

Central Consumer Protection Authority

Krishi Bhawan, New Delhi -110011

Case No: CCPA-2/92/2023-CCPA

In the matter of: Anuj Jindal (M/s AJC Edutech Pvt. Ltd) regarding Misleading Advertisement and Unfair Trade Practice

CORAM:

Mrs. Nidhi Khare, Chief Commissioner

Mr. Anupam Mishra, Commissioner

APPEARANCES

For Anuj Jindal (M/s AJC Edutech Pvt. Ltd):

1. Mr. Anuj Jindal, Founder of Anuj Jindal (M/s AJC Edutech Pvt. Ltd)
2. Mr. Amit Meharia, Advocate

Date: 30.09.2024

ORDER

1. This is a suo-moto case taken up by the Central Consumer Protection Authority (hereinafter referred as 'CCPA') against Anuj Jindal (M/s AJC Edutech Pvt. Ltd) (hereinafter referred as 'opposite party') wherein it was observed that the opposite party allegedly published the following misleading advertisements on its official website (www.anujjindal.in) and official YouTube channel Anuj Jindal (www.youtube.com/@AnujJindal) :-

- i. "180 selections in RBI Grade B exam 2023"
- ii. "Octa 08 Winning Formula That Guarantees You Your Dream Job! The Ultimate Guide to Crack RBI, SEBI & NABARD Exams Hurry! Don't Loose This Free Guidance Course Claim Your Free Spot Now"

2. Accordingly, in exercise of the powers under Section 18 and 19 of the Consumer Protection Act 2019, CCPA took suo moto cognizance of the matter and conducted a preliminary inquiry to examine veracity 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 & official YouTube channel. However, the information with respect

to the course opted by the said successful candidates in RBI Grade B exam 2023 was not disclosed in the abovementioned advertisement. Further, opposite party also appears to be giving guarantee by using term i.e. 'Octa 08 Winning Formula *That Guarantees You Your Dream Job!* *The Ultimate Guide to Crack RBI, SEBI & NABARD Exams Hurry! Don't Loose This Free Guidance Course Claim Your Free Spot Now*' which is likely to influence consumers as to nature and quality of its service. It is important 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. Therefore, the CCPA was satisfied that there exists a prima facie case of misleading advertisement under the Consumer Protection Act, 2019.

3. Thereafter, the CCPA issued a notice dated 10th January 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, giving a guarantee which is likely to mislead the consumers as to the quality of its service, involving in unfair trade practice by creating urgency and making tall claims about results from the opposite party's coaching platform. An opportunity to furnish its response within 15 days of the issue of the Notice was given to the opposite party.

4. In response to the notice, a reply dated 06.02.2024 was received wherein the opposite party made the following submissions:-

- a. Online teaching methodology employed is totally different from traditional offline setup. Hence the parameters which CCPA may adopt against offline platforms should not be used against online platform.
- b. Provided the list of its faculty.
- c. Marking scheme of RBI Grade B Exam and the courses offered by them.
- d. Successful candidates took following courses:-
 - i. Interview Personality Development Programme Course- 57
 - ii. Daily & Monthly Current Affairs Spotlight- 74
 - iii. RBI - Phase I Course, Phase II Course, Complete Course- 12
 - iv. RBI Grade B Phase 1 GA + Phase 2 Complete Course- 17
 - v. RBI phase 1 course- 1
 - vi. RBI + SEBI 2024 Complete Live Course- 2
 - vii. RBI Grade B 2022 Phase 2 Mock Test Series- 2
 - viii. SEBI Grade A Phase 2- 1
 - ix. SEBI Grade A English Descriptive Course- 2

- x. NABARD Grade A 2022 Phase 2 Complete Crash Course- 1
 - xi. IFSCA Grade A 2023 Phase 2- 1
 - xii. IFSCA Grade A Test Series- 1
 - xiii. UPSC APFC & EPFO Live Course & Answer Writing- 2
 - xiv. Interview Personality Development Programme Course Paid- 4
 - xv. App registration- 3
- e. Advertisement does not give false guarantee or does not give misleading information pertaining to quality or service. There is no obligation cast upon a student to participate and purchase courses.
- f. Did not intentionally conceal any crucial information because presence of specific names and images only in the advertisement does not imply a deliberate attempt to conceal information. None of the images and names are incorrect. Provided correct and proper information as can be reasonably expected from a reasonable prudent business entity.

5. In view of the above, CCPA vide letter dated 04.03.2024 requested Director General (Investigation) to conduct a detailed investigation into the matter.

