

Central Consumer Protection Authority**Krishi Bhawan, New Delhi --110001**

Case No: CCPA-2/32/2024-CCPA

In the matter of: Misleading advertisement and unfair trade practice by Edge IAS.

CORAM:

Mrs. Nidhi Khare, Chief Commissioner

Mr. Anupam Mishra, Commissioner

APPEARANCES

For Edge IAS: -

1. Mr Parmod Singh, Director & Founder of Edge IAS
2. Mr. Arun Chaturvedi, Director & Founder of Edge IAS.

Date: 24.12.2024

ORDER

1. A Representation from one Mr. Sachin Jain, a successful candidate of UPSC CS exam 2016, was received, wherein it was alleged that Edge IAS (the opposite party) is using his details in its advertisements/Brochure without any official declaration signed by him. Mr. Sachin Jain has alleged that Brochure of opposite party claimed him as its student whereas he had never studied at opposite party institute. On examining the matter, Central Consumer Protection Authority (hereinafter referred as 'CCPA') further observed that the opposite party was allegedly publishing misleading advertisement which prominently carried pictures and names of following successful candidates of UPSC Civil Service Exam 2023 while concealing important information such as course opted by them:-

- i. Ruhani (AIR 5 - UPSC CSE 2023)
- ii. Ayan Jain (AIR 16 - UPSC CSE 2023)
- iii. Abhimanyu Malik (AIR 60 - UPSC CSE 2023)
- iv. Rajendra Bishnoi (AIR 161 - UPSC CSE 2023)
- v. Nirdesh Gangwar (AIR 360 - UPSC CSE 2023)
- vi. Koshinder (AIR 588 - UPSC CSE 2023)
- vii. Ayush Mani Chaudhary (AIR 723 - UPSC CSE 2023)
- viii. Nishu Tyagi (AIR 752 - UPSC CSE 2023)
- ix. Rathor Lakhansing (AIR 756 - UPSC CSE 2023)

- x. Mahalle Mayuri (AIR 794 - UPSC CSE 2023)
- xi. Oviya K (AIR 796 - UPSC CSE 2023)
- xii. Gursimrat Singh (AIR 867 - UPSC CSE 2023) and many more....

2. 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 its official website namely "GS Foundation Hybrid Course (Offline/Online), Ethics Module, Lakshya Mentorship Program, Sociology Optional (Offline/Online), Sarthak Mains Mentoring Program, Prayaas Prelims Test Series, and CSAT Foundation Course." 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 available to substantiate the claims advertised by opposite party.

3. Accordingly, CCPA issued a notice dated 19.06.2024 to the opposite party for violation of provisions of the Consumer Protection Act, 2019 highlighting the issue of misleading advertisement by concealing important information i.e. specific courses opted by the successful candidates and Mr. Sachin Jain allegation that Brochure of opposite party claimed him as its student whereas he stated that he had never studied at opposite party institute. An opportunity to furnish response within 15 days of the issue of the Notice was given to the opposite party to submit the following requisite documents and substantiate their claims:-

- 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.

4. In response to the notice, a reply dated 05.07.2024 was received wherein the opposite party made the following submissions:-

- i. A list of 13 successful candidates of UPSC CSE 2023 was submitted and it was stated that all the names of the candidates as mentioned in CCPA's notice were part of Edge IAS. It further stated that all the candidates had joined them either for preparation of a subject or for mock interview.
- ii. It was stated that the allegation made by Sh. Sachin Jain is also incorrect and the document on which the name of Sh. Sachin Jain is printed does not belong to Edge IAS and Edge IAS has no concern with the said prospectus in any manner whatsoever.

