

FAQ on Ombudsman under NPS (under Redressal of Subscriber Grievance) Regulations, 2015

1. Who is an Ombudsman under NPS/APY?

Pension Fund Regulatory and Development Authority (PFRDA) has appointed an Ombudsman to receive, consider and facilitate the resolution of complaints or grievances under the ambit of PFRDA (Redressal of Subscriber Grievance) Regulations, 2015. These regulations can be viewed <https://www.pfrda.org.in/index.cshhtml>

2. What are the powers and functions of the Ombudsman?

- a.) complainant may prefer an Appeal to Ombudsman against NPS Trust or any other intermediary under NPS if his complaint/grievance is not resolved by them within the specified period. The Ombudsman examines such Appeal and facilitates resolution of grievance by amicable) a settlement;
- b.) Ombudsman approves a friendly or amicable settlement of the dispute between the parties.
- c.) Ombudsman adjudicates grievance/disputes in the event of failure of settlement in a friendly or amicable manner.

3. What is the address of Ombudsman and contact details?

The Ombudsman
O/o Pension Fund Regulatory and Development Authority,
Plot No-14/A, Chhatrapati Shivaji Bhawan,
Qutab Institutional Area,
New Delhi-110016
Email Id: ombudsman@pfrda.org.in
Landline No.: 011 - 26517507 Ext 188

4. Who can file an Appeal with Ombudsman?

An appeal may be filed with the Ombudsman under PFRDA (Redressal of Subscriber Grievance) Regulations, 2015, by a complainant-

- a) whose grievance has not been resolved within 30 days from its escalation by filing a complaint with the National Pension System Trust (NPST); or
- b) where a complaint has been made directly against the NPST (and no other intermediary), and the same is not resolved within the specified period of 30 days; or
- c) in relation to a complaint against any other pension scheme regulated by the Authority, whose grievance is not resolved within a period of 30 days from its filing

5. What is the process of filing of an Appeal and whether there is any format of the Appeal?

The Appeal to the Ombudsman has to be filed in writing duly signed by the complainant or his authorized representative. However, a legal practitioner cannot file Appeal on behalf of a complainant. The Appeal has to be filed in the specified format (Annexure B). An appeal can be filed against the decision of NPST within 45 days of the receipt of the response from NPST.

6. Can the Ombudsman reject an Appeal?

I. The Appeal would be accepted only if:

- a) prior to its filing, a complaint was made to the concerned intermediary and the same was either rejected or not replied to within 30 days and
- b) thereafter, the complaint was escalated to NPST and not resolved within 30 days; or
- c) if the complaint is against NPST itself, the same is not resolved by NPST within 30 days of its receipt.

II. Ombudsman can reject the Appeal if:

- a. the Appeal is not filed within 45 days from the date of receipt of response of the NPST with which the complainant is dissatisfied, or
- b. the Appeal is not filed within the next 45 days following the date of expiry of 30 days from the date of filing of the complaint with the NPST, and for which no response was received from NPST. Provided that the Ombudsman may entertain an Appeal beyond the specified period of 45 days, on sufficient reasons being provided by the complainant/Appellant.
- c. the Appeal is in respect of a subject matter, which has already been settled by Ombudsman in any other previous proceedings.
- d. the Appeal pertains to the same subject matter for which any proceedings before the Authority or any court, tribunal or any other forum, is pending or a decree or award or final order has already been passed.

III. An appeal may be dismissed if it is frivolous in the opinion of Ombudsman.

7. What happens after an Appeal is received by the Ombudsman?

The Ombudsman sends a notice along with a copy of the Appeal to the intermediary or NPST as the case may be, named in the Appeal and aims to resolve the complaint/grievance by engaging with both the parties. If, any amicable settlement or friendly settlement is arrived at between the parties, the Ombudsman passes an award within 30 days from the date of such settlement and directs the parties to perform their obligations as per the award.

8. Does Ombudsman have the power to call for information?

Yes, An Ombudsman has powers to call upon the intermediary, named in the Appeal, to provide the necessary and relevant information.

9. How does Ombudsman handle the information received while discharging duty?

The Ombudsman maintains confidentiality of any information or document coming to his knowledge or possession in the course of discharging his duties. However, the Ombudsman can share the information with PFRDA or share the details of the award for the purpose of the publication in any journal or newspaper or for filing before any court, forum or, authority, if so required.

10. What happens if the complaint is not settled by agreement?

If the matter is not resolved by settlement within a period of 30 days of the receipt of the Appeal or such extended period as may be permitted by the Ombudsman, he may based upon the material placed before him

and after hearing both the parties, pass his award in writing or pass any other directions or orders as he may consider appropriate.

11. Do the provisions of the Evidence Act apply in the proceedings before Ombudsman?

The provisions of the Evidence Act, 1872 do not apply in the proceedings before Ombudsman and as such an Ombudsman may determine his own procedure consistent with the principles of Natural Justice.

