

ITEM NO.3

COURT NO.10

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) NO. 645/2022

INDIAN MEDICAL ASSOCIATION & ANR.

PETITIONERS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

(MR. MURSALIN ASIJIT SHAIKH, APPLICANT-IN-PERSON WILL APPEAR IN
I.A. D.NO. 95540 OF 2024 (APPLICATION FOR INTERVENTION)

IA No. 110039/2024 - APPLICATION FOR PERMISSION
IA No. 110769/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 110011/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 130554/2022 - CLARIFICATION/DIRECTION
IA No. 110768/2024 - INTERVENTION APPLICATION
IA No. 95540/2024 - INTERVENTION APPLICATION
IA No. 13659/2023 - INTERVENTION APPLICATION)

Date : 14-05-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s)

Mr. P S Patwalia, Sr. Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Amarjeet Singh, AOR
Mr. Priyanshu Tyagi, Adv.
Mr. Rishav Rai, Adv.
Ms. Devashi Chand, Adv.
Mr. Dipanshu Krishan, Adv.

For Respondent(s)

Union of India

Mr. Tushar Mehta, Solicitor General
Mr. K M Nataraj, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Sharath Nambiar, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Shashank Bajpai, Adv.
Mr. Ishaan Sharma, Adv.

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Ms. Avni Singh, Adv.
Mr. Jitin Chaturvedi, AOR

Ministry of Consumer
Affairs, Food & Public
Distribution and
Ministry of Info.
and Broadcasting

Mr. Tushar Mehta, Solicitor General
Mr. K.M Nataraj, A.S.G.
Mr. Sharath Nambiar, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Shashank Bajpai, Adv.
Mrs. Priya Mishra, Adv.
Mr. Amrish Kumar, AOR

R.No. 5 to 7

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Vipin Sanghi, Sr. Adv.
Mr. Balbir Singh, Sr. Adv.
Mr. Arvind Nayar, Sr. Adv.
Mr. Simranjeet Singh, Adv.
Mr. Gautam Talukdar, AOR
Mr. Raushal Kumar, Adv.
Ms. Apurbaa Dutta, Adv.
Ms. Neha Gupta, Adv.
Ms. Smita Jain, Adv.
Mr. Karan Jain, Adv.
Mr. Rishabh Pant, Adv.
Mr. Nikhil Rohatgi, Adv.
Mr. Rohit Gandhi, Adv.
Mr. Naman Tandon, Adv.
Mr. Hargun Singh Kalra, Adv.
Mr. Akshay Joshi, Adv.

State of Uttarakhand

Mr. Dhruv Mehta, Sr. Adv.
Ms. Vanshaja Shukla, AOR
Ms. Ankeeta Appanna, Adv.
Mr. Shyam Agrawal, Adv.
Mr. Siddhant Yadav, Adv.

State of Gujarat

Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.
Ms. Abhipsa Mohanty, Adv.

State of Jharkhand	Mr. Kumar Anurag Singh, Adv. Mr. Honney Khanna, Adv. Ms. Pallavi Langar, AOR
State of Manipur	Mr. Pukhrambam Ramesh Kumar, AOR Mr. Karun Sharma, Adv. Ms. Anupama Ngangom, Adv. Ms. Rajkumari Divyasana, Adv. Mr. R.Rajaselvan, Adv.
State of Odisha	Ms. Anindita Pujari, AOR Ms. Bhumika Chouksey, Adv. Ms. Radhika Mohapatra, Adv. Mr. Shaileshwar Yadav, Adv.
State of West Bengal	Ms. Astha Sharma, AOR Mr. Srisatya Mohanty, Adv. Mr. Shreyas Awasthi, Adv. Ms. Ripul Swati Kumari, Adv.
U.T. of Puducherry	Mr. Aravindh S., AOR Mr. Akshay Gupta, Adv. Ms. Ekta Moyal, Adv.
Union Territory of Andaman & Nicobar	Mr. Mukesh Kumar Maroria, AOR Mrs. Indira Bhakar, Adv. Mr. Mukesh Kumar Verma, Adv. Mr. Kanu Agrawal, Adv. Mr. Varun Chugh, Adv. Mr. Vatsal Joshi, Adv. Mr. Harish Pandey, Adv. Mr. Shashwat Parihar, Adv. Mr. Anil Hooda, Adv. Mr. Rajesh Singh Chauhan, Adv. Mr. Piyush Beriwal, Adv. Mr. Vineet Singh, Adv.
State of U.P.	Ms. Garima Prashad, Sr. Adv. Ms. Sakshi Kakkar, AOR
State of M.P.	Ms. Mrinal Gopal Elker, AOR
Intervenor	Ms. Aparna Bhat, AOR
Intervenor	Ms. Mrinmoi Chatterjee, AOR

**UPON hearing the counsel, the court made the following
O R D E R**

1. A request is made on behalf of the proposed contemnors/respondents no. 5 to 7 seeking time to file affidavits indicating *inter alia* the steps that are being taken to bring down the advertisements of the products of Patanjali, licences whereof have been suspended by the State of Uttarakhand and for recalling the said medicines, wherever they have been sent for sale, i.e. to the stockists and other agencies.
2. It is further clarified that the aforesaid affidavit proposed to be filed shall be without prejudice to the rights and contentions of the proposed contemnors to assail the order of suspension of the licences in respect of the products of the respondent no.5-Patanjali, before the appropriate forum.
3. The aforesaid affidavit shall be filed within three weeks with copies to the other side, while reserving the right of the respondents no. 5 to 7 as prayed for above.
4. Orders are reserved on the Contempt notice issued to the proposed contemnors/ respondents no. 5 to 7. Their presence is dispensed with, till specifically directed.

WRIT PETITION (CIVIL) NO. 645/2022

1. An affidavit has been filed by the State Licensing Authority of West Bengal. We have pointed out the lacunae in the said affidavit.
2. Learned counsel for the State of Nagaland submits that the affidavit was prepared and filed only late last evening. The same is not on record. Copies thereof have also not been furnished to the other sides. Needful shall be done within two weeks.
3. As for the remaining State Licensing Authorities situated in States/Union Territories across the country, last opportunity of four weeks is granted to them to file their respective affidavits, keeping in mind the points that have been highlighted by us in the course of submissions made by learned counsel for the State of West Bengal. Besides pointing out the action taken on the complaints that may have been received by the concerned State Licensing Authorities, the affidavits shall also indicate the nature of *suo moto* action taken by each of the said Authorities to ensure that there are no misleading advertisement(s) being issued by manufacturers, advertisers, advertising agencies in respect of the health products, food items/food supplements, etc.
4. Coming next to the National Medical Commission, Mr. Gaurav Sharma, learned Advocate has entered appearance and submits that an affidavit was prepared and filed late last night. The same is however, not on

record. Steps shall be taken to ensure that the said affidavit is on record and copies furnished to all the learned counsel.

5. The affidavits as directed on the last date of hearing have not been filed by the FSSAI. Ministry of Consumer Affairs was also directed to file an additional affidavit setting out the action taken by the Central Authority on noticing/being informed of the misleading advertisements particularly, in the food and health sector. Needful shall be done within four weeks.
6. The additional affidavit filed by the State Licensing Authority of the State of Uttarakhand shall be examined on the next date of hearing.
7. List on the date already fixed, i.e. 09th July, 2024, on top of the Board.

(POOJA SHARMA)
COURT MASTER (SH)

(NAND KISHOR)
COURT MASTER (NSH)