

Central Consumer Protection Authority

Case No: CCPA-2/28/2024-CCPA

In the matter of: Misleading advertisement and unfair trade practice by Shubra Ranjan IAS

CORAM:

Mrs. Nidhi Khare, Chief Commissioner

Mr. Anupam Mishra, Commissioner

APPEARANCES

For Shubhra Ranjan IAS:

1. Mr. Santosh Kumar, Head, Administrative Division

Date: 19.12.2024

ORDER

1. This is a *suo-moto* case taken up by the Central Consumer Protection Authority ('CCPA') against Shubhra Ranjan IAS [M/s Shubhra Viraj Edutech Pvt. Ltd.] (hereinafter referred to as 'opposite party') with regard to alleged misleading advertisements on online platforms including its official website (<https://www.shubhraranjan.com/>), Facebook and Platform X. The following claims were made in the advertisements –

- (i) "13 students in Top 100"
- (ii) "28 students in Top 200"
- (iii) "39 students in Top 300".

2. Further, the advertisements prominently depicted photographs and names of the following successful candidates of the UPSC Civil Service Exam 2023, without mentioning any information about the specific course opted by such candidates –

- (i) "Srishti Dabas (AIR 6 - UPSC CSE 2023)
- (ii) Kunal Rastogi (AIR 15 - UPSC CSE 2023)
- (iii) Swati Sharma (AIR 17 - UPSC CSE 2023)

- (iv) *Anshul Bhatt (AIR 22 - UPSC CSE 2023)*
- (v) *Rupal Rana (AIR 26 - UPSC CSE 2023)*
- (vi) *Yogesh Dilhor (AIR 55 - UPSC CSE 2023)*
- (vii) *Surabhi Srivastava (AIR 56 - UPSC CSE 2023)*
- (viii) *Ravula Jayasimha Reddy (AIR 104 - UPSC CSE 2023)*
- (ix) *Akash Agrawal (AIR 105 - UPSC CSE 2023)*
- (x) *Amritanshu Nayak (AIR 110 - UPSC CSE 2023)*
- (xi) *Chaitanya Giri (AIR 117 - UPSC CSE 2023)*
- (xii) *Shashwat Agrawal (AIR 121 - UPSC CSE 2023) and so on*

3. Taking *suo-moto* cognizance of the advertisements, the Central Authority in exercise of power conferred under Section 19 of the Consumer Protection Act, 2019 (hereinafter referred to as 'the Act') conducted a preliminary inquiry to examine genuineness of the claims in the impugned advertisement made by the opposite party. As per preliminary inquiry report, it was found that the opposite party prominently displayed successful candidates' names & pictures and simultaneously advertised various types of courses provided by them on online platforms including on its official website (<https://www.shubhraranjan.com/>) and on social media platforms like Facebook and X namely "Integrated GS and PSIR Optional Classroom Course, NCERT Foundation Course Classroom/Online, GS Prelims Cum Mains Classroom Course, PSIR & GS Prelims + Mains Test Series, Prelims Quality Enrichment Program (QEP) - Crash Course for CSE Exam, GS Prelims Cum Mains Answer Writing Test Series, Ancient, Medieval and Art & Culture History Modular Online, GS Prelims Cum Mains Tablet Course, PSIR Answer Writing Module, Essay Program by Shubhra Ma'am etc." However, the information with respect to the specific course opted by the said successful candidates in UPSC Civil Service exam 2023 was not disclosed in the abovementioned advertisement. It is pertinent to mention that neither any description to substantiate the above-noted claims was mentioned in the advertisement nor any information or document was found to be available elsewhere to substantiate the claims advertised by opposite party.