12. Does Ombudsman hold oral hearings and do the subscribers need to attend those hearings?

The Ombudsman may decide whether to hold the proceedings on the basis of documents and other materials or hold oral hearings for the presentation of evidence. It is not necessary for a subscriber to be present at the oral hearing of proceedings.

13. What is the timeline to issue an award by the Ombudsman?

90 days from the date of the filing of the Appeal.

14. What could be the maximum quantum of Award/compensation that can be awarded by the Ombudsman?

The Ombudsman can award (including compensation and interest, if any) up to a maximum of Rs. 10,00,000/- (Rupees Ten lacs). If the amount exceeds Rs.10,00,000/- (Rupees Ten Lacs), such order/award is sent to PFRDA for confirmation. The Designated Member of PFRDA may confirm or vary the order/award, after hearing the parties concerned.

15. Can the award given by Ombudsman be changed or corrected?

- a. Within 15 days from the receipt of the award, a party, with notice to the other party, may request the Ombudsman to correct any computation errors, clerical or typographical errors or other errors of a similar nature occurring in the award.
- b. If the Ombudsman considers the request made, he shall make the correction within 15 days. The Ombudsman may also correct an error as referred to in (a) above, on his own, within 15 days from the date of the award.

16. What is the finality of award of Ombudsman and is there any recourse available for revision?

Any party aggrieved by the award passed by the Ombudsman may, within 30 days from the receipt of the award or corrected award, file an application for revision before the PFRDA, setting out the grounds for revision of the award. The award of Ombudsman is final and binding on the parties and persons claiming under them except when revised by the designated member of PFRDA, after which there would be no further revision. The award of Ombudsman may be revised by the designated member of the PFRDA, only if there is a substantial miscarriage of justice, or there is an error apparent on the face of the award.

17. How one can apply for revision of the award?

An aggrieved party who is directed to pay the amount mentioned in the award to the other party may file revision. Such application for revision is not entertained by the designated member of PFRDA unless the party filing the revision has deposited with the Authority, 75 % of the amount mentioned in the award. However, the designated member of the Authority may waive or reduce the amount to be deposited, after recording the

reasons in writing. The designated member of the Authority may revise the award and pass such order, as it may deem appropriate.

18. What is the procedure adopted by PFRDA while revising the award of Ombudsman?

PFRDA follows the principles of natural justice in the matter for disposing of an application for revision.

19. How does the directed party implement the award?

The directed party is obligated to implement an award of the Ombudsman or an order of the Designated Member of PFRDA, as the case may be, within 30 days of its receipt.

20. What are the consequences, if any person fails to implement the award or order of the Designated Member of PFRDA passed in the revision petition, without reasonable cause?

In such a case, the party will be deemed to have failed to redress subscribers' grievances and may be liable for —

- a. Suspension or cancellation of certificate of registration; or
- b. Such other action permissible and deemed appropriate by PFRDA after following the procedure laid down under the relevant rules or regulations.

The entity shall be liable to a penalty of not more than one crore rupees or five times the amount of profits made or losses avoided, whichever is higher as defined under Section 28 of PFRDA Act 2013.

21. What is the format in which an Appeal can be filed?

Please refer to Annexure B. (*Attachment*)

22. Will the Appeal be accepted if it is not in the prescribed format?

No. The appeal is liable to be rejected in not in the prescribed format.

23. Is there any cost involved in the filing of complaints with Ombudsman?

No. However, the Ombudsman may impose a cost on the complainant for filing a complaint or, any application for correction, which is frivolous.

24. What is the role of intermediaries for creating awareness about the services of Ombudsman for resolution of complaints?

Every intermediary under the NPS is required to display the name and address of the Ombudsman as specified by PFRDA so that subscribers visiting their office premises can readily notice it. The intermediary or entity is also required to give full disclosure about the Grievance Redressal Mechanism through the Ombudsman in its offer document or subscriber's agreements, notifications, office memorandum, circulars etc. Any failure to disclose the grievance redressal mechanism through the Ombudsman by an intermediary may attract the penal provisions contained in subsection (3) of Section 28 of the Act. Can one appeal against the decision of designated member? Yes. Any appeal against the order passed by the designated member of the Authority under this regulation shall lie with the Securities Appellate Tribunal (SAT), in terms of Section 36 of the PFRDA Act 2013.

