge and belief. Nothing material has been concealed therefrom.

Ajith Sathya Murthi