

**Central Consumer Protection Authority**  
**Room No. 545, Krishi Bhawan, New Delhi - 110001**

**Case No: CCPA-2/7/2022-CCPA**

In the matter of: Case against Plutus IAS & Yojana IAS regarding Misleading Advertisement.

**CORAM:**

Smt. Nidhi Khare, Chief Commissioner

Shri. Anupam Mishra, Commissioner

**Appearance on behalf of Plutus IAS & Yojana IAS:**

Mr Tushar and Mr Surya Pandey

**Date: 05.07.2024**

**ORDER**

Central Consumer Protection Authority (hereinafter referred to as CCPA) suo moto observed misleading advertisements displayed by Yojana IAS and Plutus IAS both are owned by the single entity Argasia Education Pvt. Ltd. (hereinafter referred to as 'Opposite Party') regarding the final results of the Civil Service Examination, 2021.

2. The following misleading claims were observed by CCPA on the opposite party print advertisement as well as on their websites:-

- i. They claimed the Ranks 18, 43, 44, 80, 225, 295, 388, 476, and 550 as "Top Rankers in CSE 2021"
- ii. Did not stipulate as to which course the "achiever" opted for
- iii. "Best IAS Coaching In Delhi, Hyderabad, Noida, Patna, and Lucknow."

3. As per sub-section (1) of Section 19 of the Consumer Protection Act 2019 (hereinafter referred to as Act), "The Central Authority may, after receiving any information or complaint or directions from the Central Government or of its own motion, conduct or cause to be conducted a preliminary inquiry as to whether there

exists a prima facie case of violation of consumer rights or any unfair trade practice or any false or misleading advertisement, by any person, which is prejudicial to the public interest or to the interests of consumers and if it is satisfied that there exists a prima facie case, it shall cause investigation to be made by the Director General or by the District Collector”

4. Accordingly, CCPA conducted a preliminary inquiry to examine the veracity of the claims in the impugned advertisement made by the opposite party. As per the preliminary inquiry report, it was found that the opposite party showcased various types of courses but the information with respect to the course opted by the said successful candidates in UPSC exam 2021 was concealed in the abovementioned advertisement. And also appears to be making tall claims such as “Best IAS coaching in Delhi, Hyderabad, Noida, Patna, and Lucknow without proper substantiation. Hence, by the preliminary inquiry, CCPA observed that there exists a prima facie case of false and misleading advertisement against the opposite party as the claims made by the opposite party are likely to mislead Civil Service Examination (CSE) aspirants.

5. Given the above, CCPA issued a notice dated 25.08.2022 to the opposite party to furnish the following data and substantiate the claims made by them in the said misleading advertisement:

- i. Registration forms of rank holders as claimed to be students of the institute
- ii. Date of joining of each student
- iii. Duration of the course attended
- iv. Fees paid along with the copies of receipt of fee
- v. Student ID
- vi. Verified testimonials from the students concerned
- vii. Proof vis-a-vis questions in exams claimed to be covered by the study material of the institute.

6. The response of the opposite party to the notice dated 25.08.2022 was received through email dated 15th September 2022. In its response, the opposite party submitted that:-

- i. The ranks mentioned in the SCNs relate to the following students: 1) Nikhil Mahajan, 2) Anjali, 3) Shubham Shukla, 4) Aditya Raj, 5) Umesh Goyal, 5) Neha Goyal, 6) Rohan Kadmi, 7) Ravi Kumar, 8) Neeraj Kumar.

- ii. Some of the above-mentioned students opted for the free Mock Interview Sessions and some brought the Test Series and Current Affairs.
- iii. Mock interviews were held in the Plutus IAS premises on 6<sup>th</sup> & 10<sup>th</sup> April 2022, DAF are the forms filled by the students before the mock interview (copies are attached)
- iv. Some of the students have brought online test series from the "onlinekhanmarket"
- v. Some of the students' records are lost due to the theft of the hard drives and laptops held on the premises of the institute.
- vi. Some of the above-mentioned students submitted the DAF form but did not attend the Mock Interview Session because they were under training and therefore their data is not properly maintained by the opposite party.
- vii. From the next time the opposite party will ensure that their advertisement only includes the students whose proper record is maintained by them so that they do not face such issues in the future.

7. Further CCPA observed that the opposite party in its response have not substantiated the claim "Best IAS Coaching in Delhi, Hyderabad, Noida, Patna, and Lucknow".

8. As per Section 19 of the Act the matter was referred to DG investigation by CCPA's order dated 30.11.2023. The Investigation Report is received by CCPA on 5th June 2024. As per the investigation report:-

- a) Yojana & Plutus IAS via e-mail dated 09.02.2024 and, followed by two subsequent reminders dated 14.02.2024 & 19.02.2024 was asked to submit relevant documents to substantiate its claim but despite repeated requests, M/s Yojana & Plutus IAS failed to furnish their response to the investigation team with regard to the veracity of the claims made in the advertisements.
- b) It should be noted that the non-compliance to provide supporting documents such as consent forms, enrolment forms, and fee receipts and providing irrelevant documents by the institute may be seen as an attempt to hide the crucial information.
- c) It also seems that the Institute is not in possession of this documentary evidence and failed to substantiate the claims advertised by them in the impugned advertisement.

- d) It should be noted that Yojana & Plutus IAS has accepted that they claimed some candidates even though those candidates never attended any session of mock interview with the institute, which is misleading and amounts to unfair trade practice.
- e) The advertisement by the Yojana & Plutus IAS which display selected candidates must also mention the type/name and duration of the course opted by the selected candidate so that potential aspirants can make well informed choice as its consumer right under Section-2(9) of the Consumer Protection Act, 2019. As this was not done by the Yojana & Plutus IAS in its advertisement, hence it appears to be in potential violation of Section- 2(9) and Section 2 (28) (ii), (iii) & (iv) of the Consumer Protection Act, 2019.