4. Accordingly, CCPA issued a notice dated 31.05.2024 to the opposite party for violation of provisions of the Act highlighting the issue of misleading advertisement by concealing important information and making unsubstantiated claims which are likely to mislead the consumers about the quality of its service. An opportunity to furnish

response within 15 days of the issuance of notice was given to the opposite party to substantiate their claims and submit the following documents:-

- i. Details of successful candidates from the Institute who cleared the UPSC Civil Services Exam 2023.
- ii. Enrolment/consent form of such student.
- iii. Type of course attended by such student.
- iv. Duration of the course attended by such student.
- v. Date of joining of each such student.
- vi. Fees paid along with the copies of receipt.
- vii. Requisite data/evidence to substantiate the following claims:-
 - a. "13 students in Top 100"
 - b. "28 students in Top 200"
 - c. "39 students in Top 300"

5. In response to the notice, a reply dated 14.06.2024 was received from the opposite party. In the reply, two company names are mentioned i.e., Shubhra Viraj Edutech Pvt. Ltd. and Shubhra Ranjan IAS Study Pvt. Ltd. whereas in the fee receipts attached with the reply, the company name mentioned is Shubhra Viraj Edutech Pvt. Ltd. Further, the reply notes that –

- (i) The institute has neither made any false or misleading advertisement nor engaged in any unfair trade practices.
- (ii) The institute does not engage in misleading advertising, including advertising a service that falsely guarantees or is likely to mislead consumers about the quality of such service.
- (iii) Along with the reply, the institute submitted a list of 114 successful candidates for the UPSC Civil Service Exam 2023 and courses attended by them. A list of courses, along with duration of courses and online fee receipts of successful candidates, were also submitted.

6. The response dated 14.06.2023 was thereafter examined and it was found that the opposite party failed to submit Application/Enrollment/Registration forms of successful candidates of UPSC CSE 2023 claimed by them in the impugned

advertisement. Further, it was observed that most of the successful candidates took PSIR (Political Science and International Relations) Crash Course & Test Series from the opposite party but the opposite party deliberately concealed such important information with regard to the specific course opted by these successful candidates in the impugned advertisement to create deception about the quality of all the courses offered by it. Accordingly, the CCPA was satisfied that there exists a prima facie case of misleading advertisement under the Consumer Protection Act, 2019. Therefore, vide letter dated 10.07.2024, CCPA requested Director General (Investigation) to conduct a detailed investigation into the matter.

7. The Director General (Investigation) in its investigation report dated 26.09.2024 submitted the following:

- (i) The opposite party submitted list of 114 candidates selected in UPSC CSE 2023 and the break-up of courses opted by them was as follows: -
 - a. 73 candidates were enrolled in only Political Science and International Relations (PSIR) course.
 - b. 25 candidates were enrolled in PSIR + Some other course (mainly Essay Writing).
 - c. 16 candidates were enrolled in other courses such as Essay writing, Sociology optional, Environment for prelims, Geography optional etc.
- (ii) The opposite party submitted in its response that some students have taken multiple courses, but they have provided fee receipts for one course only as proof of their enrolment. It was also submitted that the opposite party maintains online admission process, hence they do not have any signed application of the candidates.
- (iii) It was also found that on its website, the opposite party is still depicting photographs of candidates along with their rank but without the course details taken by them even as on 24.09.2024.
- (iv) Section – 2 (28) (iv) of Consumer Protection Act, 2019 talks about misleading advertisement involving deliberate concealment of important information. In the present case, type/name or duration of course opted by selected candidates is

important information for the consumer so that they can make an informed choice.

- (v) Several coaching institutes prominently use the same successful candidates' names, pictures and videos in their advertisements while deliberately concealing important information from consumers with respect to specific course opted by such successful candidates.
- (vi) Such concealment of important information is misleading to the potential aspirants as it deliberately leads them into making an uninformed choice while choosing coaching services of an institute.
- (vii) In the present case, out of the 114 candidates, 73 candidates were enrolled in only PSIR optional subject course for Mains phase of the examination which is close to 65% of the total claimed selections. This information is important & crucial for consumers. The opposite party in the impugned advertisement has deliberately concealed this important information from consumers.
- (viii) Also, the opposite party failed to provide enrolment/consent forms to substantiate the claims concerning number of selected candidates citing that their registration process is online and therefore the institute does not have signed enrolment/consent forms.
- (ix) The advertisements by the opposite party 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. Since this was not done by the opposite party, it appears to be in potential violation Section 2 (28) (ii) & (iv) under the Act.

8. The Investigation Report submitted by DG (Investigation) was shared with the opposite party vide letter dated 25.10.2024 to furnish its comments.

9. On 02.11.2024, the CCPA received an email from the opposite party wherein it submitted a modified advertisement displaying name of the course alongside the names and photographs of some successful candidates.

