

IN THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
 AT NEW DELHI

Dy No. 7520/NCDRC/2026

Salman Salim Khan ... Complainant
 Versus
 Yogendra Singh Badiyal & Ors. ... OPs

BEFORE:

HON'BLE MR. JUSTICE A.P. SAHI, PRESIDENT
 HON'BLE MR. BHARATKUMAR PANDYA, MEMBER

Appeared at the time of arguments:

For the Applicant /
 Salman Salim Khan

: Mr. Ravi Prakash, Sr. Advocate
 with Ms. Chandrima Mitra, Advocate
 Mr. Parag Kandahar, Advocate
 Mr. Tapan Redkar, Advocate
 Mr. Yatharth Shukla, Advocate
 Mr. Sarthak Sehgal, Advocate

For the Respondent -1
 & Yogendra Singh Badiyal

: Mr. Indra Mohan Singh, Advocate

For Kamla Kant & Co. LLP

: Mr. Varun Singh, Advocate
 Mr. Shikher Upadhyay, Advocate
 Mr. Utkarsh Sahu, Advocate
 Ms. Prerna Priya, Advocate

Pronounced on: 02nd July 2026

ORDER

JUSTICE A.P. SAHI, PRESIDENT

1. The Respondent No. 1 Mr. Yogendra Singh Badiyal, a lawyer by profession filed CC No. 879/2025 arraying M/s. Rajshree Pan Masala (Kamla Kant & Co.) as the OP-1 and the appellant Mr. Salman (Salim) Khan as the OP-2 alleging that the OPs had indulged in false and misleading

Dy. No. 7520/NCDRC/2026

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advertisements to market its product. It was alleged in the complaint that the OP-1 / Respondent no. 2 herein is the manufacturer and producer of Rajshree brand of Pan Masala. The misleading advertisement depicts the product as cardamom. It is further alleged in paragraph 4 of the complaint as cardamom. In paragraph 7 thereof it is alleged that the Rajshree Pan Masala was being advertised as a product with saffron and cardamom. The allegation is that it is impossible to include saffron in a sachet priced at Rs. 5 to Rs. 20 as the market price of pure saffron is approximately Rs. 4 lakh per kilogram. The advertisement therefore is misleading for the common consumers and it is also alleged that it causes harm to their health.

2. It is alleged that all forms of advertisement of tobacco products are prohibited under the Cigarettes and Other Tobacco Products Act, 2003 and therefore the false and misleading advertisement violates the laws referred to in an 18 paragraphs complaint which also alleges that the advertisements are misleading in terms of Section 89 of the Consumer Protection Act, 2019. In paragraph 9, an advertisement in *Dainik Bhaskar*, a daily Hindi Newspaper dated 03.11.2025 is stated to be carrying an advertisement of the nature as alleged in the complaint.

3. The complaint was instituted before the District Consumer Commission, Jaipur (II) and to support the allegation, a copy of the advertisement seems to have been filed along with the complaint which is extracted hereinunder:





4. A perusal of the said advertisement would indicate that it is an advertisement for a Silver coated cardamom product flavoured with saffron. The advertisement also records that it contains no tobacco / no nicotine.

Dy. No. 7520/NCDC/2026

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5. The said complaint was instituted in 2025 along with an application for interim relief being M.A. No. 114 of 2025 praying for stay on the advertisement referred to above. The same was listed on 15.12.2025 before the District Commission when summons / notices were issued to the OPs fixing 15.01.2026. According to the appellant, such notices were neither served on him nor was there any proof of service of either the complaint or the interim application.

6. The complainant has filed a copy of the notices issued and it is alleged that the date fixed for 15.01.2026 was scored out and substituted by the date 22.12.2025. A copy of the said summons has been filed along with the additional affidavit as Annexure-1. The ordersheet dated 29.12.2025 records that the matter was directed to come up on 06.01.2026 awaiting service of notice.

7. An interim order was passed on 06.01.2026 by the District Commission and the same is extracted hereinunder:





[The main body of the document contains a large, dark, and heavily distorted area, likely due to a scanning error or intentional redaction. The text is illegible and appears as a dense, noisy block of black and white pixels.]

रखवाय प्रयोगों को अंततः रिया को और संशोधित कर दि दे इस प्रकार के
संबन्धित आगेकार सेवन वसोपन प्रमिद कोपना व कबल प्रामक विज्ञापन हे तन्वि
जम रखायस को साथ भीवामसी के शेषा में आता है। अति परिशरी का स्थान
गुणका पन अधिक रूप शकार विवाह जोकर विपभाण को आदेश दिया जाता है
कि वे परिदिक में जवत आने कता विवली का न तौरा सत्यदिन पान प्रमाला
सकती के प्रामक प्ररार प्ररार से चेजापन नसे करे।

9. पनावली वारी भय होने जवत विपसीतप दिनाक 06-02-2026 को भेरा हो।

06-01-2026
 (जायल लीला) मार्ग 2
 जिला प्रमवली प्रमाला
 जयपुर हिमाचल प्रदेश

मुख्य प्रतिनिधिकार
 प्रमाला प्रतिनिधि
 जयपुर हिमाचल प्रदेश

8. The order was passed by the Bench presided over by Mr. Gyarsi Lal Meena, the President of the District Commission-II, Jaipur accompanied by Ms. Supriya Agarwal and Ajai Kumar as Members.

9. It is urged that the said order was passed ex-parte to the appellant without any service of the stay application for interim relief. The appellant contends that he became aware of the interim order only on 15.01.2026 when



he appeared before the District Commission as per the date mentioned in the summons served upon him.

10. The appellant states that he appeared through his counsel only on 15.01.2026 and a reply was also filed to the complaint along with an application captioned under Order 7 Rule 11 read with Order 1 Rule 10 (2) for deleting the name of the appellant and for dismissing the complaint on the ground that the nature of the dispute was not liable to be entertained by the Court for want of jurisdiction. It was also pleaded in the affidavit that according to Section 89 of the Consumer Protection Act, 2019, misleading advertisements are to be dealt with by the Central Consumer Protection Authority and such issues if permissible can only be tried under Chapter III of the 2019 Act read with Section 92 and not otherwise. It was also stated therein that any further action can be taken only upon a valid cognizance in a complaint to be instituted before an appropriate forum and therefore the complaint was not maintainable.

