

Central Consumer Protection Authority

Krishi Bhawan, New Delhi --110001

Case No: CCPA-2/38/2024-CCPA

In the matter of: Misleading advertisement by Narayana Educational Institutions with respect to JEE ADVANCED 2024 results.

CORAM:

Mrs. Nidhi Khare, Chief Commissioner

Mr. Anupam Mishra, Commissioner

APPEARANCES

For Narayana Educational Institutions:

1. Mr. Anjaneyulu Nidjelli, Chief Risk Officer of Narayana Group.

Date: 11.06.2026

ORDER

1. This is a suo-motu case taken up by the Central Consumer Protection Authority (hereinafter referred to as 'CCPA') against Narayana Educational Institutions (hereinafter referred to as 'opposite party') with regard to the following alleged misleading advertisements published on its official platforms, including its official website (www.narayanagroup.com), Facebook, and 'The Times of India' newspaper dated 10.06.2024:

- i. AIR 1 and AIR 11 in JEE Advanced 2024 results were attributed to the same student, namely Matcha Balaaditya.
- ii. No description was provided regarding the courses opted by students whose names, photographs and ranks were prominently featured by the institute in its advertisement. **(Annexure-1)**

2. Taking cognizance of the issue, the CCPA, in exercise of powers conferred under the Consumer Protection Act, 2019 (hereinafter referred to as 'the Act'), conducted a preliminary inquiry to examine the authenticity of the claims made in the impugned advertisement by the opposite party.

3. As per the preliminary inquiry report, the CCPA prima facie observed that the opposite party had published the aforementioned claims and prominently featured the names and photographs of successful candidates of JEE Advanced 2024. The opposite party simultaneously also advertised various types of courses offered by it, namely: "Two-year Regular Integrated Classroom Programme, Narayana's Apex/Spark Integrated Programme for IIT-JEE Main & Advanced, One-Year NEET Dropper/Repeater Classroom Programme, Three-year Foundation Course, and One-year Foundation Course."

4. It is relevant to state that the CCPA is established under Section 10 of the Act for the purpose of regulating matters relating to violation of consumer rights, unfair trade practices, and false or misleading advertisements which are prejudicial to the interests of consumers as a class. Further, Section 18 read with Section 9 of the Act empowers the CCPA to ensure transparency, accuracy and full disclosure in advertisements, and to protect the right of consumers to be informed, so as to enable them to make informed choices. The said provisions confer jurisdiction upon the CCPA to examine, inquire into and take action against misleading advertisements issued by service providers, including coaching institutes.

5. As per the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022, Clause 4 mandates that any claim made in an advertisement must be truthful and should not mislead consumers through unsubstantiated claims. Additionally, Clause 12 places a duty on service providers and advertisers to ensure that claims related to objectively verifiable facts are capable of substantiation and to produce such evidence if required by the CCPA, without exaggerating the accuracy, performance, or quality of the product or service.

6. Accordingly, the CCPA issued a notice dated 24.06.2024 to the opposite party for alleged violation of the provisions of the Act, highlighting the issue of alleged misleading advertisements through concealment of material information, namely the specific courses opted by the successful candidates, and for making tall claims with respect to JEE Advanced 2024 results, including the claim that the same student could hold two separate All India Ranks- AIR 1 and AIR 11 simultaneously.

7. The opposite party was granted an opportunity to furnish a response within 15 days from the date of issuance of the notice and was directed to submit the following documents to substantiate its claims:

- i. Details explaining how two ranks (1st and 11th) were attributed to the same candidate, namely Matcha Balaaditya;
- ii. Type of course attended by each student of the institute who is claimed to be a top rank holder in JEE Advanced 2024;
- iii. Duration of the course attended by each such student;
- iv. Date of joining of each such student;
- v. Fees paid, along with copies of fee receipts; and
- vi. Basis on which the institute claims that "Rank 1 and Rank 11" belong to the same student, along with necessary data and evidence to substantiate this claim.

8. Thereafter, the CCPA issued a reminder dated 23.07.2024 to the opposite party. In response, the opposite party, vide e-mail dated 30.07.2024, sought additional time to file its response. As no response was submitted even thereafter, the CCPA issued further reminders dated 09.09.2024 and 29.05.2025, directing the institute to submit its response without further delay.