10. Thereafter, an opportunity of hearing was provided to the opposite party on 12.11.2024. Appearing on behalf of the opposite party, Mr. Santosh Kumar, Head, Administrative division, Shubhra Ranjan IAS submitted the following:-

- i. The Institute runs under two companies Shubhra Viraj Edutech Pvt. Ltd. and Shubhra Ranjan IAS Study Pvt. Ltd. In 2021, both these companies entered into business agreement which states that Institute will operate under Shubhra Viraj Edutech Pvt. Ltd.
- ii. The institute mainly provides coaching for Political Science and International Relations (PSIR) course. Further, the institute also provides coaching for various optional subjects and test series.
- iii. Students can enroll into their courses offered by them through online platforms.
- iv. The institute does not have any consent/enrolment form which states that the successful candidates has given their consent to publish their names, pictures and videos for promoting the opposite party's institute.
- v. The institute never projected that its founder Mrs. Shubhra Ranjan is / was an IAS officer. Using terms like "Shubhra Ranjan IAS" and "Students of Shubhra Ranjan IAS" in advertisements and letter head is a clerical mistake. It was never the intention to mislead consumers and is simply because of lack of knowledge. The institute will immediately remove the term "IAS".

11. It may be mentioned that the opposite party submitted during the aforementioned hearing that the Institute is now operating under Shubhra Viraj Edutech Pvt. Ltd. However, they are still running the official website and other platforms under the name Shubhra Ranjan IAS Study.

12. It was noted that despite repeated directions, the opposite party failed to submit the Application/Enrolment/Registration forms, along with the details of specific courses of successful candidates. During the hearing on 12.11.2024, the CCPA granted another opportunity to the opposite party to furnish the following details:

- i. Application/Enrolment/Registration forms along with details of specific courses of successful candidates highlighted in the following claims:-
 - a. 13 students in Top 100

- b. 28 students in Top 200
 - c. 39 students in Top 300
- ii. Proof of payment of fees, whether through cash, cheque, or any other means, including evidence that the fees were transferred from the successful candidate's account to the opposite party's account.

13. The CCPA received an e-mail from the opposite party on 20.11.2024, wherein it submitted documents of selected candidates (whose names/photos were used by the opposite party in its advertisement) in the form of Student profile, Student's Test copies and correspondence with payment gateway. A google drive link https://drive.google.com/drive/folders/1q5o3Lyt8eB-qdMiHsb_PelBCqMZ4ebC was also mentioned in the e-mail. This reply includes 12 test copies of successful candidates. However, they again failed to submit Application/Enrolment/Consent forms of the successful candidates implying that they did not have the candidates' consent to publish their pictures and names in its advertisement.

14. It may be mentioned that Section 2 (28) of the Act stipulates that "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.

15. From the above bare reading of the above provisions of the Act, it is clear that any advertisement should:-

- (i) Contain truthful & honest representation of facts,
- (ii) Have assertions, guarantees only when backed by underlying credible and authentic material, study.

- (iii) Not indulge in unfair trade practice as defined in Section 2(47) of the Act. It should be free from false representation that the goods/services are of particular standard, quality [(section 2(47) (a)] and should not make false or misleading representation concerning the need for or usefulness of any goods or services [(section 2(47) (f)] of the Act with respect to unfair trade practice.
- (iv) Disclose important information in such a manner that they are clear, prominent and extremely hard to miss for viewers/consumers so as to not conceal important information.

16. In respect of the advertisements wherein opposite party claimed “13 students in Top 100”, “28 students in Top 200”, “39 students in Top 300”, CCPA has following observations :-

S.No	Opposite party claims	Course opted by successful candidates
1.	“13 students in Top 100”	<ul style="list-style-type: none"> • PSIR Crash Course & Test Series- 8 students • Essay Program for Mains- 4 students • Rapid Revision (Polity, Governance & IR)- 1 student • Political Science & International Relations (July) PSIR Plus+ Classroom course- 1 student
2.	“28 students in Top 200”	<ul style="list-style-type: none"> • PSIR Crash Course & Test Series- 21 students • Essay Program for Mains- 7 students • Rapid Revision (Polity, Governance & IR)- 2 students • Political Science & International Relations PSIR Plus+ Classroom course- 2 students • Political Science & IR- 3 students • PSIR Answer Writing Module- 3 students