5. In view of the above, the CCPA examined the opposite party reply dated 05.07.2024 and found that opposite party submitted Application/Enrollment/Registration forms of successful candidates of UPSC CSE 2023 claimed by them. However, some of them were not signed which raises concerns about the genuineness of the claims vis-à-vis the documents submitted by the opposite party. Further, it was observed that most of the successful candidates took Mock Interview from the opposite party institute but while advertising, the institute deliberately concealed such important information with regard to the course opted by each of the successful candidates which is detrimental to the public interest or to the interest of consumers. It was also observed that opposite party did not submit any information or document to refute the allegations of Sh. Sachin Jain such as FIR copy. Considering the facts and circumstances emanating out of the preliminary report and the reply of the opposite party, the CCPA was satisfied that there exists a prima facie case of misleading advertisement and unfair trade practice under the Consumer Protection Act, 2019. Therefore, CCPA vide letter dated 19.07.2024 requested Director General (Investigation) to conduct a detailed investigation into the matter.

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

- i. Details of 13 candidates was provided by the opposite party Institute.
- ii. Out of these 13 candidates, 11 were enrolled in Interview Guidance Program (IGP) and rest 2 were enrolled in Mentoring Course and IGP.

- iii. The Institute has provided fee receipts for 7 candidates and for rest of the 6 candidates the institute stated that those candidates were received from reference and as a courtesy Edge IAS had exempted their fees.
- iv. The Institute has provided admission form of 12 candidates and 1 testimonial from Rajendra Bishnoi. Out of these 12 admission/consent forms, 5 forms are not signed, implying that the candidates have not given their consent to use their photos or names etc. for publicity material or to claim them as their student. This raises concerns about documents submitted by the Institute. The Institute has also provided 12 mentoring/mock interview session videos and 1 testimonial videos. Edge IAS submitted that intention of using the term “.....& many more” is to have faith and believe on the institute’s capabilities and hard work of its dedicated team. Edge IAS wanted to communicate to its reachers that similar more results will come in future.
- v. In its response to the CCPA on 05.07.2024, Edge IAS claimed that the brochure submitted by the complainant, Mr. Sachin Jain, did not belong to the institute.
- vi. It was observed that the two brochures, i.e. the one submitted by Mr. Sachin Jain and the one furnished by Edge IAS, were different. The brochure submitted by EDGE IAS had no reference to the selection of Mr. Sachin Jain in Edge IAS’s Brochure. However, the investigation wing obtained another advertising material / brochure published by the institute and found that it had the same testimonials of successful candidates of UPSC CSE 2017 as contained in the brochure submitted by Mr. Sachin Jain. The brochure submitted by EDGE IAS through email was different than what is being distributed physically on its centre. It is clear that the brochure submitted Mr. Sachin Jain and the one obtained by the investigation wing are the same minus the details of Mr. Sachin Jain & others.
- vii. It was also found that Edge IAS on its website <https://iasedge.in/> has modified its advertisement and is now showing photo of successful candidates along with their rank and the course details as on 26.09.2024.
- viii. Section- 2(28) (iv) of Consumer Protection Act talks about misleading advertisement in relation to deliberately concealing 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. Several coaching institutes prominently use the same successful candidates’ names, pictures and videos in their advertisements while

deliberately concealing important information from consumers as a class with respect to course opted by such successful candidates

- ix. It is misleading to the potential aspirants (consumer as a class) as they make misinformed choice because it is nowhere mentioned in the advertisement about the courses opted by the selected candidate. Therefore, in the present case, Edge IAS has deliberately concealed important information like type/name of courses opted by selected candidates and duration of the course attended by such student.
- x. From the above findings, it clearly establishes that the brochure submitted by Mr. Sachin Jain to the CCPA is published by the coaching institute EDGE IAS. The testimonials in both brochures are same, suggesting that the soft copy given to the investigation team through email have been updated by EDGE IAS.
- xi. The advertisements by the Edge IAS which displays 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 Edge IAS in its advertisement, hence it appears to be in potential violation of Section 2(9), 2 (28) (iv) of consumer rights under the Consumer Protection Act, 2019

7. The Investigation Report submitted by DG (Investigation) was shared with the opposite party vide letter dated 28.10.2024 to furnish its comments.