**9.** The investigation report was shared with the opposite party through mail dated 24<sup>th</sup> June 2024.

**10.** An opportunity for a personal hearing as per section 21(8) of the Act was provided to the opposite party on 24<sup>th</sup> June 2024 at 4:00 PM. The opposite party did not attend the hearing nor conveyed the reasons for its non-appearance to the CCPA. Based on the principle of natural justice, by the Interim Order dated 26<sup>th</sup> June 2024, the opposite party was provided with another opportunity of a personal hearing on 2<sup>nd</sup> July 2024 to substantiate the alleged Misleading Advertisement.

**11.** The hearing was held on 2<sup>nd</sup> July 2024, Mr Tushar and Mr Surya Pandey appeared on behalf of the opposite party and made the following oral submissions during the hearing:

- i. With respect to their written submission dated 15<sup>th</sup> September 2022, they denied that they have ever said that the students did not appear for the mock interview.
- ii. All the students whose names they have published have taken part in their free mock interview session either online or offline. Further, they accepted the fact that they do not have any document as proof of the same as they never preserve them for future reference.
- iii. Submitted that they have not deceived any students by their alleged misleading advertisement as it was not in custom for the advertisement to display the

course name the Civil Service Examination rank holder opted for as none of the other institutes were doing the same.

- iv. When it was brought to the notice of the opposite party by notice dated 25.08.2022, they stopped talking about the students or their ranks in their advertisements.
- v. They accepted that not giving the proper course name the student opted for in the advertisement may be misleading the Civil Service Examination aspirants but the same was not done purposefully by the opposite party, as it was not in custom within the UPSC coaching institutes. Therefore since they received the notice they have stopped publishing the alleged misleading advertisement.

**12.** Further, during the hearing, the CCPA to check the veracity of the opposite party's oral submissions checked their website (<https://plutusias.com/>) and found that they were displaying the student's name and photograph with their Civil Service Examination ranks on their official website without disclosing the course they have opted for from their institute and pointed it out to the opposite party to give clarifications. To which the opposite party submitted that they were not aware of the website as being included in the advertisement as it was not intimated to them earlier, but accepted their mistake and submitted to correct the same as soon as possible.

**13.** It may be mentioned that Section- 2(28) of the Act defines "misleading advertisement" in relation to any product or service means an advertisement, which—

- i. falsely describes such product or service; or
- ii. gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service; or
- iii. conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice; or
- iv. deliberately conceals important information;

**14.** Union Public Service Commission (UPSC) in its Press Release dated 30<sup>th</sup> May 2022 announced that a total of 10,93,948 candidates applied for UPSC Civil Services Examination, 2021. Opposite party's advertisement was targeted towards a class of consumers i.e. UPSC aspirants. A total of 685 candidates were recommended by the UPSC for appointment to various Services. The opposite party in its advertisement

claimed 9 selections out of 933 total selections and concealed important information regarding courses opted by the successful candidates.

**15.** The CCPA has carefully considered the written submissions as well as submissions made by the opposite party during the hearing and investigation report submitted by the Director General (Investigation) and found the following:

- i. The opposite party has failed to substantiate the claim "Best IAS Coaching in Delhi, Hyderabad, Noida, Patna, and Lucknow".
- ii. The opposite party is still using the Student name, photograph, and CSE rank along with the qualifying year as an advertisement on its website to allure the Civil Service Examination aspirants.
- iii. Ignorance of Law is no excuse, the opposite party by publishing an advertisement on its website without disclosing the course opted for by the said successful candidates from its Institute deliberately conceals important information and mislead aspirants/consumers regarding the nature and quality of the institute's services.

**16.** The CCPA is empowered under Section- 21 of the Consumer Protection Act, 2019 to issue directions to the advertiser of false or misleading advertisement to discontinue or modify the advertisement and if necessary, it may, by order, impose a penalty which may extend to ten lakh rupees and for every subsequent contravention may extend to fifty lakh rupees. Further, Section 21 (7) of the above Act prescribes that following may be regarded while determining the penalty against false or misleading advertisement:-

- a) the population and the area impacted or affected by such offence;
- b) the frequency and duration of such offence;
- c) the vulnerability of the class of persons likely to be adversely affected by such offence.

**17.** The opposite party has a total of 7 centers in the state of Delhi, Bihar, Chhattisgarh, Chandigarh, and Himachal Pradesh. Further, the opposite party also provides online coaching classes across India through its website. It may be mentioned that every year approximately 11,00,000 students apply for the UPSC Civil Service exam. Therefore, the vulnerability of the class of persons likely to be adversely affected by such misleading advertisements is huge. The opposite party does its

advertisement not only through its website but also on Facebook on which Plutus IAS has 20,000 followers, on LinkedIn on which Plutus IAS has 20,000 followers and Yojana IAS has 10,000 followers, and also on Instagram where Plutus IAS has 766 followers.

**18.** In view of the above, under section- 21 of the Consumer Protection Act. 2019, CCPA hereby issues the following direction to the opposite party:

- a) To discontinue the impugned advertisement from all electronic and print media whatsoever with immediate effect.
- b) Opposite party shall pay a penalty of ₹ 3,00,000 for publishing following false and misleading advertisement claims which affected the consumers as a class.
- c) The opposite party shall submit the amount of penalty and a compliance report to CCPA on the above directions within 15 days from the date of this Order.



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Nidhi Khare  
Chief Commissioner



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Anupam Mishra  
Commissioner

