

**PRESIDENT'S SECRETARIAT (PUBLIC)
AIWAN-E-SADR**

Rep.No.110/BM/2022

Date of Decision:25.01.2023

Malik Tanveer Ahmed **V***S* *Summit Bank Ltd*

Subject: REPRESENTATION FILED BY MALIK TANVEER AHMED AGAINST THE ORDER OF THE LEARNED BANKING MOHTASIB DATED 15.04.2022 IN COMPLAINT NO. 2021-1391

Kindly refer to your representation on the above subject addressed to the President in the background mentioned below:-

This representation has been filed by Malik Tanveer Ahmed on 18.05.2022 against the order of the learned Banking Mohtasib dated 15.04.2022, whereby it has been held that:

“In view of above, I, under the Powers vested in me, vide Section 82D of BCO read with Section 9 of Federal Ombudsman Institutional Reform Act 2013 advise the Bank to credit the complainant's account with PKR. 35,000/- and report compliance within 30 days.”

2. Malik Tanveer Ahmed (the complainant) has been maintaining a salary account with the Summit Bank Ltd's Liberty Market Branch, Gulberg Lahore. Reportedly, on Sunday i.e. 06.09-2020 when he was asleep at home, he received an SMS from the Bank regarding balance inquiry and thereafter three more SMSs were received for cash withdrawal of PKR 35,000/- from his account. Since, his Debit Card was in his possession, thus, he immediately contacted the Bank's Helpline. Consequently, the Phone Banking Officer (PBO) blocked his Card and further advised to approach the Bank on next working day i.e. 07.09.2020 for lodging written complaint. He also lodged his written complaint with the Bank and also submitted Dispute Resolution Form but without any result. Thus, he escalated his complaint with the learned Banking Mohtasib for redressal of his grievances.

3. The Bank submitted its response before the learned Banking Mohtasib as follows:

- a) Disputed transactions were conducted in the vicinity of Lahore and at that time the complainant was also present in Lahore with his Debit Card.
- b) As per Bank's record, disputed transactions were conducted on 06.09.2020 at ABL ATM Valencia Town Branch, Lahore.
- c) The Bank had taken up the matter with ABL for provision of EJ, CCTV Footage and Pinhole Snaps. The ABL had provided EJ and ATM Snaps on 25.09.2020 whereas CCTV Footage was not provided on the plea that the same was not available. However, the ATM Snapshots provided by ABL were not clear.
- d) After Card blocking on 06.09.2020, two balance inquiries were noted on customer account on the same day in Lahore. One balance inquiry transaction was performed at 4.40 PM at ABL's ATM Lalpul Branch by customer himself to verify the location but another disputed balance inquiry was performed at 10:12 PM at ABL's ATM Khyabane-e-Jinnah Lahore.
- e) After receipt of complainant's written statement and ATM Card on 07.09.2020, no further suspicious attempts were found on complainant's account.
- f) On review of the complainant's Card history before disputed transactions, it was used on 2 ATMs for cash withdrawal on 18.08.2020 and 05.09.2020 at Summit Bank and Bank Alfalfa Limited (BAFL) respectively. On review of CCTV recording of Summit Bank, no suspicious activity was observed. Further BAFL also confirmed that no POC was found against the said Card on the particular date.

g) Since no skimming proved against dispute raised by the complainant therefore, the Bank was not found on fault, rather complainant was responsible to keep his Card and personal information safe.

4. Considering the respective stances, the learned Banking Mohtasib proceeded to pass the above mentioned order. Hence, the representation by the complainant.

5. The hearing of the case was fixed for 03.01.2023. The complainant has not appeared despite notice and phone calls, whereas, Mr. Muhammad Aftab Khan, Manager Administration has represented the Bank. Needless to mention that Section 15 of the Federal Ombudsman Institutional Reforms Act, 2013 empowers the decision of a representation on the basis of available record without personal hearing of the parties.

6. The order of learned Banking Mohtasib dated 18.05.2022 was passed on the complaint of the complainant which in no way affects the complainant rather it proceeds to redress his grievance. Suffice it to observe that the issue of the complainant is to get implementation of the learned Banking Mohtasib's order, whereas, he instead of approaching the learned Banking Mohtasib for implementation has filed a representation to this forum. He may take up the matter with the learned Banking Mohtasib to ensure implementation of the order already passed in favour of the complainant. In such circumstances, the representation filed by the complainant is misconceived and is liable to be disposed of accordingly. **However this office is concerned about the fact that complainants go from pillar to post to try and get justice. So this office is directed to send this complaint to the Banking Mohtasib for redressal, rather than burdening the complainant to carry out another exercise.**

7. Accordingly, the Hon'ble President, as per his decision above, has been pleased to dispose of the representation.

-Sd-

(Anwar-ul-Haq)
Director General (Legal)

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Copy for information to:

1. Ms. Samreen Tanveer, PSO to Banking Mohtasib Pakistan, Banking Mohtasib Pakistan Secretariat, 5th Floor Shaheen Complex, M.R. Kiyani Road, Karachi.
2. Master file.

-Sd-

(Anwar-ul-Haq)
Director General (Legal)