9. The CCPA subsequently received a response from the opposite party dated 13.06.2025, wherein it submitted the following:

- i. With reference to the Reminder notice dated 29.05.2025, we wish to inform you that we submitted that a detailed response was already provided through an e-mail dated 13.09.2024, containing all specific information and clarifications as requested by the Hon'ble Authority, along with all relevant attachments. For ready reference and to facilitate resolution of this matter, we are enclosing a copy of our reply e-mail dated 13.09.2024 along with all its attachments.
- ii. Clarification on Matcha Balaaditya's Ranks- The advertisement displayed category wise ranks obtained by him i.e. Rank 1 (OBC category) and Rank 11 (General category) for Mr. Matcha Balaaditya. This representation was based on the official JEE Advanced 2024 rank card issued by the Joint Admission Board (JAB).

- iii. Concealment of Important Information Regarding Courses- Narayana Educational Institution offers a range of courses, including classroom programs, distance learning programs (DLP), test series, short-term programs, and workshops. All students featured in the advertisement were enrolled in anyone of these courses.
 - iv. Narayana clarifies that the advertisement did not specifically mention the type of courses taken by the students due to space constraints and the focus on their ranking achievements.
 - v. Opposite party furnished the admission forms of the students whose names and photographs were used in the advertisement.
 - vi. Opposite party argued that there is no legal requirement restricting educational institutions from showcasing the achievements of students enrolled in any of their bona fide programmes, and that all claims made in the advertisement were supported by verifiable records.
10. The CCPA examined the reply submitted by the opposite party and observed the following:
- i. The opposite party failed to provide fee receipts in respect of the students featured in the advertisement.
 - ii. The opposite party itself admitted that the specific courses opted by the successful candidates had not been disclosed in the advertisement due to space constraint.
 - iii. A majority of the admission forms submitted by the opposite party were found to be unsigned by either the parents or the minor students concerned, and crucially, the dates of filling of these forms had not been mentioned, thereby rendering the enrolment records incomplete and unreliable.
11. In light of the above, the CCPA observed that the omission of material information particularly the specific course opted by each successful candidate prominently featured in the advertisement prima facie amounts to a misleading advertisement as defined under Section 2(28) of the Consumer Protection Act, 2019. Considering the facts and circumstances of the case, as well as the reply submitted by the opposite party, the CCPA was satisfied that a prima facie case of misleading advertisement under the Consumer Protection Act, 2019 was made out. Accordingly,

vide letter dated 30.06.2025, the CCPA requested the Director General (Investigation) to conduct a detailed investigation into the matter.

12. The Director General (Investigation) in its investigation report dated 06.04.2026 submitted the following:

- i. Narayana Institute has submitted supporting documents, including admit cards and rank certificates. These documents demonstrate that two ranks- Rank 1 and Rank 11 of the candidate name Mr. Matcha Balaaditya have been attributed to the same candidate. Additional evidence provided includes JEE (Advanced) application details, roll numbers, admit cards, rank certificates, and advertisement mentions the category Rank as OBC and General category.
- ii. According to the Press Information Bureau (PIB), 186,584 students applied for the IIT-JEE (Advanced) examination. Given this intense competition, aspirants across India increasingly rely on coaching institutes and online platforms for guidance to qualify. These institutes attract prospective students through advertisements across various platforms. However, concerns arises when such claims are unsubstantiated and fail to provide full disclosure.
- iii. Several coaching institutes prominently feature the names and photographs of select successful students in their promotional materials while deliberately concealing the specific courses those students enrolled in. This omission obscures the precise nature and extent of the affiliation between the candidate and the institute. Disclosure of course-specific details constitutes a material fact, indispensable for enabling informed decision-making by prospective students.
- iv. The Institute submitted the following details with respect Mr. Matcha Balaaditya, who secured Rank 1 and Rank 11 as the Institute's rank holders in JEE (Advanced) 2024 advertisement:
 - a. Name: Mr. Matcha Balaaditya
 - b. Branch/Institution: Narayana English Medium School (CBSE), Paradesipalem, Visakhapatnam, AP
 - c. Course Type: Studied in our school from Class 6th to 12th
 - d. Duration: 7 years

