

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

Case No: CCPA-2/37/2022-CCPA

In the matter of: Case against IQRA IAS Institute regarding misleading advertisement

CORAM:

Smt. Nidhi Khare, Chief Commissioner

Shri. Anupam Mishra, Commissioner

Appearance on behalf of M/s IQRA IAS Institute:

Shri Sanchay Mehrotra, Advocate

Shri Shah Faisal, Co-Founder

Date: 17.08.2023

ORDER

This is a suo-moto case taken up by the Central Consumer Protection Authority (CCPA) against IQRA IAS Institute (opposite party) wherein it was observed that the opposite party was allegedly publishing misleading advertisements on their website (<https://www.iqraias.com/>), like:-

- (i) The testimonials of top-rank holders of UPSC of the years 2015-2017
- (ii) "Within a year we became the top UPSC coaching class in Pune"
- (iii) "Provide the best UPSC online prelims test series 2020"
- (iv) "only academy to have the best faculty from all around India"

2. The above-mentioned tall claims were being advertised on the website in the absence of any true facts, making it prima facie a case of misleading advertisement under the Consumer Protection Act, 2019 (hereinafter referred to as 'the Act').

3. Consequently, in view of the above, the Central Authority conducted a preliminary inquiry as to whether there exists a prima facie case of unfair trade practice or misleading advertisement, or both which is prejudicial to the public interest or to the interests of consumers. From the preliminary inquiry, it was clear that prima facie it was a case of

misleading advertisement and unfair trade practice as important information was deliberately and cleverly concealed.

4. Thereafter, the Central Authority issued a notice dated 06.04.2022 to the IQRA IAS Institute highlighting the issue of misleading advertisement by making the above-mentioned claims and falsely describing its service by exaggerating about Institute's credentials, leading to potential consumer deception and also deliberately concealing relevant information with respect to the institution by showing testimonials of top-rank holders of UPSC (2015-2017) on the website of the institution.

5. In response to the notice, a reply dated 01.08.2022 was received from the IQRA IAS Institute, wherein, the institute submitted that:-

- (i) The faculty members of their institutes at Pune & Kanpur are highly reputed and qualified.
- (ii) The faculty members have provided UPSC preparation services for a very long time and now they have come together under IQRA IAS Institute.
- (iii) They have a rating of 4.6 out of 5 on the internet as Google rating.
- (iv) The faculty members of the institute with their high skills and research quality prepared a test series of 2020 for their students which was an academic success.
- (v) They are a genuine institute and have been working for betterment in the field of education.

6. The opportunity for hearing, as mandated under Section 21 of the Act, was provided to IQRA IAS Institute on 23.05.2023 wherein, the opposite party was represented by Ms. Deeksha Yadav, Counsel and Mr. Shah Faisal who is the Founder and Director of IQRA IAS Institute. The counsel sought for a short time to submit their response and further submitted that the matter may be kept for another date.

7. With respect to the above request, the next date of hearing was scheduled for 30.05.2023. However, no appearance was made on behalf of the IQRA IAS Institute. Subsequently, the institution through e-mail dated 02.06.2023 submitted the reason for their absence, stating that their IT Team found the mail in the spam box due to which they were unable to forward the mail and that the non-appearance was not intentional and requested another date of hearing.

8. Hence, another date of hearing was fixed on 07.06.2023. Mr. Sanchay Mehrotra, Advocate, appearing on behalf of the opposite party submitted that with respect to the claims highlighted in the notice, the advertisement of such claims on the website has been modified. He further added that IQRA IAS Institute operates on a partnership model, where one of the partners is Mrs. Manjari Ojha, who is the wife of Mr. Avadh Ojha, who is one of the faculties of the institute. Other partners are namely Rukayyabano Shamimuddin Shaikh, Pushpa Datta Dhawale and Zahid Haroon Shaikh.

9. All the testimonials of the top rank holders mentioned on the website were for the guidance of Mr. Avadh Ojha, a prominent teacher for UPSC aspirants, and not for IQRA IAS Institute. He has been in the coaching educational sector for decades, and all his students who have given testimonials are not in the name of IQRA IAS Institute. The testimonials are of the rank holders who were mentored under him during the years 2015-2017.

10. Further, Google Analytics with a rating of 4.6 out of 5 are having genuine reviews from the students. It is the Google server that suggests the business platforms to put keyword adjectives such as best, top, etc., along with the name of the institute to get the best ratings.

11. It may be mentioned that under Section 2(28) of the Act, (28) "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;*

12. The matter was given to DG (Investigation) for detailed investigation in the light of provisions of misleading advertisement of CP Act, 2019 vide order dated 12.06.2023. The terms of reference before the learned Director General, Investigation were as under: -

- a) To investigate the truthfulness of the alleged claims on the website regarding "Within a year we became top UPSC coaching class in Pune", "provide the best UPSC online prelims test series 2020" and "only academy to have the best faculty from all around India" are creating deception and were meant to purposefully mislead?
- b) To investigate the testimonials provided by the rank holders of the year 2015-2017 on the website, who were not the students enrolled under the name of the IQRA IAS Institute and when IQRA IAS Institute itself was set up in 2018, then whether such claims are misleading in nature.
- c) To inquire about Google analytics and reviews and whether it mandates words or adjectives such as best, top, etc., in case of advertising on the internet.
- d) To investigate or inquire into such other ancillary or collateral issues pertaining to the advertisements given on the website.

