

Central Consumer Protection Authority

Krishi Bhawan, New Delhi -110011

Case No: CCPA-2/94/2023-CCPA

In the matter of: Edu Tap Learning Solutions regarding Misleading Advertisement and Unfair Trade Practice

CORAM:

Mrs. Nidhi Khare, Chief Commissioner

Mr. Anupam Mishra, Commissioner

APPEARANCES

For Edu Tap Learning Solutions:

1. Mr. Anchit Garg, Co-Founder of Edu Tap Learning Solutions
2. Mr. Kuldeep Pathak, Edu Tap Learning Solutions
3. Mr. Siddharth Singh, Advocate

Date: 12.06.2024

ORDER

1. This is a suo-moto case taken up by the Central Consumer Protection Authority (hereinafter referred as 'CCPA') against Edu Tap Learning Solutions (hereinafter referred as 'opposite party') wherein it was observed that the opposite party was allegedly published the following misleading advertisements on its official YouTube channel (www.youtube.com/@EduTap/community) and official Telegram channel (<https://telegram.me/s/EduTapLearning>) :-

- i. 144 selections in RBI Grade B exam 2023

2. Accordingly, CCPA took 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 showcased various types of courses on its official YouTube channel, telegram and official website but the information with respect to the course opted by the said successful candidates in RBI Grade B exam 2023 was concealed in the advertisement which appeared to be misleading consumers as a class. It is important to mention that

no information or document was available on the same source to substantiate the advertisement by opposite party. From the preliminary inquiry report, it was clear that prima facie it was a fit case of Misleading Advertisement that affected consumers as a class.

3. Therefore, 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 deliberately concealing important information and making tall claims about results from the opposite party's Institute. 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 01st February, 2024 was received from the opposite party, wherein, following submissions were made:

- i. They stated that all the advertisements and claims made by the coaching platform on its YouTube and Telegram Channels are true, genuine and correct.
- ii. All the information of any sort advertised are true and genuine and nothing has been concealed in order to dupe / allure the public at large. Nothing has been concealed to attract the general aspirants at large.
- iii. They submitted that in text of the advertisement it is mentioned that EduTap played a small part in their success and did not take the entire credit for their selections showing Edu Tap Learning Solutions as the best or the only platform to have helped them in their journey.
- iv. They did not pitch any of their products to the aspirants in these advertisement making them think that coaching by Edu Tap Learning solutions is essential to the selection in RBI Grade B Exam.
- v. Out of 144 students, most of the students were enrolled for the paid courses while some were part of the non-paid courses / guidance program / initiatives.
- vi. ANNEXURE "A" contains copy of the document related to details of the 144 students, types of courses attended by such students, duration of course, date of joining of each such student and fees paid by such students along with the receipt and response through email where all such students have sent positive feedback.
- vii. ANNEXURE "B" contains summary of Annexure A for easy reference in the excel sheet.

- viii. ANNEXURE "C": This contains Biodata forms of the students enrolled in the Interview Guidance Program which contains the Roll No. of Selected Candidates.
- ix. ANNEXURE "D": This contains advertisements along with the Text written above the advertisements.
- x. ANNEXURE "E": This contains a list of videos sensitizing students that exam can be cracked without coaching or through self-study.
5. In view of the above, CCPA sent the matter for investigation by Director General (Investigation) and requested a report to be submitted within 15 days.
6. The Director General (Investigation) in its investigation report dated 04.04.2024 submitted the following:
- Out of 144 claimed candidate **only 87 purchased any kind of course.**
 - Rest of the **57 candidates joined Free Interview Guidance Course.**
 - It was also observed that out of these 87, who purchased any kind of course, some of them had bought the course three or four years back. The details of such candidates, as provided by EduTap, with same serial number, is given below for easy reference:

Sr. No	Student Name	Free/Paid	Course Name	Date of Joining the Course
16	Amarenderreddy Dharmajipeta Roll No : 2301002910 Email : chinnareddy.amar@g mail.com	Free	RBI Grade B Interview Guidance Program	03-09-2023
		Paid	RBI + SEBI Ph 1 Full Video+Ph 2 Full Video Course 2020	15-03-2020
37	Shailendra Singh Roll No : 2461001321 Email : shailu.bablu@gmail.c om	Free	RBI Grade B Interview Guidance Program	10-09-2023
		Paid	Phase 2 (FM + ESI + English + Current Affairs)	19-04-2018
42	ABHISHEK VERMA Roll No : 1581001399 Email : abhishekverma748@ gmail.com	Free	RBI Grade B Interview Guidance Program	29-08-2023
		Paid	RBI + SEBI Ph 1 Full Video+Ph 2 Full Video Course 2020	09-07-2020

