


ORDER SHEET

(In respect of cases under I T Act,2000 as amended till date)

Ld.Adjudicating Officer,West Bengal.

Cyber Case No. 01/2023

Petitioner ; Smt.Lakshmi Prasad Vs. Respondent: Punjab National Bank .

Sl. No. and Date of Order	Order and Signature of Officer	Note of action taken on Order
(01) 19/04/2023	<p>Ms.Swarupa Ghosh, Ld. Advocate.</p> <p>.....for the petitioner/Complainant.</p> <p>The Manager,PNB.</p> <p>.....for the respondent.</p> <p>The matter is fixed for physical hearing today at 12 noon.</p> <p>The Ld. Advocate of the petitioner is appears today .</p> <p>The Manager of Punjab National Bank i.e Respondent No.1 has also appeared and submitted a record of Account Ledger Inquiry. This is kept on record. Let copy of the same be served to the petitioner Advocate.</p> <p>The respondent Bank to submit the relevant documents as follows;</p> <p>(1) Why the SMS & OPT were not sent to the customer registered number, when the transaction got completed.</p> <p>(2) Which location is confirmed from the remitter bank of the customer account.</p> <p>The reply can be filed through email-lawofficer.ite-wb@gov.in</p> <p>Hence, the matter is fixed on 04.05.2023 for hearing and order. Such hearing would be held through VC and as law officer will please ensure that VC link is sent in advance to all concerned.</p> <p>Inform all concerned accordingly.</p> <p> Adjudicating Officer Govt. of West Bengal</p>	
Dictated by me.		
Adjudicating Officer.		Inform all Concerned.

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Ld.Adjudicating Officer,West Bengal.

Cyber Case No. 01/2023

Petitioner ; Smt.Lakshmi Prasad Vs. Respondent: Punjab National Bank .

Sl. No. and Date of Order	Order and Signature of Officer	Note of action taken on Order
(02) 04/05/2023	<p>Ms. Swarupa Ghosh, Ld. Advocate.</p> <p>.....for the petitioner/Complainant.</p> <p>The Manager,PNB.</p> <p>.....for the respondent.</p> <p>The matter was fixed for hearing through VC today at 1:30 P M.</p> <p>The Ld. Advocate of the petitioner is present .</p> <p>No one appears for the Respondent Bank (PNB). No documents as per last direction given Vide earlier Order dt. 19.04.2023 were submitted by the Respondent Bank.</p> <p>Respondent Bank to furnish the documents positively before the next date of hearing. Non submissions of the documents would be taken as the Respondent Bank has no documentary evidence contrary to the claims made by the Petitioner.</p> <p>The reply can be filed through email-lawofficer.ite-wb@gov.in</p> <p>Hence, the matter is fixed on 16.05.2023 for hearing and order. Such hearing would be held through VC and as law officer will please ensure that VC link is sent in advance to all concerned.</p> <p>Inform all concerned accordingly.</p> <p> Adjudicating Officer Govt. of West Bengal</p>	
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Ld.Adjudicating Officer, West Bengal.

Cyber Case No. 01/2023

Petitioner ; Smt.Lakshmi Prasad Vs. Respondent: Punjab National Bank .

Sl. No. and Date of Order	Order and Signature of Officer	Note of action taken on Order
(02) 16/05/2023	<p>Ms. Swarupa Ghosh, Ld. Advocate.</p> <p>.....for the petitioner/Complainant.</p> <p>The Manager,PNB.</p> <p>.....for the respondent.</p> <p>The matter was fixed for hearing through VC today at 1:30 P M.</p> <p>The Ld. Advocate of the petitioner is present .</p> <p>The Respondent Bank (PNB) is not represented.</p> <p>As per earlier Order the Respondent bank has submitted a report of suspicious transaction through email. This is kept on record.</p> <p>Respondent Bank to furnish the relevant documents electronic communication before the next date of hearing to prove SMS/OTP was indeed sent to the petitioner's registered mobile number .</p> <p>Inability of Bank to furnish such record will be considered as the Respondent Bank having accepted the claim of the petitioner that no SMS/OTP was sent for this suspicious transaction.</p> <p>The reply can be filed through email-lawofficer.ite-wb@gov.in</p> <p>Hence, the matter is fixed on 30.05.2023 for hearing and order. Such hearing would be held through VC and as law officer will please ensure that VC link is sent in advance to all concerned.</p> <p>Inform all concerned accordingly.</p> <p style="text-align: right;">  Adjudicating Officer Govt. of West Bengal </p>	Inform all Concerned.

ORDER SHEET

(In respect of cases under I T Act,2000 as amended till date)

Ld.Adjudicating Officer,West Bengal.

Cyber Case No. 01/2023

Petitioner : Smt.Lakshmi Prasad Vs. Respondent: Punjab National Bank .