- v. Institute has provided details of the course type, duration, and date of joining of students claimed in the advertisement. Provided the details of fees paid, along with certified copies of receipts and payment proofs, for such student. Furnished the enrolment forms of the concerned candidates. (Please see Annexure-B).
- vi. It was observed that the Institute offers various programs including Classroom Programs, Distance Learning Programs (DLP), and Test Series. The students featured in the advertisement were enrolled in the following courses:

S. No.	Course Type	No. of Students	Ranks
1.	Classroom Programs	12	3, 11, 17,20,45, 51, 54, 59, 63,70, 76, 90
2.	Distance Learning Programs	19	6, 12, 16, 27, 28, 31, 33, 40, 49, 66, 74, 77, 82, 85, 87, 89, 91, 94, 99

- vii. Investigation wing examined the impugned advertisement and observed that the Institute failed to disclose the course details for several rank-holding candidates. The advertisement selectively mentioned course information for certain candidates, while omitting the same for others including candidates securing ranks such as 45, 51, 59, 63, 70, 76, and 90. Further, even in cases where course details were mentioned, the same were presented in a font size and manner that renders them practically illegible to an average consumer.
- viii. The advertisement fails to comply with Clause 11 of the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022. Clause 11 of the said guidelines is produced below for ready reference:-

“11. Disclaimers in Advertisements. – (2) A Disclaimer in advertisement shall fulfil the following requirements, namely:-

(a) a disclaimer shall be in the same language as the claim made in the advertisement;

(b) the font used in a disclaimer shall be the same as that used in the claim;

(e) a disclaimer shall be so clear, prominent and legible as to make it clearly visible to a normally-sighted person reading the marketing communication once, from a reasonable distance and at a reasonable speed.”

- ix. The Institute failed to comply with abovementioned guidelines in the impugned advertisement.

- x. The justification submitted by the Institute citing “space constraints” is untenable and does not absolve it of its statutory obligations. Such selective disclosure and inadequate presentation of material information amounts to deliberate concealment of important information, thereby falling within the ambit of a “misleading advertisement” under Section 2(28) of the Consumer Protection Act, 2019.
- xi. The Institute was directed to submit the reason for the concealing the course information on the advertisement with respect to the candidate Name: Bothamolla Charan Rank: 51(General) & Rank: 2nd(OBC), i. Rank secured by the enrolled Candidate and score card issued by National Testing Agency (NTA),
 - a. Whether such course was paid then provide details of fees paid by the candidate concerned.
 - b. Missing enrolled Candidate's photograph along with enrollment form.
 - c. Explain the missing course from the advertisement provided by you, while other candidate's course name is provided and substantiate the reason for concealing the course name.
- xii. In response, Institute has stated that Mr. Bothamolla Charan was a regular classroom student enrolled in our two-year intermediate program. To validate his status, they have provided the specific enrolment data extracted from their official student records:
 - a. Student Name: B. Charan (Bothamolla Charan)
 - b. Admission Number: 1945032
 - c. Parentage: S/o Mr. Bothamolla Venkat Narasaiah (Father) and Mrs. Bothamolla Latha (Mother). Campus/Branch: Narayana Junior College, Hitex Campus, Hyderabad, Telangana (TG).
 - d. Duration: Two Years (Class 11th (2022-23) and 12th (2023-24)).
- xiii. The justification submitted by the Institute citing “inadvertent clerical typographical error” is untenable and does not absolve it of its statutory obligations.
- xiv. The impugned advertisement included an asterisk (*). The asterisk (*) was placed next to the 1 rank and 11 rank (Matcha Balladitya) belong to the same

student. The text corresponding to the asterisk was provided in the advertisement denotes OBC Category.