6. The Director General (Investigation) in its investigation report dated 08.07.2024 submitted the following:

- i. 61 candidates were enrolled in Free Interview Guidance Program.
- ii. 74 were enrolled in Free Daily and Monthly Current Affairs, which anyone can access by registering on the official website.
- iii. 34 were enrolled in RBI Grade B Course (either in Phase 1 & 2 complete course or Phase 2 Mock Test Series or Phase 1 General Awareness & Phase 2 Complete Course),
- iv. 8 were enrolled in other Exam Courses such as SEBI, NABARD, IFSC, UPSC APFC & EPFO and 3 were enrolled through application.
- v. Above mentioned information should have been mentioned in the advertisement so that the potential aspirants and their parents/guardians could make informed decision. Information regarding course(s) opted by the successful candidates is an important information for consumers to know so that they can make informed choice while deciding which institute to join & which course to opt for to prepare for RBI Grade B exams.
- vi. 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.

- vii. 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 which consequently misled consumers believing that respective successful candidates has taken paid classroom course from the coaching institutes.
- viii. However, it was also found that as mentioned in response of AJC dated 25.06.2024, the institute has modified its advertisement and is now showing course details along with the name and image of the successful candidate.
- ix. 135 out of 180 candidates were enrolled in free courses (IGP or Daily & Monthly Current Affairs) and rest 45 were enrolled in Paid courses provided by AJC. Additionally, it is important to mention that 61 students cleared the Pre and Mains stage of RBI Grade-B, 2023 without any assistance of AJC Edutech Pvt. Ltd. They have taken only Interview Guidance Programme. In the advertisement abovementioned important information was deliberately concealed from consumers.

7. The Investigation Report submitted by DG (Investigation) was shared with the opposite party vide letter dated 01.08.2024 to furnish its comments, if any within 7 days.

8. Thereafter, an opportunity of being heard was provided to the opposite party on 08.08.2024, during which the counsel representing opposite party requested CCPA to postpone the hearing due to the unavailability of their senior counsel. Taking into account of opposite party's counsel request, the CCPA rescheduled the hearing on 16.08.2024.

9. On 16.08.2024, opposite party participated in the hearing wherein opposite party was represented by Mr. Anuj Jindal, Founder of Anuj Jindal (M/s AJC Edutech Pvt. Ltd) and Mr. Amit Meharia, Advocate orally submitted the following:-

- i. The CCPA may consider the conduct of the opposite party during the investigation proceedings, such as submission of documents to assist with the DG's investigation.
- ii. Took corrective steps and removed the advertisement related to "Octa 08 Winning Formula That Guarantees You Your Dream Job! The Ultimate Guide

to Crack RBI, SEBI & NABARD Exams Hurry! Don't Loose This Free Guidance Course Claim Your Free Spot Now".

- iii. Octa 08 Formula is an international advertising standard, but it does not guarantee a dream job.
- iv. Octa 08 Formula consists of 8 videos provided by the institute, designed to guide students on how to prepare for exams like RBI, SEBI, and NABARD.
- v. Started disclosing courses opted by successful candidates of RBI Grade B exam 2023.
- vi. Our conduct has been bona fide to the extent that we did not know what else to include in the advertisement at that time.

10. During the hearing dated 16.08.2024, CCPA directed the opposite party to substantiate the claim with verifiable/substantive evidence i.e. "Octa 08 Winning Formula That Guarantees You Your Dream Job! The Ultimate Guide to Crack RBI, SEBI & NABARD Exams Hurry! Don't Loose This Free Guidance Course Claim Your Free Spot Now".

11. The CCPA received a mail from the opposite party on 16.08.2024 in which they submitted videos links and materials which constitute its Octa 08 Strategy.

12. Thereafter, another opportunity of being heard was provided to the opposite party on 27.08.2024, wherein opposite party represented by Mr. Anuj Jindal, Founder of Anuj Jindal (M/s AJC Edutech Pvt. Ltd) and Mr. Amit Meharia, Advocate orally submitted the following:-

- i. Through Octa 08 Formula, students receive 8 study sessions. These sessions are shared via email and include videos and reading materials. Once a student has completed all 8 sessions, they qualify for a free webinar. In this webinar, the institute provides guidance on how to prepare for exams such as RBI, SEBI, NABARD and UPSC.
- ii. Octa 08 Formula is an international advertising standard, but it does not guarantee a dream job.
- iii. No intention to mislead consumer through alleged advertisements.
- iv. Provides coaching through online platforms and does not have a physical coaching center.
- v. Approximately 8,000 students register with them every year.
- vi. The average price of courses/registration per student is approximately Rs. 9,000 to 10,000.

