

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

No.45/BM/2022

Dated: 21.12.2022

Bank of Punjab Ltd VS Syed Nawazish Abbas

Subject: REPRESENTATION FILED BY BANK OF PUNJAB LTD AGAINST THE ORDER OF THE LEARNED BANKING MOHTASIB DATED 10.01.2022 IN COMPLAINT NO. 2020-802

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

This representation has been filed by Bank of Punjab (BOP) on 03.02.2022 against the order of the learned Banking Mohtasib dated 10.01.2022, whereby it has been held that:

“In view of above, I, under the powers vested in me vide Section 82D of BCO 1962 read with Section 9 of Federal Ombudsman Institutional Reform Act 2013, direct BOP to pay/credit the complainant's account with a sum of Rs.170,500/= forthwith and report compliance within thirty days from the date of issuance of this order.”

2. Syed Nawazish Abbas (the complainant) has been maintaining his account with the Bank's Cantt Branch, Jhelum. Reportedly, he received a call from unknown person on May 12, 2020 and the caller portrayed to be calling from the Army Institution. The caller informed him that certain transactions had been made from his account to India, China and Afghanistan. Meanwhile, he received a call from the BOP's Helpline # 021-111-267-200 and the lady caller asked him to share his information for safety of his account. Believing the caller was genuine, he shared his information after which he started receiving messages from the BOP No. 8267. Then, he came to know that an aggregate amount of Rs. 170,500/- had been debited from his account, although his ATM Card limit was only Rs. 25,000/- per day. Moreover, the fraud was done through Banking App which he never activated. Despite his continuous effort, the Bank failed to redress his grievances. Thus, he escalated his complaint with the learned Banking Mohtasib for refunding of his defrauded amount.

3. The Bank's stance before the learned Banking Mohtasib was that the customer had received a fake call whereupon he shared his financial credentials including the PIN/Passwords. Moreover, OTPs were also sent on his registered mobile which he also shared with the impostor. The matter was taken up with the beneficiary Banks i.e. Telenor Micro Finance Bank & Mobilink Micro Finance Bank where both reported that the funds had already been cashed out before receipt of intimation of the incident.

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

5. The hearing of the case was fixed for 06.12.2022. Ms. Mudassara Aziz, Manager Legal Affairs and Mr. Haroon Rashid, Manager have represented the Bank of Punjab, whereas, the complainant has not appeared despite notice. 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 Bank of Punjab has filed this representation against order dated 10.01.2022 passed by the learned Banking Mohtasib in complaint No.2020-802. The main grievance of the Bank is that the order has been passed without affording due opportunity of producing the record/ material to controvert the claim of the complainant and even without awaiting the result of in-house investigation which was underway while the complaint was pending before the leaned Banking Mohtasib. Such an assertion of the Bank finds mention in Para-11&13 of the representation as follows:

“11. That the order dated 10.01.2022 is passed without looking into the substance of the record as well as pleas raised by the Representationist and Honorable Mohtasib absolved the respondent from his negligence. It is important to mention here that order dated 10.01.2022 is silent on Tameer & Mobilink Account mentioned therein.

13. That the learned Banking Mohtasib never bothered to read the document on record and in fact misread the documents on record and its approach was perfunctory and it had without discussing the documents on record and dealing with the contention raised by the Representationist illegally jumped to the conclusion that the documents appended with the complaint fully supported the claim of the present Representationist.”

If that was the grievance the remedy of review was available vide S.13 of the Federal Ombudsmen Institutional Reforms Act, 2013, thus the learned counsel representing the Bank has chosen not to press this representation and to avail the remedy of review. For this purpose, a written application has been made seeking the withdrawal of representation and filing a review before the learned Banking Mohtasib Pakistan.

7. Since a proper course has been opted to be availed by the petitioner though belatedly, it is expected that in deciding the review petition which may be filed within 10-days of the receipt of this order, the question of limitation will not stand in the way of learned Banking Mohtasib to decide the matter on merits in accordance with law. The representation is thus liable to be disposed of accordingly.

8. Accordingly, the Hon’ble President, as per his decision above, has been pleased to dispose of the instant representation in terms of para-7 above.

-Sd/-

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

The President/Chief Executive,
The Bank of Punjab, Head Office at BOP Tower,
10-B, Block E-11, Main Boulevard Gulberg-III, Lahore

Syed Nawazish Abbas,
R/o Mohallah Nai Abadi, Dhoke Jumma Jhelum

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)