11. It was also pleaded that the complainant did not fall within the definition of any consumer as there is no allegation in the complaint about any services having been taken or any goods having been purchased by him or consumed by him.

12. It was also pleaded that false facts have been pleaded in the complaint, in as much as the advertisement is only in respect of the Silver Coated Cardamom, and not for Pan Masala, and therefore the entire complaint was a

concoction without any cause of action as against the appellant. The complaint was stated to be vexatious and not maintainable.

13. It is also alleged by the complainant that on the very same date, Execution Application No. 2/2026 under Section 72 of the Act was filed alleging non-compliance of the *ex-parte* interim order dated 06.01.2026. Curiously, the District Commission entertained the application and issued orders of Bailable Warrants on the same day against the appellant for the alleged non-compliance of the interim order dated 06.01.2026. A copy of the Execution Application was served on the appellant's counsel on the same day and without any opportunity to respond to the same, the Bailable Warrants were issued. The order passed on the said Execution Application No. 2/2026 is extracted hereinunder:



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जिला उपभोक्ता विवाद प्रतियोग आयोग जयपुर द्वितीय जयपुर

प्रार्थना पत्र अन्तर्गत धारा 72 (1) उपभोक्ता संरक्षण अधिनियम, 2019

प्रार्थना पत्र संख्या 02/26

दिनांक 15.01.2026

प्रार्थी उपस्थिति। प्रार्थना पत्र दर्ज होने की बहस सुनी गई एवं पट्टावली का अवलोकन किया गया। प्रार्थना पत्र अन्तर्गत धारा 72 (1) दर्ज हो।

प्रार्थी/परिवारी की ओर से प्रस्तुत प्रार्थना पत्र राफ्त पत्र एवं निर्णय की प्रति प्रस्तुत कर निवेदन किया गया कि अप्रार्थीगण से परिवार संख्या 114/2025

श्री यमोद सिंह वनाम राज श्री पान मसाला

के इस आयोग द्वारा पारित निर्णय दिनांक 06.01.2026 की अनुमालना की लोप किया है या उसमें विफल रहा है। ऐसी स्थिति में परिवारी के 223 के बयान भारतीय नागरिक सुरक्षा संहिता के तहत लिये गये। परिवारी की बहस प्रसंगान सुनी गई। अप्रार्थीगण को उपभोक्ता संरक्षण अधिनियम, 2019 की धारा 72 (1) के अन्तर्गत दण्डनीय अपराध के संबंध में 72 (1) के अन्तर्गत भारतीय नागरिक



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सुरक्षा सहिता के अनुसार मुलजिम को 10000/- 10000/- के
जमानती मुचलके के तलब किया जावे। मुलजिम को जमानती वारंट
जारी हो।

पन्नायली वास्ते मुलजिम को वसूली हेतु दिनांक 06.02.2026 को
पेश।

परियादी द्वारा प्रस्तुत प्रार्थना पत्र सुना गया। परियादी का प्रार्थना
पत्र स्वीकार किया जाकर विपक्षी संख्या 2 का जमानती वारंट जारी
हो।

-एस.डी.-
(सदस्य)

-एस.डी.-
(सदस्य)

-एस.डी.-
(अध्यक्ष)

14. Another interesting feature of the proceeding is that an application was moved by the complainant for appointment of a Court Commissioner to verify the genuineness of the signatures of the appellant in the pleadings filed by him. The said application strangely enough was allowed on the same day. The order passed is extracted hereinunder:



जिला उपभोक्ता विवाद प्रतिरोषा आयोग जयपुर द्वितीय अधिवेशन

योगेन्द्र सिंह बडियाल बनाम राजश्री पान मसाला व अन्य

परिवाद संख्या : 879/2025

दिनांक - 15-01-2026

उभय पक्षकारान् के विद्वान अधिवक्ता उपस्थित। विपक्षी सं. 1 व 2 के विद्वान अधिवक्ता ने अपना वकालतनामा पेश किया शामिल पत्रावली रहे। विद्वान अधिवक्ता परिवादी ने प्रार्थना पत्र पेश कर निवेदन किया कि विपक्षी सं. 2 के स्पष्ट पत्र पर श्री सलमान खान के हस्ताक्षर असल नहीं है। उनके हस्ताक्षरों की जांच एफएसएल से कराई जावे तथा श्री सलमान खान के हस्ताक्षर हेतु मोका कमिश्नर श्री राजेश कुमार मीना एनरोलमेंट नं. आर/4684/2022 को नियुक्त किया जाकर मोका कमिश्नर की चरस्थिति में श्री सलमान खान के हस्ताक्षर कराये जावे। परिवादी का प्रार्थना पत्र स्वीकार किया जाकर आदेश दिया जाता है कि श्री सलमान खान के हस्ताक्षर मोका कमिश्नर श्री राजेश कुमार मीना एनरोलमेंट नं. आर/4684/2022 की उपस्थिति में किये जाकर मोका रिपोर्ट पेश करे। विपक्षी सं. 1 व 2 के विद्वान अधिवक्ता ने पत्रावली पत्र अन्तर्गत आदेश 1 नियम 10(2) स्थित आदेश 7 नियम 11 सीपीसी पेश किया जिसका जवाब पेश करने हेतु परिवादी अधिवक्ता ने समय चाहा। पत्रावली पेश होने प्रार्थना पत्र जवाब दिनांक 06-02-2026 को पेश हो।

जिला उपभोक्ता विवाद प्रतिरोषा आयोग जयपुर
सुप्रिया अग्रवाल
उपस्थित
जयपुर

(जयश्री मीना)
अध्यक्ष
जयपुर



15. Thus, orders were passed one after the other on 15.01.2026 in the manner aforesaid simultaneously and therefore aggrieved, the appellant preferred Revision Petition No. 9 of 2026 and the Respondent no. 2 preferred R.P. No. 10 of 2026 before the SCDRC, Rajasthan assailing the interim order dated 06.01.2026 passed on MA No. 114 of 2025 in the complaint. The Respondent – 2 M/s. Rajshree Pan Masala also filed an appeal against the order on the Execution Application being Appeal Execution No. 4/2026 before the State Commission assailing the order of the District Commission dated 15.01.2026 whereby Bailable Warrants had been issued. The appellant also filed Appeal Execution No. 5 of 2026 before the State Commission praying for quashing the order dated 15.01.2026 whereby Bailable Warrants had been issued against him.