- vii. Both impugned advertisements were removed.
- viii. Agreed that the trigger was created through the Octa 08 Formula advertisement.
- ix. Created urgency through Octa 08 Formula advertisement to filter students for webinar.

13. Section- 2(28) of the Consumer protection Act, 2019 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. From a 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 etc.
- 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.

15. It is pertinent to mention that, as per news reports, approximately 2 - 2.5 lakh candidates apply for the RBI Grade B exam every year. Opposite party's advertisement was targeted towards this wider class of consumers (students). In respect of the advertisement where opposite party has claimed “180 selection in RBI Grade B exam 2023”.

- i. The Director General (Investigation) in its investigation report dated 08.07.2024 has the following findings:

- a. *61 candidates were enrolled in Free Interview Guidance Program.*
 - b. *74 were enrolled in Free Daily and Monthly Current Affairs, which anyone can access by registering on the official website.*
 - c. *34 were enrolled in RBI Grade B Course (either in Phase 1 & 2 complete course or Phase 2 Mock Test Series or Phase 1 General Awareness & Phase 2 Complete Course),*
 - d. *8 were enrolled in other Exam Courses such as SEBI, NABARD, IFSC, UPSC APFC & EPFO and 3 were enrolled through application.*
- ii. From the findings of DG (Investigation), it is clear that the number of selected students is not out of a homogenous class to enrolled students. Different successful students have enrolled in various courses of varying duration and stages that is on offer by the institute. For instance 61 out of 180 so called successful candidates had enrolled for free Interview Guidance programme. It is understood that Interview Guidance Course is not a full-time program, and it comes into play only after a candidate has cleared both the Phase 1 and 2 of RBI Grade B Examination.
 - iii. Only 34 successful students had enrolled for Phase 1 & 2 complete course. 8 students were enrolled for other exam course and never part of any of the RBI Grade B programs offered. By doing so the opposite party had adopted an unfair method and an unfair and deceptive practice in unfair trade practice within the meaning of Unfair Trade Practice as defined in section 2(47) of Act.
 - iv. It is important to mention that the opposite party submitted that 3 successful students registered themselves through its application. However, after examining the documents, the CCPA found that none of these students had availed any services from the opposite party, yet they were included in the advertisement. Therefore, the opposite party is falsely representing their number of selections in the RBI Grade B exam 2023. Additionally, in Annexure-7 of the opposite party's reply dated 06.02.2024, on pages 164-176 and 183-193, no enrolment/consent forms or similar documents were provided. Instead, only random email IDs and details of the courses opted by individuals were submitted. This raises concerns about the documents submitted by the opposite party, as they failed to provide any substantive evidence proving that these are indeed the students who were selected.

16. In view of the para 15 above, it is pertinent to note that there is no dispute regarding the business model of the opposite party's institute, which offers courses in various categories (both free and paid) and of varying durations which are designed

to cater to a diverse range of job aspirants in different circumstances. The diverse category of course packages are not in conflict with the provisions of Consumer Protection Act, 2019. However, the advertisements conceal more than what it reveals to the potential students (consumers). The categorization of courses at the institute to which the 180 successful students were affiliated were not disclosed to the potential future students to whom the advertisement seeks to reach. The concealment of details has impacted the capability of potential students (consumers) to make an informed choice about courses. For instance, the highest enrolment is for the free *Daily and Monthly Current Affairs* having 74 enrolments. 34 students had enrolled for the *RBI Grade B Course (either in Phase 1 & 2 complete course or Phase 2 Mock Test Series or Phase 1 General Awareness & Phase 2 Complete Course)*. 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.

17. It needs mention that by offering “*Free Daily and Monthly Current Affairs*” programme the opposite party has done commendable social service and deserves appreciation, as its free inputs benefits the financially disadvantaged students (consumers). However the good work has been undone by the unfair trade practice adopted by the opposite party. The actions 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 claiming ‘180 selections in RBI Grade B exam 2023’ and prominently used names & pictures of the successful candidates. This has the effect of consumers falsely believing that all the successful candidates so claimed by the opposite party had opted for the regular courses advertised of the opposite party. Therefore, information regarding the course opted by successful candidates is important for the consumers to know so as to enable them to make an informed choice while deciding which course and coaching institute/platform to join.

