

**OFFICE OF THE ADJUDICATING OFFICER,  
GOVERNMENT OF GUJARAT,  
DEPARTMENT OF SCIENCE & TECHNOLOGY,  
Block No: 7, 5th Floor, Sardar Bhavan,  
Sachivalaya, Gandhinagar.**

**SPECIAL CIVIL APPLICATION NO. 26**

**DATE OF DECISION: 19/12/2017  
19 DEC 2017**

**IN THE MATTER OF:**

**Shri Patel Govindbhai Somabhai  
L5/1-13, Shashtrinagar, Ankur Road,  
Naranpura, Ahmedabad-380063  
Gujarat**

.....PETITIONER

**Vs**

**The Branch Manager  
M/s ICICI Bank,  
Drive in Road Branch, Memnagar,  
Gurukul Road, Ahmedabad  
Gujarat**

.....RESPONDENT

**HON'BLE MR. DHNANJAY DWIVEDI  
ADJUDICATING OFFICER UNDER  
INFORMATION TECHNOLOGY ACT, 2000**



This matter has been filed by the petitioner under sections 43 and 45 A and 85 of the Information Technology Act, 2000. The complainant is a resident of Ahmedabad. The complainant was maintaining an account with the ICICI Bank, Drive in Road Branch, Memnagar, Gurukul Road, Ahmedabad with saving bank account no xxxxxxxxx434. At the time of making complaint, the complainant was not using internet banking facility for the account.

2. The complainant has alleged that on 28<sup>th</sup> November, 2016, two transactions were made on-line without authorization from the complainant's bank account. On 05<sup>th</sup> December, 2016, two transactions were made on-line without authorization from the complainant through debit card number.

3. The complainant has alleged that in grave contravention and deficiency in service of following reasonable security practices under the provisions of the Information Technology Act, 2000 by the Respondent, the complainant has suffered huge financial loss of Rs. 46746/- due to fraudulent transfer of money to beneficiary holding account with different parties. The fraudulent transactions, as alleged, are as follows:

Sr. No.	Date	Particulars	Withdrawal amount
1.	28 <sup>th</sup> Nov, 2016	IIN / AKJ Group / 20161128172750	Rs. 3768/-
2.	28 <sup>th</sup> Nov, 2016	IIN / PayTm Mobil/ 20161128173232	Rs. 5999/-
3.	05 <sup>th</sup> Dec, 2016	IIN / PayTM Mobil / 20161205170500	Rs 19980/-
4.	05 <sup>th</sup> Dec, 2016	MIN / PAYTM / 20161205171252/0	Rs 19,999/-
<b>TOTAL</b>			<b>Rs. 49,746/-</b>

4. The complainant has prayed for a direction against the respondent to pay to complainant full amount towards damages incurred of Rs. 49746/-. The complainant has also mentioned that "he didn't share his debit card credentials and card no with any one, also not received any OTP.
5. The matter was heard on 21.07.2017 and 11.08.2017. In the hearing held on 21.07.2017, M/s ICICI Bank was instructed to submit the Log File of OPT generation with date and time stamp when the above transactions were happened. M/s ICICI bank has submitted the transaction details with the transaction details of two transactions Pay TM.



6. The respondent ICICI Bank has submitted transaction related information from their database. The transaction detail mentions that password information status as well as password verification status, through their platform, was successful. The detail clearly indicate that transaction happened through keying in of correct Card number and Passcode. While Petitioner has mentioned that he didn't share his user id or password or card information, it definitely comes out that transaction passed through online, over web, and with keying of passkey. How that password (passkey) got shared or was known to the person who allegedly stole the money (through transaction) can't be attributed to the respondent bank. Therefore, Petitioner claim for any redressal, under the provisions of IT Act, is not sustainable.

7. Accordingly, following order:

**ORDER**

A. Petitioner's claim for redressal of his grievance under the provisions of IT Act is not substantiated. Accordingly, the petition is rejected.



(Dhananjay Dwivedi)

**Adjudicating Officer under Information  
Technology Act, 2000 for the State of Gujarat.**