16. On 06.02.2026, the State Commission passed an order directing the District Commission not to issue any arrest warrants as the State Commission was of the opinion that arrest warrants cannot be issued without service of the Bailable Warrants.

17. Simultaneously the State Commission also directed the District Commission to decide the application filed under Order 7 Rule 11 as early as possible. The records of the complaint were also summoned fixing 16.02.2026. The order passed in Appeal Execution No. 4 of 2026 is extracted hereinunder:



Honble Mr Surendra Singh, Judicial Member
Honble Mrs. Karuna Jain, Member

Heard learned counsel for the appellant Mr. Varun Singh & Mr. Divesh Sharma appeared on behalf of Rajshree Pan Masala appellant.

This Execution Appeal was filed against the order dated 15.1.2026 passed in contempt petition no. 02/2026 Yogender Singh Vs. Rajshree Pan Masala.

Vide impugned order dated 15.1.2026 the learned District Commission issued bailable warrant against celebrity of appellant company instead of summons. We do not agree with this argument because this is the practice of Consumer Commission in contempt cases. Normally summons/notices issued to the company and bailable warrant issued to the contemnor in person. Learned counsel further argued that learned District Commission is adamant to pass arrest warrant without compliance of bailable warrant.

Learned District Commission is directed not to issue any arrest warrant if contemnor is not appeared

[Signature]



despite service of bailable warrant. If bailable warrant is not come back without service, the mag. may pass non-bailable warrant but without service of bailable warrant, arrest warrant could not be passed.

Learned counsel has also stated that an application has been filed under Order 7 Rule 11 of the CPC which is pending in the trial court. The learned District Commission is directed to decide the application as early as possible.

Issue notice to the respondent. Send for the record complaint, temporary interim application and contempt petition.

Put up on 16.2.2026

[Signature]
Member (Judicial)

[Signature]
Member (Judicial)

[Signature]
President



18. On the same day, two applications were filed by the complainant before the District Commission in the proceedings under Section 72 of the Act, one application for issuing arrest warrants against the appellant and another application by the counsel representing the complainant for cancelling the Bailable Warrants. Both the applications were heard on 06.02.2026 and orders were reserved.

19. Both these applications were disposed off vide order dated 09.02.2026 purporting to be in compliance of the order of the State Commission and restraining itself from issuing any arrest warrants, but at the same time fresh Bailable Warrants were issued against the appellant. The order is extracted hereinunder:



ANNEXURE-9

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जिला न्यायाधीश, दिल्ली

दफ्तर

प्रति

श्री 4

श्री 4

अवमानना प्रार्थना पत्र संख्या 02/2026

दिनांक 09-02-2026

योजना

व्यक्ति

राजश्री पान मसाला

दिनांक 09-02-2026

दिनांक 09-02-2026

अधीन

उभय पक्षों के प्रति निर्णय के अन्तर्गत दिनांक 06-02-2026 को पारित आदेश की प्रमाणित प्रति का अवलोकन किया गया।

परिचय के विद्वान अधिवक्ता द्वारा एक प्रार्थना पत्र राजश्री पान मसाला के माध्यम से जमा किया गया। विपक्षी सं. 2 सलमान खान के विरुद्ध गिरफ्तारी वारंट जारी करने का दिनांक 06-02-2026 को पेश किया गया तथा विपक्षी संख्या 1 के विद्वान अधिवक्ता द्वारा एक प्रार्थना पत्र पारित जमानती वारंट निरस्त किये जाने हेतु दिनांक 06-02-2026 को पेश किया गया था। दोनों प्रार्थना पत्रों पर विद्वान अधिवक्ता उभय पक्षकारान की सहस्र दिनांक 06-02-2026 को सुनी जा चुकी है। उक्त दोनों प्रार्थना पत्रों का निरस्तारण इस आतिशिका द्वारा एक साथ किया जा रहा है।

माननीय राज्य आयोग द्वारा सं. 4/2026 राजश्री पान मसाला वनाम योमन्तसिंह में दिनांक 06-02-2026 को यह आदेश पारित किया गया कि जब तक विपक्षी सं. 2 का जमानती वारंट तामील नहीं हो जाता है, तब तक विपक्षी सं. 2 सलमान खान का गिरफ्तारी वारंट जारी नहीं किया जाये। स्थिति में माननीय राज्य आयोग के आदेश दिनांक 06-02-2026 के अन्तर्गत विपक्षी सं. 2 सलमान खान का जमानती वारंट पुनः जारी करने का आदेश दिया जाता है। विपक्षी सं. 2 सलमान खान का जमानती वारंट पुनः जारी किया जाये। पत्रावली बरती तब तक विपक्षी सं. 2 सलमान खान दिनांक 23/02/2026 को पेश हो।

अधीन (अजय कुमार) (सिद्धि अग्रवाल) (अधीन) (जी. एल. गीना) (अधीन)

अधीन (जी. एल. गीना) (अधीन)



20. Both the appeals arising out of the Execution Application under Section 72 namely AE No. 4/2026 and AE No. 5/2026 as well as the Revision Petition No. 10/2026 filed against the injunction order dated 06.01.2026 were listed before the State Commission on 16.02.2026. The case was adjourned for 18.02.2026. The matter was heard on 18.02.2026 and was adjourned for 26.02.2026. All the three matters were heard and orders were reserved to be pronounced on 16.03.2026 by the State Commission.