13. As per the investigation report submitted by DG (Investigation), vide letter dated 04.07.2023 it was clarified that:

- i. As per the information available on the website, M/s IQRA IAS Institute has been established in 2018, however, the GST records showed the firm was registered in August 2019, yet it has put the testimonials of All India Rankers from 2015-2017 on its website to mislead consumers.

- ii. The firm has mentioned they have businesses in Pune and Kanpur, however, as per the GST record, only one place of business is mentioned.
 - iii. M/s IQRA IAS Institute, established in 2018, have the testimonials of the successful candidates from 2015-2017 displayed on their website. Upon reviewing the testimonials provided, it was found that none of the testimonials explicitly mention the name of M/s IQRA IAS Institute, except for Mr. Saifin, who congratulates them on their upcoming branch in Pune. It is important to note that all the testimonials are attributed to Mr. Avadh Ojha, a faculty member associated with M/s IQRA IAS Institute since its establishment in 2018. Consequently, M/s IQRA IAS Institute has mislead consumers by displaying testimonials from successful individuals to merely profit and make undue gains to their business.
 - iv. Further, M/s IQRA IAS Institute has employed a highly captivating slogan, "We are just not only good but Best..."; "within a year we became the top UPSC of the years 2015-2017"; "provide the best UPSC online prelims test series 2020"; "only academy to have the best faculty from all around India" in an attempt to deceive UPSC aspirants. It fails to provide any credible evidence to support their claims, rendering their assertion null and void.
 - v. M/s IQRA IAS Institute has made a claim of having a rating of 4.6 out of 5 based on reviews from various online platforms, including Google and other education review portals. However, M/s IQRA IAS Institute has failed to provide any supporting documentation to substantiate this claim. As a result, their assertion of a 4.6 rating out of 5 is deemed invalid and without merit.
14. As a result, the last opportunity for a hearing was given to the opposite party on 14.08.2023, wherein, the party submitted that:
- i. With regard to the August 2019 (GST) Registration, it was mentioned that as per the GST guidelines, when the turnover is more than ₹40 lakhs, then the company is required to have the GST registration. Secondly, it was stated that the GST Record of the institute situated at Kanpur can also be submitted to the Authority.
 - ii. The opposite party admitted that all the superlative claims represented on the website have been removed and is willing to tender an apology and give an undertaking of making the honest representation of claims.
 - iii. Further, these students mentioned on the website are individual students under the guidance of Mr. Avadh Ojha, a prominent teacher for UPSC aspirants, and are not under the IQRA IAS Institute and the party provides online classes and students give the ratings on Google platform for reviews.
15. On examination of the written submissions, investigation report of DG (Investigation) and inputs received during hearing, it was patently clear that the testimonials of All India rank holders Tina Dabi AIR-1, (2015); Athar Amir Ul Safi Khan

AIR-2, (2015); Himanshu Kaushik AIR-77, (2015); Saifin AIR-570, (2017) and others that were mentioned on the website of IQRA IAS Institute were from the period of 2015-2017 and could not have been enrolled students of IQRA IAS Institute, since it was established in the year 2018 only. Thus, by hosting testimonials of well known achievers on the website, it clearly creates a clever deception and false impression in the minds of students that the success of such successful candidates was due to efforts of IQRA IAS Institute.

16. It was also noted that one of the rank holders, **Mr. Saifin AIR-570, (2017)**, has given his best wishes **in the name of IQRA IAS in his testimonial**, which depicts the intention of the institution to falsely attribute the success of Mr. Saifin to IQRA IAS Institute which was set up only in 2018. Thus, IQRA IAS Institute has attempted to deliberately conceal important information (with respect to course offered by the selected student) from potential aspirants in order to seek greater public attention towards the institution for admissions to various courses offered. Nothing has been furnished to disclaim that the rank holders mentioned on the website are not enrolled students of any course offered by the IQRA IAS Institute.

17. Further, no substantiation was made for claims that their UPSC test series is the best and that within a year it became the top UPSC coaching class in Pune and that it is the only academy having the best faculty from all around India. Section 2(47) of the Consumer Protection Act, 2019 provides for "unfair trade practice" means 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 represents that the services are of a particular standard, quality or grade. Thus, M/s IQRA IAS Institute has engaged in fake, deceptive, and misleading advertising and unfair trade practices by using attention-grabbing phrases without any true facts and presenting manipulative testimonials under the guise of faculty members on their website. These actions have been employed to clearly mislead consumers.

18. While the maximum penalty for misleading advertisements is ₹10 lakhs, Section 21 (7) of the Consumer Protection Act, 2019 prescribes that the 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*

19. In view of the above, the Central Authority is satisfied that the IQRA IAS Institute which has been set up since 2018, through its aforementioned misleading advertisements is not only violating consumer rights but it also engaged in unfair trade practice. Therefore, given the misleading use of catchy phrases, manipulative testimonials, unverified claims, and unsubstantiated ratings by M/s IQRA IAS Institute, it is imperative to invoke Section 21 of the Consumer Protection Act 2019 to ensure consumer protection and safeguarding of consumer

rights. Central Consumer Protection Authority has also taken note that the opposite party has offered to tender apology and has removed the misleading claims from its website.

20. In view of the above, the Central Authority hereby passes the following directions:

- a) The concerned testimonials and claims made by M/s IQRA IAS Institute are to be discontinued from the website with immediate effect.
- b) M/s IQRA IAS Institute shall pay the penalty of ₹100,000 in respect of such false and misleading advertisement and making the above-mentioned claims on the website within 15 days from receipt of the order.



Nidhi Khare
Chief Commissioner



Anupam Mishra
Commissioner