3.	"39 students in Top 300"	<ul style="list-style-type: none"> • PSIR Crash Course & Test Series- 26 students • Essay Program for Mains- 10 students • Rapid Revision (Polity, Governance & IR)- 2 students • Political Science & International Relations PSIR Plus+ Classroom course- 2 students • Political Science & IR- 5 students • PSIR Answer Writing Module- 8 students • Sociology Offline Batch- 2 students
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- (i) Opposite party submitted a list of total 114 candidates. Out of these 114, 73 candidates were enrolled in only Political Science and International Relations (PSIR) course.
- (ii) 25 were enrolled in PSIR + Some other course (mainly Essay Writing).
- (iii) 16 were enrolled in other courses such as Essay writing, Sociology optional, Environment for prelims, Geography optional etc.

17. It is worth noting that successful candidates of Civil Services Examination have to clear all the 3 stages of Exams. Viz., Prelims, Main Exams and Personality Test (PT). While Prelims is a screening test, the marks obtained in both Mains Exams and Personality Test are counted for getting finally selected. The total marks for Main Exams and PT are 1750 and 275 respectively.

18. According to various news reports, approximately 13 lakhs aspirants applied for UPSC Civil Service Examination 2023, out of which, 14,600 students appeared for Mains examination, 2,916 sailed to the final round of the Personality Test and 1016 were finally declared successful. Therefore, after clearing mains examination, out of these approx. 3000 candidates selected for Personality Test, 1 out of every 3 such selected candidates have a strong probability to make it to the final selection in CSE. In the instant case, opposite party has been found to be taking full credit of successful candidate's efforts and success for all the stages of the examination by deliberately

concealing important information about the specific course taken by the successful candidates. UPSC CSE 2023 Preliminary examination result was declared on 12.06.2023. However, as mentioned in earlier paras, opposite party reply reveals that majority of the successful candidates took courses of various subjects which comes into play after clearing preliminary examination. Although they had prominently used their pictures in the advertisement claiming “13 students in Top 100”, “28 students in Top 200”, “39 students in Top 300” in UPSC CSE 2023, it failed to inform specific courses opted by each one of them, while it simultaneously advertised various types of courses offered by the opposite party like Integrated GS and PSIR Optional Classroom Course, NCERT Foundation Course Classroom/Online, GS Prelims Cum Mains Classroom Course, PSIR & GS Prelims + Mains Test Series, Prelims Quality Enrichment Program (QEP) etc. on online platforms including its official website (<https://www.shubhraranjan.com/>) and on social media platforms Facebook and X. It is clear that the opposite party had only provided coaching for crash courses for Mains examination, as submitted during hearing, of optional subjects and essay writing. But by deliberately concealing the specific name of the course opted by the successful candidates, such advertisement creates misleading impression on prospective consumers into making uninformed choice about the quality of its service. It is pertinent to mention that the opposite party failed to provide the details of course wise fees paid by the candidate/student to the opposite party institute’s bank account or any receipt given to the consumer.

19. The submission made by the opposite party via email on 20.11.2024 was also examined in detail. It was found that the opposite party submitted documents in the form of 41 student profile, 12 students test copies and 6 correspondence with payment gateway against their claim of “13 students in Top 100”, “28 students in Top 200”, “39 students in Top 300” in UPSC CSE 2023. However, the opposite party failed to submit any application/enrolment/consent forms of successful candidates which can prove that which specific courses were taken by the successful candidates. Hence, the opposite party failed to discharge its onus of proving that the claims are not misleading.

20. It is important to mention that Section 2(47) of the Act defines "unfair trade practice" as a trade practice which, for the purpose of promoting the sale, use or supply

of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice including falsely representing that the services are of a particular standard, quality or grade. The opposite party has used terms such as "Shubhra Ranjan IAS" and "Students of Shubhra Ranjan IAS" in its advertisements and letterheads, creating a deceptive impression that Mrs. Shubhra Ranjan is/was an IAS officer. This constitutes a misrepresentation and unfair trade practice under Consumer Protection Act 2019, thereby misleading the public and potential students into believing that the services or guidance provided by the opposite party are directly associated with the credibility of an IAS officer. The opposite party has submitted that it was a clerical mistake, which is not tenable as the term Shubhra Ranjan IAS or @shubhraranjanias has been frequently used on its letterheads and in its advertisements. The opposite party is covered under vicarious liability. Hence it is not acceptable and convincing. Opposite party utilized deceptive practices to create a perception of exceptional quality and success attached with the Indian Administrative Service to draw students.