21. The two Revision Petitions filed against the interim order dated 06.01.2026 were dismissed by the State Commission and Appeal Execution No. 5/2026 that arose out of the Execution Application was also dismissed. The orders passed on the Revision Petitions is extracted hereinunder:



ANNEXURE II
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राजस्थान राज्या उपमोक्ता विवाद प्रतिष्ठान आगो १, जयपुर

समक्ष -
माननीय न्यायाधिपति श्री देवेन्द्र कच्छवाहा, अध्यक्ष
माननीय श्री अरुण कुमार अग्रवाल, न्यायिक सदस्य
माननीय श्री लियकत अली, सदस्य

Revision Petition No.09/2026

Salman Khan (S/o Salim Khan, Currently Working as an Actor and Residing at 1, Galaxy Apartments, BJ Road, Band Stand, Bandra West, Mumbai, Maharashtra,

Petitioner/Appellant

Versus

01. Yogendra Singh Badiyal, Advocate, Resident of - AG-1, Gayatri Sadan, Sawai Jaisingh Highway, Bani Park, Jaipur, Rajasthan,

Non-Petitioner No.1/Complainant.

02. Rajshree Pan Masala (Kamlakant and Company) C/o 28/11B, Hill Khana, Kanpur, Uttar Pradesh.

Non-Petitioner No.2/O.P.No.1

उपस्थित-

नियमाकार/अपीलाधी की ओर से वरिष्ठ अधिवक्ता श्री रवि प्रकाश विद्धान अधिवक्ता श्री शिवानंद नवल के साथ उपस्थित।
गैर-नियमाकार संख्या १/परियादी श्री यामुन सिंह वडियाल अधिवक्ता स्वयं प्रय अधिवक्ता श्री इन्द्रमोहन सिंह उपस्थित।
गैर-नियमाकार संख्या २ की ओर से अधिवक्ता श्री वरुण सिंह (जरिए वी.सी.)

Revision Petition No.10/2026

Rajshree Pan Masala (Kamlakant and Company) Address: phool Khana, Kanpur, Uttar Pradesh 208001

Petitioner

Versus



राज्य
संयुक्त
आयोग



407

राज्य शासक उपभोक्ता आयोग, जयपुर
निगरानी याचिका संख्या 09/2026 एवं 10/2026

01. Yogendra Singh Badiyal, s/o Shri Bhanwar singh, Plot No. AC-4, Gayatri Sadan, Sawaj Jaisingh Highway, Bani Park, Jaipur, Rajasthan-302016

Contesting Respondent

02. Salman Khan (Film star and brand ambassador) Address- Galaxy Apartments, Bandra west Mumbai-400050

Proforma Respodent

उपस्थित-

निगराकार की ओर से अधिवक्ता श्री वरुणसिंह (जरिए वीसी)
निगराकार के अधिवक्ता श्री दिवेश शर्मा व जावेद हुसेन अंसारी स्वयं उपस्थित
परनिगराकार संख्या 1 की ओर से अधिवक्ता श्री योगेन्द्र सिंह बडियाल स्वयं
पर अधिवक्ता श्री कुन्दगोविन्द सिंह उपस्थित
परनिगराकार संख्या 2 की ओर से अधिवक्ता मण श्री शिवानुभवल श्री आयुष
शर्मा एवं आकाशा उपस्थित।

बहस सुनने की दिनांक :- 26.02.2026
निर्णय की दिनांक :- 16-3-2026

निर्णय
(द्वारा माननीय न्यायाधिपति श्री देवेन्द्र कच्छवाहा अध्यक्ष)

1- निगराकार श्री सलमान खान की ओर से परनिगराकार योगेन्द्र सिंह बडियाल व अन्य के विरुद्ध प्रस्तुत निगरानी याचिका संख्या 09/2026 एवं निगराकार राजश्री पान मसाला की ओर से परनिगराकार योगेन्द्र सिंह बडियाल व अन्य के विरुद्ध प्रस्तुत निगरानी याचिका संख्या 10/2026 विद्वान जिला न्यायाधीश विवाद प्रतिरोध आयोग, जयपुर द्वितीय चरण (जिसी आगे संख्या 079/2026 के साथ प्रस्तुत स्थगन प्रार्थना पत्र संख्या 0001/2026 योगेन्द्र सिंह बडियाल पत्र संख्या 0001/2026 के विरुद्ध प्रस्तुत की है, जिसके द्वारा विद्वान जिला उपभोक्ता आयोग ने परिवारी योगेन्द्र सिंह बडियाल द्वारा प्रस्तुत स्थगन प्रार्थना पत्र संख्या 0001/2026 को आंशिक रूप से स्वीकार करते हुए निम्नांकित फैसला पारित किया है-



अतः परिवादी का स्थगन प्रार्थना-पत्र आधिक रूप से स्वीकार किया जाकर विपक्षीय को आदेश दिया जाता है कि ये परिवाद का जवाब आने तक विपक्षी संख्या 1 द्वारा उत्पादित पान मसाला 'राजश्री' के धामक प्रचार-प्रसार एवं विज्ञापन नहीं करे।

2- इसके अतिरिक्त निगरानी याचिका संख्या 10/2026 राजश्री पान मसाला के नाम सोमोन्द्र सिंह बडियाल के अन्य विद्वान जिला उपभोक्ता आयोग जयपुर द्वितीय जयपुर द्वारा परिवाद संख्या 879/2025 में परिवादी द्वारा प्रस्तुत प्रार्थनापत्र में पारित आदेश दिनांक 15.01.2026 को विरुद्ध प्रस्तुत की है दिनांक 15.01.2026 को निम्न आदेश पारित किया गया।

श्री सलमान खान के हस्ताक्षर मौका कमिश्नर श्री राजेश कुमार गीना एनरीलेमैण्ट नंबर डार/4684/2022 की उपस्थिति में कराये जाकर मौका रिपोर्ट पेश करे।

3- चूंकि दोनों निगरानी याचिका के तथ्य सम्यक्कारण के तर्क एवं विधिक बिन्दु एक-समान होने से इनका निस्तारण एक ही आदेश द्वारा किया जा रहा है।

