

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

Special Civil Complaint No: 08/2019

Date of Decision: 31/03/2021

IN THE MATTER OF:

To,

Mr. Ramesh G. Shah (Director),
On Behalf of Chopra Bullions Private Limited,
7, Lalbhai Chambers, GR Floor, Gusaparekhs Pole, MG Road
Ahmedabad-38001, Gujarat



Vs

- 1) **M/s RBL Bank**
The Branch Manager,
C/G-8,9,10,13, 14 Mallinath Complex, Opp. Sujata Flat, Nr. Rajasthan Hospital,
Ahmedabad-380004, Gujarat
- 2) **M/s ICICI Bank**
The Branch Manager, ICICI Bank Tower, Near Chakli Circle, Old Padra Road,
Vadodara-390007, Gujarat
- 3) **M/s HDFC Bank**
The Branch Manager,
Astral Building, Navrangpura, Opp. Reliance General Insurance Building,
Ahmedabad-380009, Gujarat
- 4) **M/s Central Bank of India**
The Branch Manager, Central Bank Building, P. O. No-205, Lal Darwaja,
Ahmedabad-380001, Gujarat
- 5) **M/s Yes Bank**
The Branch Manager,
Yes Bank Tower, IFC-2, 15th Floor, Senapati Bapat Marg, Elphinstone (W),
Mumbai-400013
- 6) **M/s Vodafone Idea Limited**
Suman Tower, Plot No-18, Sector-11,
Gandhinagar-382011, Gujarat
- 7) **M/s Vodafone Idea Limited**
Vodafone Idea House, Corporate Road, Off S.G. Highway,
Prahladnagar, Ahmedabad-380015, Gujarat

- 8) **The Commissioner of Police**
Commissioner Office, Near Shahibaug Under Bridge, Shahibaug,
Ahmedabad-380004, Gujarat
- 9) **The Joint Secretary,**
Indian Computer Emergency Response Team (CERT-IND)
Department of Information Technology,
Ministry of Communications and Information Technology,
Government of India
Electronics Niketan, 6, Central Government Offices Complex, **New Delhi**
- 10) **M/s Karmakar Enterprise,**
Through M/s Central Bank of India, The Branch Manager,
Central Bank Building, P. O. No-205, Lal Darwaja,
Ahmedabad-380001, Gujarat
- 11) **Mr Rakesh Kumar Chaudhary,**
Through M/s HDFC Bank, The Branch Manager,
Astral Building, Navrangpura, Opp. Reliance General Insurance Building,
Ahmedabad-380009, Gujarat
- 12) **Mr Rakesh Kumar Chaudhary,**
Through M/s Yes Bank, The Branch Manager,
Yes Bank Tower, IFC-2, 15th Floor, Senapati Bapat Marg, Elphinstone (W),
Mumbai-400013
- 13) **M/s Ajanta Auto,**
Through M/s ICICI Bank, The Branch Manager,
ICICI Bank Tower, Near Chakli Circle, Old Padra Road,
Vadodara-390007, Gujarat



MR. HAREET SHUKLA
ADJUDICATING OFFICER UNDER
INFORMATION TECHNOLOGY ACT, 2000

1. This matter has been filed by the petitioner under Section 43 and 43-A of the Information Technology Act, 2000.
2. The brief of the case as mentioned by the petitioner is as follows:
 - a) Petitioner is a Director of the Chopra Bullions Pvt. Limited and is dealing with wholesale business of gold and silver and maintained current bank account for business purpose bearing as number-409120205230 and OD Account number-409000898558 in the RBL Bank and to do secure transactions the petitioner registered IDEA Mobile Number-9824274080 for receiving OTG etc.



- b) On 18/05/2019 petitioner had to go Vijapur so at about 07:30 PM petitioner left his office at that time above mentioned IDEA mobile no-9824274080 stop working.
- c) Petitioner presumed that it is not working due to network / signal problem and it remained in not working condition for whole night and on next day too.
- d) Therefore, on reaching his home at Ahmedabad on 19/05/2019 at about 11:00 AM petitioner contacted IDEA Cell Phone customer care on its no-9824012345 wherein customer care replied that your mobile number is already working and asked the petitioner to insert above mentioned mobile SIM Card in another mobile and the petitioner did the same as per the instruction of the customer care but it was not started / working therefore the petitioner again contacted IDEA Cell Phone Customer Care and told that the SIM Card is still not working in another instrument too, then IDEA cell phone customer care asked the petitioner to change / replace the SIM Card with new one thereafter, on Monday i.e., on 02/0/2019 at about 10:15 AM the petitioner went to Astodia IDEA Customer Care centre wherein the employee of the IDEA Customer Care Centre told the petitioner that the petitioner's SIM Card had been changed / replaced on 18/05/2019 but petitioner told the employee of the IDEA Customer Care centre that petitioner had not changed the SIM Card and only today he has visited here for replacing / changing his SIM Card on the advice of IDEA customer care centre and ultimately employee of the IDEA Customer care centre changed petitioner's SIM Card.
- e) On the same day i.e., on 20/05/2019 after reaching his office, petitioner open net banking of RBL Bank for business purpose and found there were four debit entries from his two bank account in RBL Bank.
- f) From Overdraft Account no-409000898558, Rs 24 lakhs and Rs 18 lakhs and from RBL Bank Current Account no-409120205230, Rs 20 lakhs illegally / without the consent of the petitioner transactions had been done which were not done by directors of the company.