- xv. In view of the findings recorded, it is conclusively established that Narayana Institute is indulged in violation of the Consumer Protection Act, 2019, as well as the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022.
- xvi. It is important to note that the Act confers upon consumers the right to be informed, which includes the right to receive truthful and accurate information enabling them to make informed choices. The impugned claims, coupled with the use of the names and photographs of successful candidates while concealing material information namely, the specific course opted for by them undermine this right and adversely affect consumer interests, particularly in the field of education where aspirants invest significant time, effort, and financial resources.
- xvii. Furthermore, representing successful students as students at the Institute while deliberately omitting key details about the course they enrolled in amounts to misleading advertisement, as defined under Section 2(28) of the Consumer Protection Act, 2019.
- xviii. Additionally, the Institute has violated the right to be informed and the right to be protected against unfair trade practices. Consumers have the right to accurate information about the services they purchase. This practice amounts to a gross violation of consumer rights under Section 2(9) of the Consumer Protection Act, 2019.
- xix. These actions collectively amount to a misleading advertisement designed to induce consumer reliance under false pretenses, thereby attracting regulatory action under the applicable provisions of law.

13. The Investigation Report submitted by DG (Investigation) was shared with the opposite party vide letter dated 29.04.2026 to furnish its comments.

14. In response to the Investigation Report, the opposite party, vide letter dated 12.05.2026, submitted the following:

- i. That the representation of Rank 1 (OBC Category) and Rank 11 (General Category) against the same candidate, Mr. Matcha Balaaditya, was factually

accurate and duly reflected in the official JEE (Advanced) 2024 Rank Card issued by the Joint Admission Board (JAB), and that the use of an asterisk (*) notation alongside the said candidate's name was intended to provide clarity in this regard.

- ii. That the allegation of deliberate concealment of course information is misconceived, inasmuch as complete course details of all featured students were furnished to the DG (Investigation) upon request, and that detailed information regarding all courses is otherwise available through the Institute's official website, prospectus, helplines, and admission centres.
- iii. That the omission of course details in respect of Mr. Bothamolla Charan was purely an inadvertent clerical and formatting error, and not a deliberate attempt to conceal material information, as evidenced by the fact that course details were disclosed for other featured candidates.
- iv. That the advertisement was a post-result felicitation announcement published immediately after declaration of JEE Advanced 2024 results, and that the immediate post-result publication window does not permit the comprehensive tabulation and layout verification expected of a planned, prospectus-style advertisement.
- v. That prospective students and their families do not rely solely on newspaper advertisements for enrolment decisions, and that no instance of a consumer being actually misled or prejudiced by the advertisement has been placed on record.
- vi. That commercial speech, including advertising, is protected under Article 19(1) (a) of the Constitution of India, and that penalising the Institute in the absence of any demonstrated consumer harm would amount to a disproportionate restriction on constitutionally protected speech.
- vii. That the Institute has substantially complied with Clause 11(2) of the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022, insofar as the asterisk disclaimer was displayed in the same language as the claims made in the advertisement and served to clarify the category status of the concerned candidate.

15. Thereafter, hearing was scheduled on 13.05.2026 during which Mr. Anjaneyulu Nidjelli, Chief Risk Officer of Narayana Group appeared on behalf of the opposite party and made the following submissions:

- i. Opposite party is a 47-year-old educational group operating approximately 900 schools and colleges across 24–25 states of India.
- ii. AIR- 1 (Matcha Balaaditya): A regular student of Narayana Educational Institutions enrolled from Class 6 onwards. His hall ticket number (245005057) and the notation “Narayana Student Class 6 to 12” were stated to be printed in the advertisement, albeit in small font. The Respondent claimed that an asterisk (*) alongside his name and the notation “OBC” on the extreme left side of the advertisement indicated his category.
- iii. With respect to AIR 2: Opposite party admitted that the course details for the AIR 2 were inadvertently omitted from the advertisement. The opposite party attributed this to human error and submitted that the said student was a full-time college student of Narayana Junior College (11th and 12th standard).
- iv. With respect to AIR 11: Opposite party stated that the AIR 1 (OBC category) holder and AIR 11 (general/open category) holder were, in fact, the same individual (Matcha Balaaditya). The student secured Rank 1 under the OBC category and Rank 11 in the general/open category simultaneously. The Respondent stated that this was mentioned alongside the Rank 1 entry in the advertisement, but acknowledged consumer confusion on this point.
- v. All India Ranks 27–99 (Top 100, open category, 31 ranks): The opposite party stated that this group comprised a combination of regular classroom students and DLP/online students. Opposite party acknowledged that the advertisement did not distinguish between these two categories for this All India Ranks.
- vi. On the distinction between Narayana Educational Institutions (schools and colleges) and the coaching centres operated by Inspira Management Services, the opposite party submitted that both entities operate under the umbrella of the “Narayana” brand. However, the opposite party conceded that the advertisement described all students whether from the formal schools/colleges or from DLP/online coaching modules uniformly under the banner “Narayana Educational Institutions,” without drawing any distinction between the two.
- vii. In respect of Matcha Balaaditya (All India Rank 1, OBC Category; All India Rank 11, Open Category), the opposite party submitted that the student was enrolled