4- मामले के सुसंगत तथ्य संक्षेप में इस प्रकार से है कि परिवादी श्री योगेश सिंह बडियाल ने अप्रार्थीय राजश्री पान मसाला एवं श्री सलमान खान के विरुद्ध उपभोक्ता संरक्षण अधिनियम 2019 की धारा 35 व 39 के अन्तर्गत परिवाद प्रकरण संख्या 879/2025 प्रस्तुत किया एवं परिवाद के साथ उपभोक्ता संरक्षण अधिनियम 2019 की धारा 38(8) के अन्तर्गत स्थगन प्रार्थना-पत्र संख्या 114/2025 प्रस्तुत कर ता फसला नूत परिवाद अप्रार्थी संख्या 1 द्वारा उत्पादित पान मसाला 'राजश्री' के धामक प्रचार प्रसार एवं विज्ञापन पर स्थगन आदेश पारित करने की प्रार्थना की। अधीनस्थ आयोग ने दिनांक 05.07.2026 को परिवादी द्वारा प्रस्तुत स्थगन प्रार्थना पत्र पर उपभोक्ता की पक्ष सुनकर परिवादी द्वारा प्रस्तुत स्थगन प्रार्थना-पत्र को आधिक रूप से स्वीकार करके अप्रार्थीय को परिवाद का जवाब आने तक अप्रार्थी संख्या 1 द्वारा उत्पादित पान मसाला 'राजश्री' के धामक प्रचार-प्रसार एवं विज्ञापन नहीं करने के आदेश पारित किये एवं दिनांक 15.01.2026 को परिवादी का प्रार्थनापत्र स्वीकार करते हुए श्री सलमान खान



(Handwritten signature)
जयपुर



के हस्ताक्षर मौका कमिश्नर श्री राजेश कुमार मीना की उपस्थिति में करवा
जाकर मौका रिपोर्ट पेश करने के आदेश पारित किये ।

5- दोनों निगरानी याचिकाओं पर उभय पक्षकारानों के विद्वान अधिवक्तागण की
बहस सुनी गयी ।

6- दोनों निगरानी याचिका के विद्वान अधिवक्ता ने निगराकार की ओर से
निगरानी याचिका में अंकित तथ्यों को तर्कों के रूप में दोहराते हुए तर्क
दिया गया कि निगरानी संख्या 09/2026 के अभिलेख के पृष्ठ संख्या 21
से 28 पर सलग दिनांक 15.01.2026 की कॉजलिस्ट में प्रकरण दर्शित है
तथा दिनांक 06.01.2026 की कॉज लिस्ट में दर्शित नहीं है और विद्वान
जिला उपभोक्ता आयोग द्वारा दिनांक 15.01.2026 के स्थान पर 06.01.2026
को आलाच्य आदेश पारित कर दिया गया है । धारा 35 उपभोक्ता संरक्षण
अधिनियम (जिसे आगे "अधिनियम" शब्द से संबोधित किया जाएगा) के
तहत कोई वादकारण उत्पन्न नहीं हुआ है ।

7- यह तर्क भी दिया गया कि धारा 89 अधिनियम में भ्रामक विज्ञापन और
प्रचार-प्रसार वाले मामले में दण्ड का प्रावधान बताया गया है । धारा 92
अधिनियम में यह स्पष्ट किया गया है कि केन्द्रीय प्राधिकरण या उसके
निमित्त उसके द्वारा प्राधिकृत अधिकारी द्वारा ही परिवाद धारा 88 एवं 89 के
तहत प्रस्तुत किया जा सकता है । धारा 35 अधिनियम में परिवाद प्रस्तुत
करने की प्रक्रिया बताई गई है । धारा 47(2) अधिनियम में निगरानी याचिका
की शक्तियाँ और प्रावधान बताये गये हैं । धारा 21 अधिनियम में केन्द्रीय
प्राधिकरण द्वारा लगाई जा सकने वाली शक्तियाँ और दिये जा सकने वाले
निर्देशों का उल्लेख है ।

8- यह भी तर्क दिया गया है कि प्रार्थी, "उपभोक्ता" की परिभाषा में नहीं आता
है । आदेश दिनांक 06.01.2026 में अंत में "विपक्षीयण" लिखा हुआ है ।
अंत में तर्क दिया कि आक्षेपित आदेश विधिसम्मत आदेश नहीं होने से दोनों

निगरानी याचिका स्वीकार करके आक्षेपित आदेश को अस्वीकार किया जावे
उन्होंने अपने तर्कों के समर्थन में निम्नलिखित न्यायिक दृष्टांत पेश किये -

1. असमा लतीफ बनाम भारतीय एडवर्ड (2024) 4 SCC 696

2. सक्सेस बनाम सक्सेस (SJP (Cr)) 10373/2018



3. धारानी शुगर एवं केमिकल लि. बनाम यूनियन ऑफ इण्डिया (2019) 5-SCC 480
4. श्री उम्मेद हायर सेकेण्डरी स्कूल जोधपुर बनाम राजस्थान राज्य 1999 SCC ऑनलाइन राजस्थान 71
5. (2003) 1 SCC 557, Saleem Bhai and Ors. Vs State of Maharashtra and Ors.

9- राजश्री पान मसाला के विद्वान अधिवक्ता ने निगराकार "सलगान खान" के विद्वान अधिवक्ता की ओर से प्रस्तुत किये गये तर्कों को "राजश्री पान मसाला" की ओर से प्रस्तुत निगरानी याचिका के लिए भी माने जाने का कथन किया।

10- उपरोक्त दोनों निगरानी याचिकाओं के गैर-निगराकार संख्या 1/परिवारी के विद्वान अधिवक्ता की ओर से तर्क दिया गया कि यह कहना गलत है कि विद्वान जिला उपभोक्ता आयोग के समक्ष परिवार गलत पेश किया गया है अथवा परिवार पेश नहीं किया जा सकता है। ऐसे परिवार अनेकों जिला उपभोक्ता आयोगों में प्रस्तुत हुए हैं जिनमें जिला उपभोक्ता आयोगों द्वारा संज्ञान भी लिया गया है तथा उचित आदेश पारित किया गया है तथा किसी भी आदेश की माननीय राज्य उपभोक्ता आयोग अथवा माननीय राष्ट्रीय उपभोक्ता आयोग द्वारा अपास्त नहीं किया गया है, इसलिए आक्षेपित आदेश विधिसम्मत होने से उक्त दोनों निगरानी याचिकाएँ सब्यय खारिज की जावे।