Sl. No. and Date of Order	Order and Signature of Officer	Note of action taken on Order
(04) 30/05/2023	<p>Ms. Swarupa Ghosh, Ld. Advocate.</p> <p>.....for the petitioner/Complainant.</p> <p>The Manager, Punjab National Bank.</p> <p>.....for the respondent No.1.</p> <p>Dictated by me.</p> <p>The matter was fixed for hearing through VC today at 12.30 pm.</p> <p>As per the last order, Bank has submitted a reply dated 22.5.23 through email. Bank has also shared this reply with the petitioner. On basis of this reply the Ld Advocate of the Petitioner has submitted a written submission dated 30.5.23. Let this be also shared with the Bank.</p> <p>The Ld Advocate of Petitioner put her point of view and argued that between the 2 SMS alerts provided by Bank, there should have been an OTP sent by the Bank for completion of debit transaction. It is clear that on 9.3.23 at 11.30 pm an OTP for online registration was sent and on 9.3.23 at 11.34 pm, another SMS alert indicating that Rs. 13,474/- has been debited was sent. However, no OTP for completion of transaction of Rs. 13,474/- was sent.</p> <p>1) The Respondent Bank is directed to provide the following query:</p> <p>- If in ordinary circumstances after the debit card has been activated for online registration through OTP, the next debit card transaction can be made without OTP ?</p> <p>2) The details available with the bank on the delivery of the debit card, to the petitioner.</p> <p>3) Point wise reply to written submission dated 30.5.23 submitted by the Ld Advocate of the Petitioner.</p> <p>The reply on all these three points to be shared with the petitioner also.</p>	Inform all Concerned.

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30/5

The reply can be filed through email-lawofficer.ite-wb@gov.in

Hence, the matter is now fixed on 16.06.2023 for hearing and order. Such hearing would be held through VC and as Law Officer will please ensure that VC link is sent in advance to all concerned.

Inform all concerned accordingly.


Adjudicating Officer
Govt. of West Bengal
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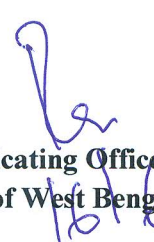
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(In respect of cases under I T Act,2000 as amended till date)

Ld.Adjudicating Officer, West Bengal.

Cyber Case No. 01/2023

Petitioner ; Smt.Lakshmi Prasad Vs. Respondent: Punjab National Bank .

Sl. No. and Date of Order	Order and Signature of Officer	Note of action taken on Order
(05) 16/06/2023	<p>Ms. Swarupa Ghosh, Ld. Advocate.</p> <p>.....for the petitioner/Complainant.</p> <p>The Manager,PNB.</p> <p>.....for the respondent.</p> <p>The matter was fixed for hearing through VC today scheduled at 3 P M.</p> <p>The Ld. Advocate of the petitioner is present .</p> <p>The representative of the Respondent Bank (PNB) has failed to submit the reply as directed by the earlier order dt.30.05.2023.</p> <p>Respondent Bank to furnish the documents positively by 7 days from the date of communication of this order. Non submissions of the documents would be taken as the Respondent Bank has no documentary evidence contrary to the claims made by the Petitioner.</p> <p>The reply can be filed through email-lawofficer.ite-wb@gov.in</p> <p>Hence, the matter is fixed on 28.06.2023 for hearing and order. Such hearing would be held through VC and as law officer will please ensure that VC link is sent in advance to all concerned.</p> <p>Inform all concerned accordingly.</p> <p> Adjudicating Officer Govt. of West Bengal</p>	Inform all Concerned.


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Ld.Adjudicating Officer, West Bengal.

Cyber Case No. 01/2023

Petitioner ; Smt.Lakshmi Prasad Vs. Respondent: Punjab National Bank .

Sl. No. and Date of Order	Order and Signature of Officer	Note of action taken on Order
(06) 28/06/2023	<p>Ms. Swarupa Ghosh, Ld. Advocate.</p> <p>.....for the petitioner/Complainant.</p> <p>The Manager,PNB.</p> <p>.....for the respondent.</p>	
Dictated by me.	<p>The matter was fixed for hearing through VC today rescheduled at 1 P M which was purposed to be done at 12:30 PM.</p> <p>The Ld. Advocate of the petitioner is present .</p> <p>The representative of the Respondent Bank (PNB) has submitted a “enquiry report for activation of debit card through online registration” but did not submits point wise reply as directed by the earlier order dt.30.05.2023. However, this is kept on record. Let this be shared with petitioner.</p> <p>Respondent Bank to furnish point wise reply positively before next date of hearing. This reply may also be share with the petitioner.</p> <p>The reply can be filed through email-lawofficer.ite-wb@gov.in</p>	
Adjudicating Officer.	<p>Hence, the matter is fixed on 11.07.2023 for hearing and order. Such hearing would be held through VC and as law officer will please ensure that VC link is sent in advance to all concerned.</p> <p>Inform all concerned accordingly.</p>	Inform all Concerned.
	<p style="text-align: center;">  Adjudicating Officer Govt. of West Bengal </p>	


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(In respect of cases under I T Act,2000 as amended till date)

Ld.Adjudicating Officer,West Bengal.

