



Case No. 69 of 2013

**In re:**

Mr. Hardeep Singh Anand .....Informant  
Managing Director of Deepika Classes  
R/o 1228, Laxmi Bagh Napier Town, Jabalpur (M.P)

And

Dainik Bhaskar, The Publisher & Owner, Shri Kailash Agrawal ... OP 1  
Vishmbher Bhavan, Opp. Municipal Corporation Jabalpur

The Proprietor, Ranker's Point ...OP 2  
Palasia Square, A.B. Road, Indore

Alok Dixit, Proprietor, Genius Institute ...OP 3  
117/N/83-Kakadev (Opp. Devki Palace Lane), Kanpur (U.P)

**CORAM:**

Mr. Ashok Chawla  
Chairperson

Dr. Geeta Gouri  
Member

Mr. Anurag Goel  
Member

Mr. M. L. Tayal  
Member

Mr. S.L.Bunker  
Member

Present: Mr. Hardeep Singh Anand, Informant in person.

**Order under Section 26(2) of the Competition Act, 2002**

Informant claimed to be running coaching classes in Jabalpur. He was aggrieved by the unfair trade practices of publishing false exaggerated results by various coaching institutes without mentioning the names, roll numbers of



respective candidates in exams, and giving no addresses of selected candidates in the newspapers.

2. Briefly, the informant submitted that various 'coaching institutes' were in the practise of publishing fake results without disclosing description of the successful candidates. This resulted in exploitation of innocent students who join a particular 'coaching institute' based on these misleading advertisements. As per the informant, Dainik Bhaskar (OP1) was a monopolist newspaper in Jabalpur & surroundings areas which colluded with Momentum Classes and promoted the latter in spite of its weak performance. The informant relied upon certain press report of other newspapers of Indore to show collusion of OP1 with Brain Master. He alleged that OP1 was trying to establish monopoly of Brain Master's through unfair means.

3. The informant highlighted that almost 8-10 'coaching Institutes' were wrongfully cornering a market worth Rs 500 to Rs. 1000 crores per year, since 2004 but were paying insignificant service tax & income tax, thereby flouting tax laws as well. On the basis of the above, the informant prayed to the Commission that an inquiry be initiated into the unfair trade practices of the 'coaching Institutes' and the newspapers exploiting innocent students to make unjust gains.

4. The Commission heard the informant and considered the material submitted. Though the informant mentioned collusion between coaching classes and OP1, the main grievance seems to be misleading advertisement published by OP1 in its newspaper. On the basis of misleading advertisements of 'coaching Institutes', the informant claimed an abuse of dominant position by OP 1. While two of the OPs are coaching Institutes, the other is a newspaper.

5. The newspaper clippings submitted by the informant clearly show that there was no dearth of players either in the field of coaching classes or in the field of newspapers. Therefore, the contention regarding abuse of dominance, as alleged by the informant, stands negated. Inserting advertisements in newspapers with misleading or false claims in order to corner a share in the market or to gain more market share *prima facie* does not raise any



competition concern. *Prima facie*, no case was made out for an investigation under any of the provisions of the Act.

6. For the reasons stated above, the case deserves to be closed down under section 26(2) of the Act and is hereby closed. The Secretary is directed to inform the parties accordingly.

New Delhi

Dated: 12/11/2013

Sd/-  
(Ashok Chawla)  
Chairperson

Sd/-  
(Dr. Geeta Gouri)  
Member

Sd/-  
(Anurag Goel)  
Member

Sd/-  
(M.L. Tayal)  
Member

Sd/-  
(S.L. Bunker)  
Member