

FAQs on Grievance Redressal Policy

1. What constitutes a 'Grievance' for the purpose of seeking relief under ICSIIIP Grievance Redressal Policy (GRP)?

Para 2(f) of the GRP defines grievance as written expression by a stakeholder of his suffering on account of conduct of Professional Member enrolled with ICSI IIP and registered with IBBI as Insolvency Professional or its associated persons; or ICSI IIP. Terms 'grievance' and 'complaint' may be used interchangeably.

2. Who can file a grievance?

A stakeholder as defined under the Grievance Redressal Policy can file grievance as per the procedure stated in Clause 5 of the Policy.

'Stakeholder' has been defined under clause 2 (n) of the policy which means and includes:-

- any professional member of the ICSI IIP;
- any person who has engaged the services of the concerned professional members of the ICSI IIP; or
- any other person or class of persons as may be provided by the Governing Board.

3. Against whom grievance could be filed?

Grievance could be filed against any professional of ICSI IIP or against ICSI IIP.

4. Whether a Grievance Redressal Officer has been designated in ICSI IIP?

Yes, ICSI IIP has designated the following officer as the Grievance Redressal Officer:-

Ms. Deepti Rana,
Dy. Director (Legal, Compliance & HR)

ICSI Institute of Insolvency Professionals,
Third Floor, ICSI House
22, Institutional Area, Lodi Road, New Delhi-110003
Tel No. 011-45341046
Email Id: deepti.rana@icsi.edu

5. What is the procedure of filing the grievance?

A stakeholder, who wishes to file a grievance, shall file it with the Grievance Redressal Officer of ICSI IIP as designated by the Committee(s) within forty five (45) of the occurrence of cause of action for the grievance.

Provided that a grievance may be filed after the aforesaid period, if there are sufficient reasons justifying the delay, but such period shall not exceed thirty (30) days.

A stakeholder shall not file a grievance where the subject matter of grievance is pending before a court, tribunal etc., as such grievances will not be entertained by the Committee and shall be closed on its receipt.

Every stakeholder filing a grievance shall make a declaration that the subject matter of grievance is not pending before any court, tribunal etc.

Grievances shall be communicated in the prescribed format (Annexure I or II as the case may be), available on the website of ICSI IIP alongwith a demand draft for two thousand and five hundred rupees (Rs.2,500/-) drawn in favour of the "ICSI Institute of Insolvency Professionals" payable at New Delhi or an online acknowledgement of two thousand and five hundred rupees (Rs.2,500/-) paid to the credit of the ICSI IIP towards fee.

The grievance(s) should be submitted through the following modes:

By sending an email, with the word "Grievance" recorded in the subject head, to info@icsiip.com; or

By letter to:

Grievance Redressal Officer,
ICSI Institute of Insolvency Professionals,
Third Floor, ICSI House
22, Institutional Area, Lodi Road, New Delhi-110003

The grievance and its enclosures should be filed in triplicate, duly signed by the Aggrieved and should be in English language. Any document/s in Hindi or in any Regional Language should be sent along with English translation thereof, duly verified as 'true copy'.

6. Whether on request of the Complainant, the identity of complainant can be kept confidential?

Yes, clause 5.7 of the grievance redressal policy provides that a stakeholder filing grievance may request the Committee(s) to keep the identity of the complainant confidential and in that case the Committee(s) shall keep it confidential unless its disclosure is necessary for processing the grievance or under any law.

7. How long will it take to address to grievance?

An acknowledgement shall be sent by Grievance Redressal Officer to the aggrieved within five (5) working days of the receipt of the grievance which shall contain:

- Date of receipt of grievance;
- Unique Redressal Grievance Number;
- Name, Designation and Contact details of Grievance Redressal Officer.

The application will be scrutinized for completeness by Grievance Redressal Officer who may request for additional information or clarification(s) in this regard. The aggrieved and Professional Member or the ICSI IIP, as the case may be, shall

submit the information and records sought by the Grievance Redressal Officer within fifteen (15) days thereof.

Once the grievance application is deemed to be complete, it will be submitted to the Committee(s) by Grievance Redressal Officer with the recommendations for consideration and further necessary action. The Committee(s) shall close the grievance within forty-five days of its receipt by recording the reasons thereof.

