

BEFORE THE ADJUDICATING OFFICER

Rajeev Kumar

Principal Secretary, Information Technology & Electronics Department,
Government of West Bengal

CYBER CASE NO. 1 of 2015

Dated: 09.01.2015

In the matter of :

Shri Kanchan Mukherjee

.....Complainant

Versus

ICICI Bank

.....Respondent

A complaint was filed for adjudication under section 43 & 43 A of the IT Act 2000. Detailed hearings were held in which both parties were present and heard. Following the completion of hearing and response of both the parties, the following order is hereby issued:-

ORDER

Dated: 11.01.2021

Advocates on behalf of the respondent were present.

The petitioner was present in person. Heard both parties. Ld. Lawyer representing ICICI Bank accepted that no OTP was generated as Complainant had enabled a new 3D pin feature, but Ld. Lawyer representing ICICI Bank, was unable to show that complainant had been sufficiently sensitized about the consequence of this new 3D pin feature. Ironically this feature was supposed to provide greater security.

Another plea taken up by Ld. Lawyer of ICICI Bank was that, may be, the complainant himself had withdrawn the money, also does not fly on the face of the facts (IP address is not of the mobile operator being used by the complainant and complainant has already submitted on affidavit that he would be liable for all consequent criminal and civil liabilities, if any kind of his connection with this transaction comes to surface).

Hence the respondent is liable under section 43A of the IT Act, 2000 as in this case they failed to provide reasonable degree of security practices and procedures to stop illegal transaction of Rs. 60,000/- (Sixty Thousand Only) of the complainant.

The matter is disposed today with the direction upon ICICI Bank to pay Rs. 60000/- (Sixty Thousand Only) to the complainant within 14 days of the impugned order dated 11.01.2021. If the amount is not paid to the complainant within the above mentioned period then the interest rate 12% per annum (compound interest) will be also payable , calculated from the expiry of 14 days time period.

The appeal is disposed of with the above direction.

Inform all accordingly.



Rajeev Kumar, IPS

Principal Secretary to The Government,
Information Technology & Electronics Department

Government of West Bengal

MONI BHANDAR (5TH & 6TH FLOOR), WEBEL BHABAN COMPLEX
EP&GP BLOCK, SECTOR-V, SALT LAKE,
KOLKATA-700 091