at a Narayana institution in Visakhapatnam, at a branch internally denominated as the Visakhapatnam Saraswati Bhavan campus (VSP Branch), under the Narayana Educational Institutions umbrella. The Authority, however, pointed out that as per the enrolment form placed on record, the said form did not bear any date, nor did it carry the signatures of either the student or the parent/guardian and that the fee charged for the entire course was a mere Rs. 2/- (Rupees Two only).

- viii. In response, the opposite party submitted that the student had been charged a nominal fee of Rs. 2/- as a fee concession extended to meritorious students, and that such concessions are granted at the discretion of the management on the basis of test performance.
- ix. On being queried as to whether the Distance Learning Programme (DLP) was operated by Narayana Educational Institutions directly or by a third party, the Respondent submitted that the DLP was provided by Narayana itself and did not involve any external third-party agency. The DLP is described as an online/remote support module accessible to students who may not be physically enrolled in Narayana's classroom programme but avail subject-wise or topic-wise guidance through the Narayana platform. The opposite party analogized such students to those who may simultaneously take coaching from different institutes for different subjects.
- x. The opposite party expressed its willingness to comply with any directions or guidelines issued by the CCPA in relation to future advertisements. The Respondent specifically stated that:
 - a. It would clearly and prominently display the category (e.g., OBC/general) of all ranked students in future advertisements, using a legible font size and contrasting colour scheme;
 - b. It would clearly distinguish between students from its regular schools/colleges and those availing DLP or online coaching modules;
 - c. It was open to receiving and adhering to specific directives or suggestions from the CCPA regarding the format and content of its future result-based advertisements.

16. During the course of the hearing, the CCPA made the following observations:
 - i. The OBC notation in the advertisement was printed in blue font on a blue background and was of a disproportionately small font size relative to the rank and name of the student, such that it was not ordinarily legible to a consumer without deliberate magnification. CCPA further observed that had the OBC notation been clearly visible, the widespread criticism of the opposite party's advertisement following its publication would not have occurred.
 - ii. Projecting the All India Rank 1 (OBC) holder as the "first ranker", without making the category affiliation clearly legible, creates a misleading impression among general consumers that the student had secured the first rank in the general/open category. A truthful advertisement ought to have clearly stated: "All India Rank 1, OBC Category" in an equally prominent manner.
 - iii. The use of the banner heading "Narayana Educational Institutions" for all ranked students irrespective of whether they were enrolled in Narayana's formal schools/colleges or their coaching centers or merely subscribed to its DLP/online coaching creates a misleading impression that all such students were full-time, enrolled students of Narayana's institutional infrastructure.
 - iv. Even where the abbreviation "DLP" was used in the advertisement in certain instances, its font size and placement were such that the distinction between classroom and distance learning students would not be apparent to an ordinary consumer.

17. 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.

18. The Consumer Protection Act, 2019 confers upon consumers the right to be informed, which includes the right to receive truthful and accurate information enabling

them to make informed choices. Misleading advertisements undermine this right and adversely affect consumer interests, particularly in the field of education where aspirants invest significant time, effort, and financial resources.