18. The Reserve Bank of India (hereinafter referred as ‘RBI’) announced the result of RBI Grade B examination 2023 result on 13th December, 2023. The CCPA noticed that the opposite party repeatedly published the impugned advertisements on daily basis on its official website and YouTube channel to influence the consumers. The opposite party advertised “180 selections in RBI Grade B exam 2023” using successful candidates’ names and pictures while concealing important information with respect

to course opted by the said successful candidates from the opposite party's coaching platform to mislead the consumers as a class.

19. Now, moving on to the second misleading advertisement, the opposite party ran an advertisement every day for over 10 days with the following claim: *"Octa 08 Winning Formula That Guarantees You Your Dream Job! The Ultimate Guide to Crack RBI, SEBI & NABARD Exams. Hurry! Don't Miss This Free Guidance Course. Claim Your Free Spot Now,"* accompanied by a 24-hour timer.

20. It may be mentioned that Guidelines for Prevention and Regulation of Dark Patterns, 2023 laid down specified dark patterns, one of them is "False Urgency" means falsely stating or implying the sense of urgency or scarcity so as to mislead a user into making an immediate purchase or taking an immediate action, which may lead to a purchase, including - (i) showing false popularity of a product or service to manipulate user decision; and (ii) stating that quantities of a particular product or service are more limited than they actually are. In the present case, the opposite party is creating "False Urgency" i.e. falsely stating or implying the sense of urgency or scarcity so as to mislead a user into making an immediate action. Company is falsely creating time-bound pressure to enroll by showing false popularity of course/service to manipulate buyer decision and implying that seats of the course/service are more limited than they actually are. Therefore, the opposite party is indulging in dark pattern practice.

21. It is important to note that the above-mentioned advertisement misled aspirants (consumers) regarding the nature and quality of the opposite party's services, suggesting that any aspirant who enrolled would be "**guaranteed**" to obtain their dream job. During the hearing dated 16.08.2024, the CCPA asked the opposite party to share the basis on which it can guarantee selection as promised. The opposite party failed to provide any basis. It is clearly a hollow promise without basis made to deceive the potential students into joining the institute. This deceptive practice consequently lures aspirants/consumers into taking admission at the opposite party's institute. The abovementioned claim fits the definition of 'misleading advertisement' under Section 2(28) and 'unfair trade practice' under Section 2(47) of the Act as it falsely guarantees job and for the purpose of promoting the sale, use of its service, adopted unfair and deceptive practice thereby creating a misleading impression about the efficiency of the institute's services.

22. The opposite party, while publishing the aforementioned advertisement, did not disclose that through the Octa 08 Formula, students would receive 8 study sessions. Once a student has completed all 8 sessions, they qualify for a free webinar. In this webinar, the institute only provides guidance on how to prepare for exams such as RBI, SEBI, NABARD, and UPSC. The opposite party deliberately concealed above-mentioned information related to the said claim. Such devices such as OCTA 08 formula mislead aspirants by giving false guarantee bringing the actions of opposite party action within the meaning of Section 2(28) (ii) and (iv) of the Consumer Protection Act, 2019. Further, the advertisement has violated the consumer's right to be informed [(Section 2 (9) (ii)] so as to protect himself against unfair trade practice.

23. The CCPA after carefully considering the written submissions, the submissions made by the opposite party during the hearings 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 coaching platform and mislead aspirants/consumers regarding the nature and quality of the institute's services.
- 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) (ii) - Gives false guarantee
 - c. Section 2(28)(iii) - Unfair Trade Practice
 - d. Section 2(28)(iv) – Deliberately conceals important information

24. 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.

25. The opposite party has 3.35 Lakhs subscribers on its YouTube Channel and approx. 8 thousand paid subscriber register with them every year. It may be mentioned that every year approximately 2-2.5 lakhs students apply for the RBI Grade B exam. Therefore, the vulnerability of the class of persons likely to be adversely affected by such misleading advertisement is huge.

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

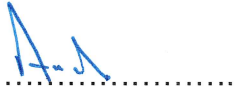
- a) To discontinue the impugned advertisements from all electronic and print media whatsoever with immediate effect.
- b) Pay a penalty of ₹ 3,00,000 for publishing false and misleading advertisement claims.

27. 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. The above directions are passed in exercise of the powers conferred upon CCPA under section 10,20,21 of the Consumer Protection Act 2019.



Nidhi Khare

Chief Commissioner



Anupam Mishra

Commissioner