8. Thereafter, an opportunity of hearing was provided to the opposite party on 13.11.2024 wherein opposite party was represented by Mr Parmod Singh and Mr. Arun Chaturvedi, Directors & Founders of Edge IAS. They submitted the following:-

- i. Some students took mock interview thorough online mode. That's why Institute don't have signed enrolment/consent form of such candidates.
- ii. Edge IAS is small institute that's why we conduct mentorship and Interview Guidance Program as one to one interaction with teachers including guidance, answer writing and recorded lectures etc.
- iii. We followed general practices adopted by other coaching institutes. We accept our mistake and will comply with CCPA's directions.
- iv. After receiving CCPA's Notice, Institute started displaying course name along with successful candidates' pictures.

- v. With respect to the allegations made by Mr. Sachin Jain, they are false. He is one of our competitors who also runs a coaching institute named Ensure IAS, and he has attempted to harass us in various ways. The brochure submitted by Mr. Sachin Jain does not belong to us.

9. 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.

10. From a plain reading of the above provisions of the Act, it is evident that any advertisement must adhere to the following principles:-

- i. It should present a truthful and honest representation of facts.
- ii. Any assertions or guarantees made in the advertisement must be supported by credible and authentic evidence, studies, or materials.
- iii. Must not engage in unfair trade practices as defined under Section 2(47) of the Act. Specifically:
- iv. It should not falsely represent that the goods or services are of a particular standard or quality [Section 2(47)(a)];
- v. It should not make false or misleading claims regarding the necessity or usefulness of any goods or services [Section 2(47)(f)].
- vi. Important information must be disclosed in a clear, prominent, and hard to miss manner to ensure that no critical details are concealed from consumers.

11. At the time of issuance of notice, opposite party in its advertisement prominently carried pictures and names of successful candidates of UPSC Civil Service Exam 2023 while deliberately concealing important information such as course opted by each one of them and thus CCPA noted that:-

S.No	Opposite party submissions	Course opted by these successful candidates
1.	The Institute provided details of 13 candidates.	<ul style="list-style-type: none"> i. 11 were enrolled in Interview Guidance Program (IGP) ii. 2 were enrolled in Mentoring Course and IGP.

12. 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 wherein approximately only 1% students able to clear the said stage, making it the toughest stage with the most competition. 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.

13. As per news reports, approximately 13 lakhs aspirants applied for UPSC Civil Service Examination 2023, out of which, only 14,600 students appeared for Mains examination, 2,916 sailed to the final round of the Personality Test and 1016 were declared successful. Therefore, 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. However, as mentioned in earlier paras, opposite party reply and DG Investigation reveals that majority of the successful candidates took Interview Guidance Programme which comes into play only after clearing Preliminary and Mains examination. Although opposite party had prominently used the pictures of successful candidates of UPSC Civil Service Exam 2023 in the advertisement and had simultaneously advertised its courses like "GS Foundation Hybrid Course (Offline/Online), Ethics Module, Lakshya Mentorship Program, Sociology Optional (Offline/Online), Sarthak Mains Mentoring Program, Prayaas Prelims Test Series, and CSAT Foundation Course." However, the opposite party had only provided coaching for Interview Guidance Programme (IGP). 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

misinformed choice about the quality of its other courses on offer in the impugned advertisement. It was noted that IGP was not advertised by the opposite party in the impugned advertisement. Upon examining the submitted documents, CCPA further observed that out of 13 admission/consent forms, 5 forms are not signed, implying that the candidates have not given their consent to be claimed as students of opposite party. This again raises concerns about the genuineness of the claims vis-à-vis the documents submitted by the opposite party.