11- समय पक्ष के तर्कों पर मनन किया गया तथा पत्रावली का ध्यानपूर्वक अवलोकन किया गया। दोनों निगरानी याचिका के निगराकार की ओर से प्रस्तुत न्यायिक दृष्टियों का सम्मान अध्ययन किया गया।

12- जहाँ तक प्रश्न निगराकार की ओर से प्रस्तुत इस तर्क का है कि निगरानी याचिका के साथ प्रस्तुत दस्तावेज "दैनिक वाद-सूची दिनांक 15.01.2026 के अनुसार अधीनस्थ आयोग के समक्ष प्रकरण दिनांक 15.01.2026 की दैनिक वाद सूची में दर्ज है लेकिन दिनांक 08.01.2026 की दैनिक वाद सूची में दर्ज नहीं है। यहाँ यह लिखा जाना सुसंगत



हे कि यह सही है कि मूल परिवार प्रकरण में दिनांक 15.01.2026 को पेशी दी हुई थी, परन्तु स्थगन प्रार्थना-पत्र संख्या 114/2025 में प्रथम पेशी दिनांक 15.12.2025 की थी और उस दिन नोटिस जारी करने का आदेश दिये गये थे और प्रकरण में आगामी तारीख पेशी 22.12.2025 दी गई थी। पेशी दिनांक 22.12.2025 को नोटिस बाव या अदम तामील लोटकर नहीं आने के कारण पत्रावली में इतजार तामील में दिनांक 29.12.2025 को पेशी दी गई और उस दिन प्रार्थी/परिवादी अधिवक्ता की ओर से दस्तावेज पेशा किये गये और आगामी पेशी दिनांक 06.01.2026 दी गई। मूल प्रकरण एवं स्थगन प्रार्थना-पत्र में अलग-अलग पेशियों दिया जाना एक सामान्य प्रक्रिया है तथा इसमें कोई असामान्यता गजर नहीं आती है क्योंकि स्थगन प्रार्थना-पत्र के मामले में पक्षकार शीघ्र सुनवाई की प्रार्थना करता है और स्थगन प्रार्थना-पत्र में न्यायालय/आयोग द्वारा मूल प्रकरण से गिना तारीख पेशियों दी जाती हैं।

13- जहां तक प्रश्न निगराकार के इस तर्क का है कि परिवारी "उपभोक्ता" की परिभाषा में नहीं आता है और परिवादी के पक्ष में "अधिनियम" की धारा 35 के अन्तर्गत कोई "वादकारण" उत्पन्न नहीं होता है। इस संबंध में हमारा विनम्र मत इस प्रकार से है कि स्वीकृत रूप से आदेश 7 नियम 11 व्यवहार प्रक्रिया संहिता का प्रार्थना-पत्र विद्वान जिला उपभोक्ता आयोग के समक्ष लम्बित है और उक्त प्रार्थना-पत्र निगराकार/अप्रार्थीगण की ओर से प्रस्तुत किया गया है। परिवार के पोषणीयता तय करने का प्राथमिक दायित्व अधीनस्थ आयोग का है। उक्त प्रार्थना-पत्र पर पारित अधीनस्थ आयोग के आदेश से व्यथित होकर पक्षकार द्वारा कोई अपील या निगरानी याचिका इस आयोग के समक्ष व्यथित पक्षकार द्वारा प्रस्तुत की जाती है, तब उस आदेश के संबंध में विवेचन किया जाना इस आयोग द्वारा अपेक्षित हो सकता है, इससे पूर्व उक्त प्रार्थना-पत्र के संबंध में अधीनस्थ आयोग के क्षेत्राधिकार का इस आयोग द्वारा निर्वहन किया जाना उचित एवं न्यायोचित प्रतीत नहीं होता है।



और शस्तियों का उल्लेख किया गया है। अध्याय 8 में "Miscellaneous (प्रकीर्ण)" प्रावधानों का उल्लेख किया गया है। गौरतलब है कि अध्याय 7 के प्रावधान अध्याय 3 के तत्काल पश्चात नहीं दिये जाकर विभिन्न उपभोक्ता आयोगों से संबंधित प्रावधानों इत्यादि के बाद दिये गये हैं। अध्याय 3 में ऐसा कोई प्रावधान नहीं है, जिसके अन्दर कोई भी उपभोक्ता अधिकारस्वरूप परिवार, CCPA के समक्ष उसी अनुरूप प्रस्तुत कर सकता है जैसा जिला/राज्य/राष्ट्रीय उपभोक्ता आयोगों के समक्ष प्रस्तुत कर सकता है। उक्त अध्याय में ऐसा कोई प्रावधान नहीं बताया गया है जिसके अनुरूप यह निर्धारित किया जा सके कि, CCPA के समक्ष शिकायत कौन व कैसे प्रस्तुत कर सकता है। सामान्य क्रम में कोई भी व्यक्ति निर्धारित पोर्टल पर अपनी शिकायत प्रस्तुत कर सकता है और उस शिकायत पर सज्जान लेना या नहीं लेना CCPA का विवेकाधिकार है। इसके अतिरिक्त CCPA स्व-प्रेरणा से भी भ्रामक विज्ञापनों जो जन-सामान्य को प्रभावित करने वाले हो, के संबंध में जिला कलेक्टर को जांच करने के आदेश दे सकता है व उचित समय पर सक्षम के समक्ष परिवार प्रस्तुत कर सकता है। हमारे विनम्र मत में अध्याय 8 में दिये गये प्रावधानों के अन्तर्गत यदि उपभोक्ता के अधिकारों की सुरक्षा नहीं पाती है अथवा CCPA ऐसे भ्रामक विज्ञापनों के संबंध में ऐसी कोई कार्यवाही नहीं करता है तो हमारे विनम्र मत में इसका तात्पर्य यह नहीं निकलता है कि उपभोक्ता के पास कोई अधिकार उपलब्ध नहीं रहता है। इसके विपरीत अध्याय 3 के पश्चात दिये गये अध्याय 4 में उपभोक्ता विवाद प्रतियोग आयोगों के प्रावधान प्रभाव में आ जाते हैं। CCPA द्वारा की गई कार्यवाही कितनी प्रभावी है, यह बताने के लिए यह लिखा जाना भी व्यायस्यगत प्रतीत होता है कि हाल ही में कुछ समय पहले स्वयं उपभोक्ता विभाग को राज्य उपभोक्ता आयोग के समक्ष एक परिवार कोथिम संस्थानों द्वारा प्रसारित किये जा रहे भ्रामक विज्ञापनों के संबंध में प्रस्तुत करना पड़ा है। ऐसा कोई कारण नजर नहीं आता है कि यदि CCPA द्वारा इस संबंध में कोई कार्यवाही की जाती तो उपभोक्ता विभाग को इस आयोग के समक्ष परिवार प्रस्तुत नहीं करना पड़ता।