19. It may be noted that what constitutes "important information" in an advertisement varies on a case-to-case basis and must be assessed from the perspective of the target consumer. In the present case, the specific course opted for by each successful candidate constitutes material information for the prospective consumer, namely, IIT-JEE aspirants and their parents. Disclosure of this information directly influences the perception of prospective aspirants regarding the efficacy, scope, and quality of the services offered by the Institute, and non-disclosure thereof creates a misleading impression that the featured candidates' success is attributable to the Institute's regular, paid programmes.

20. It is a matter of concern that coaching institutes commonly feature the names and photographs of successful candidates across their promotional materials and advertisements without disclosing the specific course opted for by such candidates at their institute. In several instances, the same successful candidate's achievement is simultaneously claimed by multiple competing institutes, each projecting the candidate as their own student, without any disclosure of the nature or extent of the candidate's actual association with the institute. This practice makes it impossible for prospective students, particularly minors and their parents, to ascertain which institute the candidate was actually enrolled in, and in what capacity, thereby depriving them of the ability to make an informed evaluation before deciding to enrol. The specific course opted for by a successful candidate including whether it was a full-time classroom programme, a distance learning module, a crash course, or a free merit-based programme is therefore material information which goes to the heart of the consumer's decision-making process and must not be concealed from prospective consumers.

21. The Director General (Investigation), in its investigation report, examined the impugned advertisement and made the following findings, which this Authority finds to be well-founded and records with approval:

- i. Selective disclosure of course information: The advertisement selectively mentioned course information for certain candidates while omitting the same

for others. This selective disclosure of material information is not an inadvertent omission but reflects a conscious choice on the part of the opposite party, resulting in a misleading impression being conveyed to prospective consumers. Opposite party's contention that the contention that course details were disclosed upon request does not cure the defect in the advertisement itself. The obligation under Section 2(28)(iv) of the Act and Clause 11 of the 2022 Guidelines is to disclose material information in the advertisement at the time of publication, not merely to furnish such details upon regulatory inquiry. The admission that course details were not disclosed in the advertisement due to "space constraints" is, on the contrary, an acknowledgement of the very omission.

- ii. Illegible presentation of course details: Even in cases where course details were mentioned in the advertisement, the same were presented in a font size and manner disproportionately smaller than the font used for the students' photographs, names, and ranks, rendering such details practically illegible to an ordinary consumer. The said presentation falls foul of Clause 11 of the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022, which mandates that a disclaimer shall be so clear, prominent, and legible as to be clearly visible to a normally-sighted person reading the marketing communication once, from a reasonable distance and at a reasonable speed, and that the font used in a disclaimer shall be the same as that used in the claim. The glaring disparity between the size of the claims and the size of the qualifying information is, in itself, evidence of the misleading character of the advertisement.
- iii. Illegibility of category notation: The notation indicating the OBC category of the candidate Mr. Matcha Balaaditya was printed in blue font against a blue background and in a disproportionately small font size, such that it was not ordinarily legible to a consumer without deliberate magnification. This Authority observed during the course of the hearing that had the OBC notation been clearly and prominently visible, the widespread public criticism that followed the publication of the opposite party's advertisement would not have arisen. Projecting the All India Rank 1 (OBC Category) holder as the "first ranker" without making the category affiliation clearly legible creates a misleading

- impression among general consumers that the student had secured the first rank in the open/general category.
- iv. On the post-result felicitation argument: The characterisation of the impugned advertisement as a "post-result felicitation announcement" does not exempt it from the requirements of the Consumer Protection Act, 2019 and the Guidelines framed thereunder. The Act applies to all advertisements irrespective of their stated purpose or timing. Furthermore, the impugned advertisement simultaneously promoted the Institute's various commercial programmes, thereby clearly serving a commercial purpose beyond mere felicitation.
 - v. The contention that no consumer complaint has been received and that no instance of actual consumer deception has been placed on record is wholly misconceived and deserves to be specifically rejected. Section 19 of the Act empowers and obliges the CCPA to take suo motu action there is no requirement of receipt of individual consumer complaints before intervention is initiated against misleading advertisements.
 - vi. The CCPA is empowered under Section 18 of the Act to protect the interests of consumers as a class, and a misleading advertisement disseminated through a national newspaper and a publicly accessible official website, directed at lakhs of IIT-JEE aspirants across India, is by its very nature capable of influencing consumer behaviour and is therefore prejudicial to public interest. The harm caused by a misleading advertisement is structural it distorts the information environment within which aspirants make consequential educational and financial decisions. Acceptance of this argument would render the CCPA's power of suo motu action utterly otiose and would defeat the entire object of the Consumer Protection Act, 2019.
 - vii. On the inadvertent error argument: The contention that the omission of course details in respect of Mr. Bothamolla Charan was an inadvertent clerical error is not persuasive. The impugned advertisement was a widely circulated, professionally designed commercial advertisement published across multiple platforms including a national newspaper and the Institute's official website. The systemic nature of the omissions across multiple candidates, coupled with the inadequate font size and illegible presentation of the limited disclosures that were made, is inconsistent with the explanation of isolated human error and points instead to a pattern of selective and inadequate disclosure.