14. It may be noted that there is no disagreement with regards to the various types of courses, nearly 10+ 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 consumers. 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 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 which courses to buy and at what stage of their preparation of Civil Service Examination, the effect of which is violation of Consumer rights u/s 2(9) of the Act. If the opposite party, in its advertisement had prominently displayed successful candidates' names & pictures, 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 final selection. 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 through the impugned advertisement had the same success rate for the consumers, which was not true. 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 impugned advertisement.

15. The above actions of opposite party are in contravention of the provisions of Consumer Protection Act 2019 particularly the 'rights of consumer' as defined in

section 2(9) (ii) of the Act-*'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 advertisement which prominently carried pictures and names of 13 successful candidates of UPSC Civil Service Exam 2023 while concealing important information such as course opted by those successful candidates.

16. 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. It has been observed that coaching institutes use the same successful candidate's names and pictures in their advertisement while deliberately concealing important information such as course opted by them to create a deception that the successful candidates were regular classroom students of coaching institute. Therefore, information regarding the course opted by successful candidates is crucial for the consumers in order to make an informed choice while deciding the course and coaching institute/platform for enrollment.

17. With respect to the allegations of Mr. Sachin Jain, the CCPA found discrepancies existed between the two brochures in question: one submitted by Mr. Sachin Jain and another furnished by the opposite party. Notably, the brochure provided by the opposite party did not contain any reference to the selection of Mr. Sachin Jain. However, the investigation wing obtained a different advertising material/brochure distributed by the institute, which included the same testimonials of successful candidates from the UPSC CSE 2017 as those present in the brochure submitted by Mr. Sachin Jain. The brochure submitted by the opposite party to Investigation wing via email differed from the one being physically distributed at their center (which was discreetly obtained by the investigating officer). Upon examination, it is evident that the brochure submitted by Mr. Sachin Jain and the one obtained by the investigation wing are identical, except for the exclusion of details concerning Mr. Sachin Jain and others. These findings clearly establish that the brochure submitted by Mr. Sachin Jain to the CCPA originated from the opposite party institute which constitutes unfair trade practice as per Section 2(28) (iii) & 2 (47) of the Act. Furthermore, the inclusion of identical testimonials in both brochures further indicates

that the soft copy provided to the investigation team via email had been subsequently modified by Edge IAS.

18. 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:-

- i. The advertisement is false & misleading as it deliberately conceals important information with respect to the course opted by the said successful candidates from the opposite party's Institute.
- ii. The opposite party has violated the provisions related to misleading advertisement of the Consumer Protection Act 2019:-
 - a. Section 2(28) (i) -Falsely describes such product or service
 - b. Section 2(28)(iv) – Deliberately conceals important information
 - c. Section 2(28)(iii) - Unfair Trade Practice [conveys a representation through *deceptive practice, unfair method*]
 - d. Section 2(47)- Unfair Trade Practice [*deceptive practice, unfair method*]

19. 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.

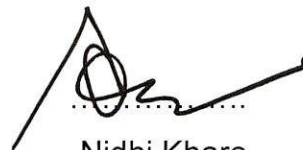
20. The opposite party provide online and offline coaching across India. It has 1 centre in Delhi. It may be mentioned that every year approximately 11,00,000 students apply for the UPSC Civil Service exam.

21. CCPA after examining the evidences, investigation report and submissions during hearing (elaborated above) finds that the opposite party has adopted unfair method of publishing false information in its brochures thereby engaging in deceptive

practice and deliberately concealed information i.e. course opted by successful candidates to mislead the aspirants consumers. Therefore, CCPA is satisfied that opposite party has engaged in unfair trade practice, false or misleading advertisement as envisaged under the Act and therefore CCPA is of the opinion that it is necessary to impose a penalty in consumer interest.

22. 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:-

- a) Discontinue the misleading advertisements with immediate effect.
- b) The name of Mr. Sachin Jain (CSE, 2016) should not be used in claiming him as student of Edge IAS in any form, whether on online publicity material or brochure or website.
- c) Pay a penalty of ₹ 1,00,000 for publishing misleading advertisements.
- d) 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