8. What are the possible outcomes of any grievances being addressed?

The Committee(s), after examining the grievance, the observations of the Grievance Redressal Officer and the facts associated with it shall take a decision recording the reasons thereof and may:

Dismiss the grievance if it comes to conclusion that the grievance is devoid of merit by recording its reasons briefly, or

Refer the Secretariat of the agency, which shall authorise an officer (not below the post of Deputy Director) for such issuance of show cause notice, in such format as may be prescribed, at the last known address of the professional member updated in the records of ICSI IIP requiring the professional member, to, inter alia, submit a reply in his defence within 2 weeks of receipt of the show cause notice, along with supporting documents, if any falling which, the Disciplinary Committee shall proceed on the basis of material available on record.

Refer the matter to the Disciplinary Committee, if deemed appropriate, or

Direct the parties to seek mediation as a means of redressal of grievance. Both parties will have a maximum of 7 (seven) days from the date of receipt of communication to decide whether or not to take part in the mediation process.

9. How will mediation be done for the grievances?

In case the Committee(s) directs the parties to seek mediation as a means of redressal of grievance, Grievance Redressal Officer shall intimate the decision of Committee(s) to parties to resolve their grievance through mediation and ask the parties if they are willing to take part in the mediation process to try and resolve the grievance. Both parties will have a maximum of 7 (seven) days from the date of receipt of communication to decide whether or not to take part in the mediation process.

In case of mediation process initiated by the Committee(s), the Mediator shall ensure adherence to the timelines and rules for mediation as approved by the Committee(s) from time to time.

Where a grievance has been resolved, the mediator shall within 5 (five) days of resolution of grievance provide a report stating details and outcome of the mediation to the Grievance Redressal Officer to be placed before Committee(s) as well as the concerned parties.

Upon receipt of Report from mediator that grievance has been resolved, the Committee(s) shall close the grievance as resolved.

In case, a grievance has not been resolved, the mediator shall provide a report stating details of the case along with the reason as to why the case has not been resolved to the Grievance Redressal Officer to be placed before Committee(s) as well the concerned parties within 15 (fifteen) days from the end of the mediation proceedings.

Upon receipt of Report from mediator that grievance has not been resolved, the Committee(s) shall decide and dispose of the grievance by recording reasons thereof.

10. What are the reasons for closure of grievances by the Committee(s)?

The grievance shall be closed by the Committee(s) after recording reasons thereof:

- if the aggrieved has not responded within fifteen (15) days of the receipt of any written communication from Grievance Redressal Officer seeking further details/clarification;
- where the aggrieved has withdrawn his/her grievance;
- where the matter has been referred by the Committee(s) to Disciplinary Committee of ICSI IIP;
- where the Committee(s) has dismissed the grievance if it is felt to be devoid of merit;
- where the subject matter of grievance is pending before a court, tribunal etc.
- where the grievance has been resolved during the mediation proceedings.

11. What actions are taken against false/malicious grievances?

In case the Committee(s), on investigation of the grievance, finds that a false grievance/ complaint has been made or that a grievance/complaint has been made with a malicious intent, the Committee(s) shall take such reasonable steps as they deem necessary to curb the initiation of such false and/or malicious complaints in the future.

However, a mere inability to provide adequate proof to substantiate the grievance/complaint shall not be construed as false and malicious grievance/complaint.

12. How ICSI IIP will keep record of grievances addressed?

There shall be a register of grievances stating details of grievances made and the resolutions/settlements arrived at with regard to those grievances. In case, grievance has not been resolved and the matter has been referred to Disciplinary Committee, register of grievances shall provide for status of the same and be updated regularly. The register of grievances may be maintained either in physical or electronic mode.

The Committee(s) shall review the working and efficiency of the grievance redressal mechanism at least once in every quarter. The grievance redressal mechanism contained in this Policy may be amended from time to time.

13. Whether a stakeholder whose grievance was not sufficiently addressed by the Insolvency Professional can approach ICSI IIP with the grievance?

Yes, in such a case ICSI IIP shall consider the grievance.