Cyber Case No. 01/2023

Petitioner ; Smt.Lakshmi Prasad Vs. Respondent: Punjab National Bank .

Sl. No. and Date of Order	Order and Signature of Officer	Note of action taken on Order
(07) 11/07/2023	<p>Ms. Swarupa Ghosh, Ld. Advocate.</p> <p>.....for the petitioner/Complainant.</p> <p>The Manager,PNB.</p> <p>.....for the respondent.</p> <p>The matter was fixed for hearing through VC today scheduled at 3 P M .</p> <p>The Ld. Advocate of the petitioner is present and submits a representation through mail, however this is kept on record. Let this be shared with respondent.</p> <p>The representative of the Respondent Bank (PNB) is absent and in spite of several intimation they are not able to furnish point wise reply as directed by the earlier order dt.30.05.2023.</p> <p>Respondent Bank to furnish point wise reply positively before next date of hearing , failing which matter will be heard Ex-Party. This reply may also be share with the petitioner.</p> <p>The reply can be filed through email-lawofficer.ite-wb@gov.in</p> <p>Hence, the matter is fixed on 25.07.2023 for hearing and order. Such hearing would be held through VC and as law officer will please ensure that VC link is sent in advance to all concerned.</p> <p>Inform all concerned accordingly.</p> <p> Adjudicating Officer Govt. of West Bengal</p>	
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ORDER SHEET


(In respect of cases under I T Act,2000 as amended till date)

Ld. Adjudicating Officer, West Bengal.

Cyber Case No. 01/2023

Petitioner ; Smt. Lakshmi Prasad Vs. Respondent: Punjab National Bank .

Sl. No. and Date of Order	Order and Signature of Officer	Note of action taken on Order
(08) 25/07/2023	<p>Ms. Swarupa Ghosh, Ld. Advocate.</p> <p>.....for the petitioner/Complainant.</p> <p>The Manager, PNB.</p> <p>.....for the respondent.</p> <p>The matter was fixed for hearing through VC today scheduled at 12:30 P M.</p> <p>Both the parties are present on the said V.C . It appears from the record that the Respondent bank has not produced any reply in pursuance of the order dated 30.05.2023 till today. In their submission, they admit that they have nothing more to add to their defense in this proceeding. Order reserved.</p> <p style="text-align: center;"> Adjudicating Officer Govt. of West Bengal</p>	
(09) 25/08/2023	<p>The fact of case is that the complainant is having a Savings A/C holder of PNB being A/C No.0615010698412 .On 09.03.2021 the complainant's account was debited by an amount of Rs.13474/- under reference No. ECOM 106820098155 .However, the complainant neither received an OTP before the transaction nor received a deduction SMS after the transaction on her Bank registered mobile No: 9051082766 The complainant had not shared the Debit Card details with anyone and had not initiated the said disputed transaction. Nevertheless, the said amount has been transferred to Religare Health Insurance company's account which maintains an account at Bank of Baroda Branch.</p> <p>It transpires from the report submitted by the Bank that the SMS alert was indeed successfully delivered to the petitioner registered mobile phone for the said suspicious transaction.</p> <p>During hearing the petitioner further claims that an OTP has not been sent to</p> <p style="text-align: right;">Cont.P/2.</p>	

<p>Dictated by me.</p> <p>Adjudicating Officer.</p>	<p style="text-align: center;">::2::</p> <p>the petitioner's registered Mobile Number for this debit transaction, as well as "Debit Card" number xxxxx7930 through which the said transaction took place, it was never received by the complainant.</p> <p>However as per the status report of the Bank that the aforesaid 'Debit Card' number xxxxx7930 was activated during the period of said disputed transaction, as well as the date of receipt by complainant is indicated as 25.12.2020 .</p> <p>It is also revealed in the said report of the respondent Bank that an OTP was sent successfully to the complainant's registered mobile number on the particular date and time of occurrence.</p> <p>After hearing the parties and considering the material on record, and finding no strong reason to doubt the evidence placed by respondent Bank, I find no negligence in implementing and maintaining reasonable security practices and any failure to protect sensitive personal data by respondent bank and hence no violation of the provision U/S 43(a) of IT Act,2000 (as amended till date),can be made out against the respondent bank.</p> <p>Penalties, compensation and adjudication are provided under Chapter IX of IT Act,2000 and these are limited to commission/omissions under this chapter only as described in detail under sections 43,43A,44,45 of IT ACT,2000 (as amended till date).</p> <p>Petitioner failed to show that omissions/commissions of respondent attracts sections 43,43A,44,45 of IT Act. Hence no relief can be provided to the complainant under Chapter IX of IT Act, 2000 (as amended till date).</p> <p>Accordingly the petition is dismissed without any order as to costs.</p> <p>Inform all concerned accordingly.</p> <p style="text-align: right;">  Adjudicating Officer Govt. of West Bengal </p>	<p>Inform all Concerned.</p>
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