45	Shreya Jaiswal Roll No : 1291000375 Email : watsonreez@gmail.com	Free	RBI Grade B Interview Guidance Program	28-08-2023
		Paid	Quant+Reasoning+English for All Banking Exams	01-02-2019
57	Narendra Kathane Roll No: 1941004396 Email: narendrakathane94@gmail.com	Free	RBI Grade B Interview Guidance Program	01-09-2023
		Paid	RBI + NABARD 2019 - Ph1 Full Vid + Ph2 Full Vid Course	14-03-2019
58	Rishabh Agrawal Roll No: 1391000927 Email : rishabhagrawal200@gmail.com	Paid	SEBI Grade A 2020 Descriptive English Phase-2	03-02-2021
		Free	RBI Grade B Interview Guidance Program	30-08-2023
		Paid	RBI Grade B 2020 - Phase 2 Full Video Course 2020	23-12-2020
71	Manish Roll No : 1591003662 Email : manishshah.kumar5@gmail.com	Free	RBI Grade B Interview Guidance Program	07-09-2023
		Paid	Phase 1 - Comprehensive course for RBI Grade B 2017	09-05-2017
75	Karthik Kumar C Roll NO : 2211000561 Email : karthikkumarc.20@gmail.com	Free	RBI Grade B Interview Guidance Program	10-1-2023
		Paid	RBI Grade B 2019 - Phase 2 Non-Video Course	16-11-2019
83	Rohit Agarwal Roll NO : 2301001956 Email : agilerohit995@gmail.com	Free	RBI Grade B Interview Guidance Program	29-08-2023
		Paid	Silver RBI Grade B Phase 2 Full Video Course	16-10-2019
123	Ashwani Kansal Roll No : 1331002489 Email :ashwanikansal171@gmail.com	Free	RBI Grade B Interview Guidance Course	27-09-2023
		Paid	RBI Grade B 2019 - Phase 2 Full Video Course	22-09-2019

- iv. **Section- 2(28) (iv)** of Consumer Protection Act, 2019 defines 'misleading advertisement' which include "deliberately conceals important information". In the impugned advertisement, EduTap concealed type/name or duration of course opted by selected candidates which is an important information for the consumers so that they can make an informed choice.
- v. It is misleading to the potential aspirants and consumers as a class as they are compelled to make misinformed choice because the said advertisement does not provide information about the specific course opted by the selected candidate. Therefore, in the present case, EduTap has deliberately concealed important information like type/name of courses opted by selected candidates, duration of the course attended by such student etc.
- vi. Also, after qualifying two rigorous stages Phase 1 (Prelims) and Phase 2 (Mains) stage, candidates get a chance to appear for Interview. In the present case, 57 students cleared the Phase 1 and Phase 2 stage of RBI Grade-B exam 2023 without any assistance of EduTap. They have taken only Interview Guidance Programme from EduTap. And this information is vital for consumers to know. EduTap in the impugned advertisement has deliberately concealed this important information from consumers. The advertisements by the EduTap 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 it's their right under Section-2(9) of the Consumer Protection Act, 2019. Since this was not done by the EduTap in its advertisement, hence it appears to be in potential violation Section 2 (28) (ii) & (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 26.04.2024 to furnish its comments, if any within 10 days.

8. In response to the Investigation report, CCPA received a reply from the opposite party on 07.05.2024, wherein, following submissions were made:

- i. They accepted that Out of 144 claimed candidates, 87 had purchased some kind of course and rest of the 57 candidates joined Free Interview Guidance Course.

- ii. It is submitted that it is true that after qualifying two rigorous stages of Phase 1 and Phase 2, candidates get a chance to appear for the Interview. But we cannot deny the fact that in the whole scheme of RBI Grade B Examination, the Interview stage is as important as the Prelims (Phase 1) and Mains (Phase 2). Recognizing the significance of this stage, EduTap's Interview Guidance Programme goes beyond merely conducting mock interviews; it offers a comprehensive course designed to refine candidates' personalities before the actual RBI Grade B Interview. The total marks of Mains (Phase II) Exam is 300 and Interview for the RBI Grade B Officer Exam is of 75 marks.
 - iii. Interview Guidance Program contains Videos regarding different areas of Interview preparation.
 - iv. It is true that out of the 87 students who purchased any kind of EduTap course, 10 students had brought the course three or four years back. The content they have studied in the EduTap courses enrolled three or four years back for Phase II components can be utilized in future RBI Grade B attempts as well.
 - v. EduTap Learning Solution stated that they have played a small part in their success and not taking the entire credit for their selections and further stated they did not pitch any of their products/courses to the aspirants making them think that coaching by Edu Tap Learning Solutions is essential to the selection in RBI Grade B Exam.
9. Thereafter, on 16.05.2024, an opportunity of hearing was provided to the opposite party wherein opposite party was represented by Mr. Anchit Garg, Co-Founder of Edu Tap Learning Solutions and Mr. Kuldeep Pathak, Edu Tap Learning Solutions and Mr. Siddharth Singh, Advocate wherein they made the following submissions: -
- i. It is true that 57 successful candidates took the Free Interview Guidance Course from the opposing party's coaching platform. Furthermore, it is stated that out of these 57 candidates, 30 have utilized either free or paid materials for Phase 1 and Phase 2 of the RBI Grade B examination, even though they themselves had not purchased those paid courses but had used someone else's paid courses.
 - ii. It is stated that impugned advertisement is just a congratulatory post. They were not selling any of its service in the advertisement.