3. The matter was heard on 15th October, 2019, 07th July, 2020, 25th August, 2020, 29th September, 2020, 27th October, 2020, 24th November, 2020 and 19th January, 2021.

4. In hearing held on 15th October, 2019, the Petitioner made a request to release the funds lying with the ICICI Bank, Yes Bank and Central Bank of India. Therefore, in the interest of justice and to ensure that the petitioner can use his own money, vide interim order dated 13-11-2019, the Respondents ICICI Bank, Yes Bank and Central Bank of India were directed to return the petitioner's amount as per the below:

Sr. No.	Bank Name	Account	Amount to be released to the Petitioner's Account
1.	ICICI Bank	045201508553	Rs 3078/-
2.	Yes Bank	005050700003690	Rs 70824/-
3.	Central Bank of India	3743583279	Rs 17,90,000/-

5. In hearing held on 07th July, 2020, Petitioner has informed that he has not received his own money from Central Bank of India and Yes Bank with reference to the interim order dated 13-11-2019. It was brought to the notice that Central Bank of India and Yes Bank have not complied with the said interim order. It was asked by Central Bank of India and Yes Bank why they have not follow the inter order / not complied interim order vide letter dated 14-07-2020

6. In hearing held on 07th July, 2020, Advocate of M/s Vodafone Idea Limited given the application to join the third parties i.e. to join Aryan Imaging and Business Consultants Pvt. Ltd i.e. Agency as well as Bhavani Communications i.e. Franchise in the said case.

7. In hearing held on 25th August, 2020 and with reference to the above para (6), it was decided that third parties cannot be accepted for the said case.

8. In hearing held on 25th August, 2020, Central Bank of India had requested Petitioner for share the Account Details for remitted the fund before the next hearing. Yes Bank has handed Demand Draft to the Advocate of the Petitioner and the advocate for the petitioner has duly acknowledged the receipt of the Demand Draft.

9. In hearing held on 29th September, 2020, Central Bank of India has informed that Bank has returned / remitted the fund into the Petitioner's account.

10. In hearing held on 27th October, 2020, Petitioner made a request to release the funds lying with the Axis Bank, Bhuj, Gujarat. Therefore, in the interest of justice and to ensure that the petitioner can use his own money, vide interim order dated 28-10-2020, the Respondents Axis Bank were directed to return the petitioner's amount as per the below:

ADJUDICATING OFFICER UNDER SECTION 10(1) OF THE INDUSTRIAL DISPUTES ACT, 1947 GUJARAT STATE	Bank Name	Account	Amount to be released to the Petitioner's Account
	Axis Bank	910010050703497	Rs 2,00,000/-

11. In hearing held on 24th November, 2020, Petitioner has informed that he has received the money from all banks including Axis Bank also.

12. This leaves third party to the transaction viz. M/s Vodafone Idea Ltd. In my capacity as Adjudicating Officer, this is not the first case wherein the complainant's sim card was inactivated and a duplicate card was issued which allowed fraudster to breach the second layer of two factor authentication for the net-banking. Incidentally for the sake of mentioning here, in all such cases, the sim cards were issued by M/s Vodafone Idea Ltd. I understand the possibility that people which had sim card from other cell companies might have faced similar fraud and yet chose not to represent to the Adjudicating Officer. Nonetheless, given the gravity of the complaint in the present case and given the feedback in relation to other cases in which the sim provided by Vodafone Idea Ltd. was either cloned or a duplicate sim was given, I had felt it necessary to instruct, during the course of proceedings, M/s Vodafone Idea Ltd. to strengthen their internal processes in relation to issuance of duplicate sims. I must say that M/s Vodafone Idea Limited should review the policy of SIM Card which not only strengthens the KYC requirements but also has additional checks and balances in terms of 5% audit of all sim change request undertaken by franchises to be done by Vodafone Idea Limited and delayed activation of the SMS facility in the context of the OTP based authentication. It would be appropriate that similar policy is brought in by other Cellular Operators also so that OTP compromise through sim change can be



prevented. I still cannot ignore the fact that concerned franchisee working under the trust of M/s Vodafone Idea Ltd., issued duplicate sim to unauthorised person which resulted in all these unauthorised transactions causing loss after recovery of remaining amount. If the franchisee of M/s Vodafone Idea Ltd. had been more diligent in verifying identity of the person seeking the duplicate sim, this loss could have been avoided. I also consider the fact that this negligence on the part of franchisee of M/s Vodafone Idea Ltd. has resulted in compromise of the OTP based authentication. It does not absolve the complainant from his negligence in compromising his own net-banking user ID and the password.

Accordingly, the following orders:

ORDER

I therefore, decide to levy a penalty of Rs 2,00,000/- (Two Lakh Only) on M/s Vodafone Idea Limited for breach of trust, violation of law, and for causing grave inconvenience to the Petitioner.



(Hareet Shukla)

Adjudicating Officer & Secretary,
Department of Science and Technology,
Government of Gujarat