(Handwritten signature)
DHARMENDRA SINGH



परिवाद/अपील/निगरानी याचिका अथवा अन्य किसी प्रकरण में अनिवार्य होता है।

- 17- मौजूदा निगरानी याचिका संख्या 09/2026 प्रस्तुत होने के बाद आयोग के समक्ष पहली बार दिनांक 27.01.2026 को सूचीबद्ध हुई थी। निगरानी याचिका संख्या 09/2026 का अवलोकन करने से दर्शित होता है कि पेशी दिनांक 27.01.2026 को निगराकार श्री सलमान खान की ओर से विद्वान अधिवक्ता श्री शिवांगु नवल साथी अधिवक्ता के साथ उपस्थित थे। गैर-निगराकार श्री योगेन्द्र सिंह बडियाल स्वयं उपस्थित होकर एक प्रार्थना-पत्र प्रस्तुत किया जिसमें निवेदन किया गया कि "आज निगरानी याचिका संख्या 09/2026 - सलमान खान बनाम योगेन्द्र सिंह लिस्ट की गई है। 16 दिन पूर्व भी इस तरह का मामला दिनांक 20.01.2026 को जिला उपभोक्ता विवाद प्रतिरोध आयोग, कोटा के द्वारा पारित आदेश के विरुद्ध प्रस्तुत हुआ था। वह भी बिना किसी पूर्व सूचना के सूचीबद्ध किया गया और उसमें बिना सुने स्थगन आदेश पारित किया गया था। जबकि ऐसा परिवादी का पक्ष सुने बिना सामान्यतः नहीं किया जा सकता। आज भी प्रकरण बिना सूचना के लिस्ट किया गया है अतः न्याय हित में कुछ समय प्रदान किया जावे।" इस प्रार्थना-पत्र के जवाब हेतु निगराकार के अधिवक्ता द्वारा समय मांगे जाने की कोई प्रार्थना निगरानी याचिका में नहीं की गई है और यह लिखा गया कि गैर-निगराकार के अधिवक्ता दौरान बहस प्रार्थना-पत्र प्रस्तुत करके चले गये तथा रिवीजनकर्ता की बहस सुनना लिखते हुए अधीनस्था आयोग का रिकॉर्ड आज ही तलय किये जाने तथा रिकॉर्ड हेतु दस्तो जारी किये जाने का आदेश देते हुए आदेश सुरक्षित रखा गया। जबकि न तो निगरानी याचिका की नकल उपस्थित गैर-निगराकार श्री योगेन्द्र सिंह को दिलाये जाने का उल्लेख आदेशिका में है न गैर-निगराकार संख्या 2 "राजश्री" पान भंडाला की नोटिस जारी करने के आदेश दिया गया है और न ही आदेशिका में ऐसा उल्लेख किया गया है कि गैर-निगराकार संख्या 2 को नोटिस जारी किये जाने अथवा सुने जाने की कोई आवश्यकता नहीं है और निगरानी याचिका में आदेश सुरक्षित



किये जाने के पश्चात् इस तथ्य की जानकारी संबंधित सदस्यगण को ध्यान में आने पर कि शिकायतकर्ता द्वारा उक्त आदेश के संबंध में और दिनांक 20.02.2026 को Coordinate Bench द्वारा जारी अन्य आदेश के संबंध में राजस्थान सरकार के विभिन्न उच्चाधिकारियों, केन्द्र सरकार व सी बी आई आयोग को की जा चुकी है दिनांक 13.02.2026 को एक अधूरा आदेश स्टिकित करके हुए पत्रावली पुनः अध्यक्ष, राजस्थान राज्य उपभोक्ता विवाद प्रतिरोध आयोग को सम्मिलित करने वाली समुचित न्यायपीठ के समक्ष दिनांक 16.02.2026 को सूचीबद्ध करने के आदेश दे दिए गए जबकि इस संबंध में पूर्व में कार्यालय आदेश जारी किया जा चुका है कि इस तरह का कोई आदेश किसी सदस्य द्वारा राज्य उपभोक्ता आयोग को नहीं दिया जाना चाहिये। यदि कोई सदस्य किसी कारणवश किसी प्रकरण में निर्णय/आदेश पारित नहीं करना चाहता है तो वह सामान्य रूप में यह लिखते हुए कि वे इस प्रकरण में निर्णय/आदेश नहीं लिखाना चाहते हैं अथवा प्रकरण में सुनवाई नहीं करने चाहते हैं अतः प्रकरण अन्य बेंच के समक्ष रखे जाने के लिए निर्देश राजस्थान राज्य उपभोक्ता विवाद प्रतिरोध आयोग के रजिस्ट्रार/डिप्टी रजिस्ट्रार को दिया जाना चाहिये। आदेश दिनांक 13.02.2026 में एकतरफ तो यह लिखा गया है कि, "निगरानी याचिका में अंतिम आदेश पारित किया जाना न्यायोचित प्रतीत नहीं होता है" वहीं दूसरी तरफ 8 पृष्ठों के विस्तृत विवेचन में विभिन्न बातें ऐसी लिखी गई हैं जो कि केवल अनावश्यक हैं वल्कि अप्रासंगिक हैं। ऐसा प्रतीत होता है कि उक्त आदेश अधिवक्ता निगराकार की बहस को सर्वविधित सत्य मानते हुए विपक्षी पक्ष को सुन दिना: अधीनस्थ आयोग का अभिलेख प्राप्त हुए दिना: संबंधित विपक्षी पक्षकाराम को नोटिस जारी किये दिना: और उपस्थित पक्षकार को निगरानी याचिका की प्रति उपलब्ध करवाये दिना तथा दिना: ऐसी किसी आपात स्थिति कि, यदि उस दिन सुनवाई पूर्ण नहीं जाती है तो निगराकार के अधिकार ऐसे विपरीत रूप से प्रमाणित हो जाते कि उसकी क्षतिपूर्ति सम्भव नहीं होती। एकपक्षीय बहस सुनकर प्रकरण को आदेश हेतु सुरक्षित रख दिया गया, जो हमारे विनम्र मत में न्यायोचित नहीं माना