- viii. The opposite party's contention that IIT-JEE aspirants and their parents, being educated persons, would independently verify course details and would not be misled by the advertisement, deserves to be rejected. The test under Section 2(28)(ii) of the Act is whether the advertisement is 'likely to mislead consumers' this is an objective standard assessed from the perspective of the reasonable consumer in the target group, not the most educated or most sceptical consumer imaginable. The Consumer Protection Act, 2019 has consciously moved towards the doctrine of Caveat Venditor 'let the seller beware'. The statute places the obligation to ensure truthful, transparent, and non-misleading advertising squarely upon the advertiser. Moreover, by concealing material information, the advertisement impedes the very due diligence that the opposite party now asks the consumer to perform. Furthermore, the opposite party's own conduct undermines this argument if the advertisement was always complete and transparent in its disclosures, there was no reason to omit course details from it. One who deliberately chooses not to disclose material information prominently in an advertisement cannot then invoke the consumer's sophistication as a justification for that non-disclosure.
- ix. The statutory burden of complete and prominent disclosure rests upon the advertiser not upon the consumer. The opposite party had complete facility to prominently disclose, on the very advertisement carrying the success claims, the specific programme availed by each featured candidate. The deliberate choice not to make this disclosure, while simultaneously advertising substantive commercial programmes, is precisely the deliberate concealment of important information that Section 2(28)(iv) of the Act prohibits. Moreover, this justification is further undermined by the fact that the impugned advertisement was also published on the opposite party's official website a digital medium with no inherent spatial limitation and yet the course details of featured candidates were omitted therein as well.

22. The CCPA further examined the enrolment records and supporting documents submitted by the opposite party and observed that the said documents suffer from material deficiencies which raise serious concerns regarding their authenticity and reliability:

- i. A majority of the enrolment forms submitted by the opposite party were found to be unsigned by either the parents or the minor students concerned. The absence of signatures on enrolment documents is not merely a procedural irregularity it goes to the root of the matter. An enrolment form bearing no signature of the student or parent/guardian cannot be treated as a valid, executed document evidencing a consensual enrolment. More significantly, in the absence of such signatures, it cannot be established that the students or their parents/guardians had consented to the use of their names, photographs, and academic achievements in the opposite party's advertisements. The prominent display of the names and photographs of minor students in a widely circulated advertisement, without demonstrated consent, constitutes a serious violation of their right to privacy and dignity, and compounds the misleading nature of the advertisement.
- ii. The dates of filling of these forms had not been mentioned in a significant number of cases, making it difficult to verify whether the enrolment predated the examination result, or was effected subsequent thereto.
- iii. The opposite party failed to provide fee receipts in respect of the students featured in the advertisement, despite having been specifically and repeatedly directed to do so. In the absence of fee receipts or payment proofs, the claimed enrolment of featured candidates cannot be verified independently.
- iv. The enrolment form pertaining to Mr. Matcha Balaaditya (All India Rank 1, OBC Category; All India Rank 11, Open Category), the most prominently featured candidate in the advertisement, bore no date and carried no signatures of either the student or the parent/guardian. Furthermore, the fee recorded in the said form was a mere Rs. 2/- (Rupees Two only). While the opposite party attributed this to a scholarship or merit-based fee concession, no documentary evidence substantiating the existence of any such formal scholarship policy, or its application to the said student, was placed on record before the DG (Investigation) or before this Authority.
- v. The cumulative effect of these deficiencies like unsigned forms, dates of filling of these forms had not been mentioned in a significant number of cases, nominal fees unsupported by policy documentation, and missing fee receipts etc. is that the opposite party has been unable to establish, through credible and verifiable documentary evidence, the nature and genuineness of its

affiliation with the successful candidates featured in the impugned advertisement.