21. It is important to highlight that there is no disagreement with regards to the various types of courses, nearly 50+ courses, offered by the opposite party's institute. The institute may provide a wide variety of courses, both free and paid, across different categories and durations, tailored to meet the needs of a wide range of aspirants. However, by not providing accurate information about the specific course taken by the successful candidates, it is clear that the advertisement concealed important information from the potential students/consumers. In this case, the category of courses at the opposite party's institute to which the successful students were affiliated or attended were not disclosed to the potential future students to whom the advertisement seeks to reach. The concealment of details has affected the ability of potential students (consumers) to make an informed choice about courses, the effect of which is violation of Consumer rights u/s 2(9) of the Act. If the opposite party, in its advertisement made the claim of "13 students in Top 100", "28 students in Top 200", "39 students in Top 300" in UPSC CSE 2023, it was the right of the consumer to be informed about the specific course that these successful candidates had taken to make it into the Top 100 or 200 or 300 of CSE. For the potential consumers, this information would have contributed in their making an informed choice about the

course to be opted for ensuring their success at CSE. By deliberately concealing information about the specific course opted by each of the successful candidates, the opposite party made it look like all the courses offered by it had the same success rate for the consumers, which was not right. These facts are important for the potential students to decide on the courses that may be suitable for them and should not have been concealed in the advertisement.

22. The above actions of opposite party are in contravention of the provisions of the Act particularly the 'rights of consumer' as defined in section 2(9) (ii) of the Act i.e., *'Right to be informed about the quality, quantity, potency, purity, standard and price of goods, products or services as the case may be, so as to protect the consumer against unfair trade practices'*. The opposite party published advertisements with claims i.e. "13 students in Top 100", "28 students in Top 200", "39 students in Top 300" and prominently used photographs and names of successful candidates of UPSC Civil Service Exam 2023 while deliberately concealing important information such as course opted by those successful candidates.

23. It is pertinent to mention that information regarding the course opted by successful candidates is important for the consumers so as to enable them to make an informed choice and decide on which course and coaching institute/platform they should join. The CCPA has observed that several coaching institutes use the same successful candidate's names and photographs in their advertisements while deliberately concealing important information about specific course opted by them to create a deception that the successful candidates were regular classroom students of coaching institute or were students of several courses offered in the advertisement. Therefore, information regarding the specific course opted by successful candidates is vital for the knowledge of consumers in order to enable them to make an informed choice while deciding which course and coaching institute/platform to enroll.

24. The CCPA after carefully considering the written submissions, the submissions made by the opposite party during the hearing and the investigation report submitted by Director General (Investigation) finds that the advertisements are false & misleading as they deliberately conceal important information with respect to the

specific course opted by the said successful candidates from the opposite party's Institute.

25. The opposite party provides both online and offline coaching and operates eight regional centers across India, including those in Delhi, Bengaluru, Hyderabad, and Pune. It has 4.75 lakhs subscribers on its YouTube Channel and 60,000 followers on Facebook.

26. Therefore, CCPA after examining the evidences, investigation report and submissions during hearing, is satisfied that opposite party has engaged in misleading advertisement as envisaged under the Act and is of the opinion that it is necessary to impose a penalty in the interest of young and impressionable aspirants (consumers) to address such false or misleading advertisement and unfair trade practice.

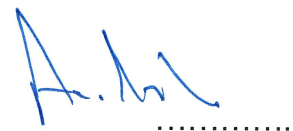
27. In view of the above, under Section- 20, 21 read with Section 10 of the Consumer Protection Act 2019, CCPA hereby issues the following directions:-

- (i) Discontinue the misleading advertisements with immediate effect.
- (ii) Pay a penalty of ₹ 2,00,000 for publishing misleading advertisements.
- (iii) Submit a compliance report of the directions (i) and (ii) above within 15 days of receipt of the Order.



Nidhi Khare

Chief Commissioner



Anupam Mishra

Commissioner