- iii. They have accepted the fact that they used the official emblem/logo of Reserve Bank of India (RBI) in the impugned advertisement.
- iv. They stated that opposite party do not have any physical coaching center. Further, it is stated that they have more than 3 lakh YouTube subscribers and 15 thousand paid subscribers
- v. They stated that opposite party has published the result of RBI Grade B exam 2023 on its official website as per the CCPA's draft Guidelines for Prevention of Misleading Advertisement in Coaching Sector.

10. After going through the written submissions as well as submissions made by the opposite party during hearing, it is stated that Section 2(1) of the Consumer Protection Act, 2019 defines "advertisement" as "advertisement" means any audio or visual publicity, representation, endorsement or pronouncement made by means of light, sound, smoke, gas, print, electronic media, internet or website and includes any notice, circular, label, wrapper, invoice or such other documents. The Opposite party's visual publicity, representation or pronouncement about RBI Grade B Exam 2023 result using successful candidates' names & pictures made by way of electronic media, internet or website on its official platforms qualifies as advertisement under the definition of 'advertisement' under Consumer Protection Act, 2019.

11. 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;

12. From the above provisions, it is clear that any advertisement should contain truthful & honest representation of facts, and disclose important information in such a manner that they are clear, prominent and extremely hard to miss for viewers/consumers.

13. It is important to mention that approx. 2 - 2.5 lakh candidates apply for the RBI Grade B exam every year. Opposite party's advertisement was targeted towards abovementioned class of consumers.

14. The Reserve Bank of India (hereinafter refereed as 'RBI') announced the result of RBI Grade B examination result on 13th December, 2023. The CCPA noticed that the opposite party repeatedly published the impugned advertisement on daily basis on its official YouTube channel and telegram channel to influence the prospective consumers. The opposite party advertised "144 selections in RBI Grade B exam 2023" using successful candidates' names and pictures while deliberately 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.

15. It is important to mention that information regarding the course opted by successful candidates is important for the consumers to know so that they can make informed choice while deciding which course and coaching institute/platform to join. Opposite party published advertisement claiming '**144 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 paid courses advertised by the opposite party on the same source. The name of such paid courses is given in Table 1 for easy reference:

Table 1

S.No	Course Name
1.	RBI Grade B- Gold Silver Combo
2.	NABARD Grade A- Gold Silver Combo
3.	SEBI Grade A- Gold Silver Combo
4.	RBI Grade B- Test Series Phase 1 + 2
5.	SEBI Grade A- Test Series Phase 1 + 2
6.	SEBI Grade A- Test Series Phase 2
7.	Quantitative Aptitude
8.	Reasoning Ability
9.	English Language
10.	QRE Combo

16. Opposite party submitted the details of 144 successful candidates. Upon examination, the CCPA found that 57 out of 144 candidates took Interview Guidance Course which is **provided free of cost**. 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. Thus, it is evident that these 57 candidates had not undertaken any paid courses from the opposite party, as advertised by the opposite party on their official platforms. Additionally, as mentioned in the DG Investigation report, some students had undertaken course from opposite party's coaching platform 4-5 years ago. However, this important information was also deliberately concealed in the advertisement by opposite party.

17. Such misleading and deceptive advertisements affect consumers adversely as a class. Opposite party has concealed important information in the advertisement. Therefore, opposite party's claim '**144 selections in RBI Grade B exam 2023**' while prominently using successful candidates' names and photos is found to be misleading under Consumer Protection Act, 2019.

18. It is also important to mention that the opposite party, in its advertisement, has used the official emblem of Reserve Bank of India (RBI) to lend authenticity to their advertisement, which is unfair.

As per Section- 2(47) of the Consumer Protection Act, 2019- "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 any of the following practices, namely:-

(i) Making any statement, whether orally or in writing or by visible representation including by means of electronic record, which-

(d) Represents that the goods or services have sponsorship, approval, performance, characteristics, accessories, uses or benefits which such goods or services do not have;

(e) Represents that the seller or the supplier has a sponsorship or approval or affiliation which such seller or supplier does not have.

19. Thus, the opposite party has adopted an unfair trade practice by using the official emblem of Reserve Bank of India (RBI) to mislead and deceive consumers for the purpose of promoting the sale, use or supply of service as if the opposite party has approval, affiliation, or sponsorship of the RBI, which in reality they do not have.

20. The CCPA has carefully considered the written submissions as well as submissions made by the opposite party during hearing and investigation report submitted by Director General (Investigation) and found that 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 as a class. This deceptive practice consequently attract consumers into buying paid courses advertised by the opposite party on its official platforms. Thus, it makes a fit case of misleading advertisement and unfair trade practice.

21. 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.

22. The opposite party has 3.59 Lakhs subscribers on its YouTube Channel and approx. 15 thousand paid subscriber on its various platforms. 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.

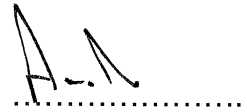
23. In view of the above, under section- 21 of the Consumer Protection Act. 2019, CCPA hereby issues the following direction to the opposite party:

- 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.
 - i. 144 selections in RBI Grade B exam 2023
- 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.



Nidhi Khare

Chief Commissioner



Anupam Mishra

Commissioner