- vi. It is further noted that the students featured in the impugned advertisement are in fact minors who had appeared in competitive examinations. The use of the names, photographs, and academic achievements of such minor students in a commercial advertisement, for the purpose of promoting the opposite party's institute, requires unambiguous and demonstrable consent from the student as well as the parent/guardian. In the present case, given that a majority of the enrolment forms are unsigned, the opposite party has failed to establish that such consent was ever obtained.

23. The opposite party's contention that course details could not be disclosed due to "space constraints" is untenable and devoid of merit. This selective allocation of advertising space, prioritising promotional content over material disclosure, is indicative of a deliberate omission rather than a logistical constraint. Furthermore, the opposite party also published the impugned advertisement on its official website (www.narayanagroup.com), which is a digital medium without any inherent spatial limitation, and yet failed to disclose the specific courses opted for by the featured candidates thereon as well. Accordingly, the justification of space constraints cannot be accepted.

24. In view of the foregoing, the CCPA finds that the opposite party, through the impugned advertisement:

- i. deliberately concealed material information regarding the specific course opted for by each successful candidate featured therein, in violation of Section 2(28)(iv) of the Consumer Protection Act, 2019;
- ii. created a misleading impression that all featured candidates, irrespective of whether they were enrolled in the opposite party's formal schools/colleges, coaching centres, or Distance Learning Programme, were students of "Narayana Educational Institutions," thereby falsely describing the nature and quality of the services offered, in violation of Section 2(28) (i) of the Act;
- iii. failed to comply with Clause 11 of the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022, by presenting qualifying information, including course names and category

notations, in an illegible font size and in a manner that renders such information invisible to an ordinary consumer.

25. The CCPA after carefully considering the written submissions, the submissions made by the opposite party during the hearing, and the investigation report submitted by the Director General (Investigation), finds that:

- i. The advertisement is false and misleading inasmuch as it deliberately conceals important information regarding the courses opted for by the successful candidates featured therein, and thereby misleads prospective consumers regarding the nature, scope, and quality of the Institute's services.
- ii. The opposite party has violated the following provisions of the Consumer Protection Act, 2019 and the guidelines framed thereunder:
 - a. Section 2(28) (i)
 - b. Section 2(28) (iii)
 - c. Section 2(28) (iv)
 - d. Section 2(47)
 - e. Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022.

26. 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.

27. Narayana Educational Institutions operates more than 950 educational institutes across 23 States in India and also provides online coaching services. It has a substantial digital presence. It is further noted that more than 11 lakh students apply

for the IIT-JEE examination every year, thereby highlighting the vast target audience that will be influenced by such advertisements. In view of the wide reach and impact of the impugned advertisements, the CCPA is of the opinion that imposition of a penalty on the opposite party is necessary in the interest of consumers.

28. 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 opposite party shall, in all future advertisements, make truthful and complete disclosure and disclaimers shall be presented in a font size and manner no less prominent than that used for the rank or name of the featured candidate, so as to be clearly legible to an ordinary consumer, in compliance with the Consumer Protection Act, 2019 and the rules and guidelines made thereunder.
- c. In light of the nature of the violations detailed in the foregoing paragraphs, it is necessary (as discussed in above paras) that the opposite party is directed to pay a penalty of ₹8,00,000 with respect to publishing misleading advertisements.
- d. Submit a compliance report of the directions (a) to (c) above within 15 days of receipt of the Order.



Nidhi Khare

Chief Commissioner



Anupam Mishra

Commissioner

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Category Ranks

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Ranks

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Category Ranks

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Ranks

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Category Ranks

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Ranks

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