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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1510/2024**

YATIN SHARMA

..... Petitioner

Through: Mr. Prashant Gupta, Mr. Yatin Sharma and Mr. Mohit Solanki, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Mukul Singh, CGSC with Mr. Kamaldeep, GP and Ms. Ira Singh, Advocate for R-1, 9 & 11.
Mr. Rakesh Chaudhary and Ms. Tanvi, Advocates for R-7.
Mr. Santosh Kumar Tripathi, Standing Counsel (C) for GNCTD with Mr. Arun Panwar, Mr. Rishabh Srivastava, Mr. Pradyumn Rao, Mr. Utkarsh Singh, Mr. Kartik Sharma, Ms. Nikita Vir and Ms. Prashansa Sharma, Advocates for R-8.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
02.02.2024

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1. The Petitioner has approached this Court with the following prayers:

“a) Direct Respondent No. 1 to initiate appropriate action against the product “DIVYA MANJAN” manufactured by Respondent no. 2 and initiate strict legal actions against the Respondent no. 2,3,4,5 & 6 for misleading and misrepresenting the said product.



b) Direct Respondent No. 7 to investigate why Respondent No. 2, 3, 4, 5 & 6 failed to mention a green or red mark on the packaging of the said product. On the contrary, Respondent No. 3 is selling the product "Divya Manjan" with a green dot on their official website <https://www.patanjaliayurved.net/>. Initiate strict legal actions against Respondent No. 2, 3, 4, 5 & 6 for misleading and misrepresenting the said product.

c) Direct Respondent No. 8 to investigate the matter under the sections and provisions of Indian Penal Code and initiate strict legal actions against the Respondent no. 2,3,4,5 & 6 for misleading, undue influence, hurting religious sentiments, deceive, misrepresenting & cheating to their customers.

d) Direct Respondent No. 9 to initiate appropriate action against the product "DIVYA MANJAN" manufactured by Respondent no. 2 and initiate strict legal actions against the Respondent no. 2,3,4,5 & 6 for misleading and misrepresenting the said product.

e) Direct Respondent No. 10 to initiate appropriate action against the product "DIVYA MANJAN" manufactured by Respondent no. 2 and initiate strict legal actions against the Respondent no. 2,3,4,5 & 6 for misleading and misrepresenting the said product.

f) Direct Respondent No. 11 (Ministry of Ayush) and Respondent No. 10 (Ministry of Health and Family Welfare) to initiate strict action against the product "DIVYA MANJAN," investigate compliance of other products manufacturer by Respondent No. 2 and Respondent No. 3 with WHO manufacturing standards, and do the detailed assessments of all products manufacturing and selling by Respondent no.2 & 3.

g) Direct respondents' to recall the product namely "DIVYA MANJAN" from Indian market and mark the



said product with Red mark to show that the product "DIVYA MANJAN" contains non-vegetarian ingredients and to follow all the rules and norms stabled by the law strictly.

h) Hon'ble Court may direct respondents to compensate petitioner and his family, also pay litigation expenses to Petitioner as Petitioner suffers a lot due to the illegalities of Respondents.

i) The Hon'ble Court may pass such other and further orders as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case."

2. The Petitioner herein approached this Court on an earlier occasion by filing a writ petition being W.P.(C) 7985/2023 with the very same prayers as have been made in the present writ petition and this Court vide Order dated 19.07.2023 disposed of the writ petition while observing as under:

1. The instant writ petition under Article 226 of the Constitution of India has been filed by the Petitioner for a direction to Respondent No.1 to ban the product 'Divya Manjan' being manufactured by Respondent No.2 on the ground that it violates various provisions of Drugs and Cosmetics Act, 1940.

2. Section 33 EED of the Drugs and Cosmetics Act, 1940 gives powers to the Central Government to prohibit manufacture of Ayurvedic, Siddha or Unnani Drugs in public interest.

3. This Court without observing anything on merits gives liberty to the Petitioner to approach the appropriate authorities under Drugs and Cosmetics Act.

4. The Petitioner is directed to file a complaint to the appropriate authorities within a week's time from



today. On receiving any such complaint, the authorities are directed to look into the case and pass an appropriate Order in a reasonable time.

With these observations, the writ petition is disposed of, along with pending application(s), if any.”

3. Pursuant to the aforesaid Order dated 19.07.2023 passed by this Court, the Petitioner made a complaint on 23.07.2023 before the Respondents. The issue has been addressed by the Respondents and a communication dated 01.08.2023 to that effect has been sent to the Petitioner. The communication dated 01.08.2023 reads as under:

***Government of India
Ministry of Ayush
(Drug Policy Section)***

***NBCC Office Block-III (2nd Floor),
East Kidwai Nagar South Ex-1,
New Delhi-110023.***

***To,
Yatin Sharma,
Advocate.***

***Subject: Complaint against Patanjali Ayurved Ltd.
For unlawful use of non-vegetarian ingredient in
"Dant Manjan"-reg.***

Sir,

I am directed to refer to your complain dated 24/05/2023 forwarded by CDSCO vide letter no-AYUSH/Misc-29/2023-DC dated 22/06/2023 regarding the subject cited above and to state that there is no provision to mention any sign or any mark to show that the said product contains non vegetarian product under labeling provision of Rule 161 of Drugs and Cosmetics Rules 1945.



2. Further issue of demarcation of Veg/Non Veg over the label was discussed in recent ASUDTAB meeting which was held on 25/05/2023, wherein the board has recommended to constitute a committee to determine the criteria by which raw materials used in the production of drugs can be categorised into veg, non veg or more categories, because the interpretation of veg/non-veg depends on various religious, ethical and regional consideration.

3. This issues with the approval of Competent Authority.

*Yours faithfully,
Signed by Madan Lal Meena.*

4. A perusal of the aforesaid communication dated 01.08.2023 shows that a Committee has been constituted to determine the criteria by which raw materials used in the production of drugs can be categorised into veg, non-veg or more categories.

5. In view of the above, it is expected that the Committee, so constituted, shall give its recommendations within a period of 10 weeks from today.

6. With these observations, the writ petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 2, 2024

S. Zakir