Format of appeal with Ombudsman

- I. Key details to be captured for filing of grievances with the Ombudsman
 1. Name, address, contact number and e-mail address of the complainant
 2. Permanent Retirement Account Number (PRAN), if available
 3. CRA/POP/Other Intermediary/Other Pension Scheme Acknowledgement Reference Number (in case of reminder)
 4. Nature of complaint type/category
 - a. Registration
 - b. Contributions
 - c. Investment option (Tier I/II)
 - d. Subscriber Account
 - e. Investment management
 - I. Disclosures
 - II. Unit allocation
 - III. Performance
 - f. Portability of investments
 - I. Change in location
 - II. Change in fund manager
 - III. Change in scheme
 - g. Charges and fees
 - h. Annuity and commutation at retirement
 - I. Process
 - II. Valuation
 - i. Premature Withdrawals
 - I. Process
 - II. ii. Valuations
 - j. Service quality
 - I. Intermediary
 - II. Website
 - III. Key comments
 - k. Any other grievance not listed above.
 5. Dates and details of earlier correspondence with the intermediary under National Pension System or any other pension scheme.
 6. Dates and details of correspondence of escalation of grievance with the National Pension System Trust
 7. Enclosures, if any

FORM
(FOR OFFICE USE ONLY)

Complaint Number	Year	Date of Receipt

(TO BE FILLED UP BY THE COMPLAINANT)

To
The Ombudsman /Pension Fund Regulatory and Development Authority

(* give address of the office of the Authority or the address of the Ombudsman having jurisdiction...) Dear
Sir/Madam,

Sub: Complaint against

(Name of the intermediary or entity under National Pension System or any other pension scheme)

1. DETAILS OF THE COMPLAINANT:

Sr. No.	Particulars	Details
1	Name (s)	
2	Full Address	
3	Contact No. Tel. No. Mobile No	
4	Email ID	

2. DETAILS OF THE COMPLAINT:

Sr. No.	Particulars	Details	Remarks
1	Subject Matter/Grounds of the complaint		
2	Details of the complaint		If space is not sufficient, please Enclose separate sheet
3	Name of the intermediary/entity against which complaint has been made		Please enclose a copy of the complaint
4	Address and contact details of the		

	intermediary/entity		
5	Date of the Complaint made to the intermediary/entity		
6	Unique Grievance Number provided by intermediary		
7	Whether any reminder was sent by the complainant	YES/NO	If yes, please enclose a copy of the reminder
8	Whether any reply has been received by the complainant	YES/NO	If yes, please enclose a copy of the reply of the intermediary under National Pension System or any other pension scheme
9	If yes, whether the complainant is satisfied with the reply	YES/NO	
10	Date of representation by the complainant to the National Pension System Trust		Please enclose a copy of the representation
11	Whether any reminder was sent by the complainant to the National Pension System Trust	YES/NO	If yes, please enclose a copy of the reminder
12	Whether the complainant has received any reply of the intermediary or National Pension System Trust after representation with National Pension System Trust	YES/ NO	If yes, please enclose a copy of the reply of the intermediary or National Pension System Trust

3. NATURE OF RELIEF SOUGHT FROM THE OMBUDSMAN/AUTHORITY

(Please enclose-a copy of documentary proof, if any, in support of your claim)

4. DECLARATION

1. I/We, the complainant/s herein declare that:
 - a. the information furnished herein above is true and correct; and
 - b. I/ We have not concealed or misrepresented any fact stated in aforesaid columns and the documents
 - c. submitted herewith.

2. The complaint is filed before expiry of prescribed period reckoned in accordance with the provisions of these regulations.

3. (i) The subject matter of the present complaint has never been brought before the Office of the Pension Fund Regulatory and Development Authority/Ombudsman by me/or by any one of us or by any of the parties concerned with the subject matter to the best of my/our knowledge.
 - a. The subject matter of the present complaint is not in respect of the same, which was settled through the Office of the Pension Fund Regulatory and Development Authority/Ombudsman in any previous proceedings.
 - b. The subject matter of the present complaint has not been decided by any forum/court.

OR

(ii) The subject matter of the present complaint is pending since _____ (Please mention the date when the matter was filed) before _____ (*Please mention the name of the forum/court/before whom pending...) and the proceedings are likely to take longer time in its final adjudication as contemplated in the regulations.

4. I/We authorize the intermediary or entity under National Pension System or any other pension scheme provider to disclose any such information/ documents furnished by us to the Pension Fund Regulatory and Development Authority (Ombudsman and disclosure whereof in the opinion of the Pension Fund Regulatory and Development Authority/Ombudsman is necessary and is required for redressal of any other complaint or our complaint.
5. I/We have carefully gone through the provisions of the Pension Fund Regulatory and Development Authority (Redressal of subscriber Grievance) Regulations, 2015.

Yours faithfully

(Signature)

(Complainant)

NOMINATION/AUTHORISATION — (if the complainant wants to nominate/authorize his representative, not being a legal practitioner, to appear and make submissions on his behalf before the Ombudsman, the following declaration should also be submitted.)

I/We the above named complainant/s hereby nominate Shri/Smt _____, who is not a legal practitioner and whose address is _____ as my/our REPRESENTATIVE in all proceedings of this complaint and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/She has signed below in my presence.

ACCEPTED

(Signature of Representative)

(Signature of Complainant)