निगरानी याचिका
संख्या 09/2026 एच 10-2026

दिनांक



आदेश की उक्त भाषा आयोग के सदस्यगण द्वारा इस बात की अवधारणा करते हुए लिखी गई है कि शिकायत झूठी है। जहाँ तक प्रश्न निगरानी याचिका को List किये जाने का है, आयोग के समक्ष निगरानी याचिका Listing की जो प्रक्रिया है, उसे अपात हुए List की गई है। माननीय, यह प्रशासनिक स्तर पर जाँच किये जाने का मामला है। संबंधित बेंच की दैनिक बैठक सूची मंगवाई जाकर उसका अवलोकन किया गया। दिनांक 27.01.2026 को मोजदा रिबीजन पिटीशन संख्या 09/2026 इस आयोग की बेंच संख्या 2 के समक्ष क्रमांक संख्या 1 पर सूचीबद्ध की हुई है। निगरानी संख्या A/.../26 - Rajshree Pan Masala (Kamal Kant & Co. LLP) Vs Indra Mohan Singh दिनांक 20.01.2026 को अंतिम क्रमांक संख्या 19 पर For Early Hearing Head पर लगी हुई थी, जबकि इस आयोग को प्राप्त शिकायत की प्रतिलिपि के अनुसार उस दिन न केवल Early Hearing को स्वीकार किया गया, बल्कि प्रभावी स्थगन आदेश भी पारित किया गया, परन्तु चूँकि उक्त आदेश Coordinate Bench द्वारा पारित किया गया है, इसलिए उक्त वैधानिकता के संवध में कोई टिप्पणी किया जाना उचित और न्यायोचित प्रतीत नहीं होता है। इस संवध में हमारे विनम्र मत में इतना ही कहा जाना उचित होगा कि सामान्य क्रम में जब तक कि यात्री पक्षकार के अधिकारों को सुरक्षित रखने के लिए एकपक्षीय अंतरिम स्थगन आदेश पारित किया जाना अथवा उभयपक्ष को सुने बिना प्रकरण का निस्तारण किया जाना अत्यन्त आवश्यक नहीं है। न्यायिक कार्य निभावित करने वाले सभी न्यायिक सदस्यगण एवं न्यायिक सदस्यगणों द्वारा न्यायिक प्रक्रिया की अनुपालना की जानी चाहिये।



दिनांक 18-

सहायक
आयोग

दोनों निगरानी याचिकाएँ स्थगन प्रकरण संख्या 114/2025 में पारित आदेश दिनांक 06.01.2026 से व्यथित होकर परतुरा की गई है। इसे तीन भागों में विभक्त किया जा सकता है। प्रथम भाग में उक्त आदेश के जरिए "द्विपक्षीय" को आदेशित किया गया है न कि केवल किसी एक पक्षी की। दूसरे भाग में परिनाद के जवाब आने तक उक्त स्थगन आदेश दिया गया है, इसका तात्पर्य हमारे विनम्र मत में यह

[Handwritten signature]
DHARMENDRA SINGH



निकलता है कि सभी विपक्षीयों को जवाब आने तक न कि केवल एक विपक्षी के जवाब आने तक और तीसरा भाग जिसमें लिखा है कि तिपक्षी संख्या एक द्वारा उत्पादित पान मसाला राजश्री के भ्रामक प्रचार-प्रसार एवं विज्ञापन नहीं करे। ऐसी स्थिति में केवल एक पक्षकार का जवाब आने मात्र से ही उक्त आदेश का निष्प्रभावी होना नहीं माना जा सकता। दिनांक 15.01.2026 को जवाब मूल परिवार में पेश हुआ था और यह शर्त रथगत प्रार्थना-पत्र में लगाई गई थी।

19- उक्त निगरानी याचिकाएँ महज इस आधार पर प्रस्तुत की गई हैं कि अधीनस्थ आयोग को परिवार को सुनने की क्षत्राधिकारिता प्राप्त नहीं है और इस संबंध में जैसा कि उपरोक्त विवेचन में आया है कि यह निर्विवादित तथ्य है कि अधीनस्थ आयोग के समक्ष निगराकार द्वारा प्रस्तुत प्रार्थना-पत्र अन्तर्गत आदेश 7 नियम 11 व्यवहार प्रक्रिया संहिता लघित है जिस पर चल देने के स्थान पर निगराकाराने द्वारा अधीनस्थ आयोग का कार्य इस आयोग द्वारा करवाने का प्रयास किया जा रहा है। निगराकार द्वारा प्रस्तुत उक्त प्रार्थना-पत्र को विनिश्चित किये जाने का प्राथमिक दायित्व अधीनस्थ आयोग का है। अधीनस्थ आयोग द्वारा उक्त प्रार्थना-पत्र के संबंध में कोई भी आदेश किये बिना उक्त प्रार्थना-पत्र अथवा परिवार की पोषणीयता के संबंध में किसी प्रकार की कोई टिप्पणी इस आयोग द्वारा किया जाना उपरोक्त किये गये विवेचन के अनुसार न्यायसंगत नहीं होगा।

20- इन निगरानी संख्या 09/2026 में निगराकार के विद्वान अधिवक्ता की ओर से प्रस्तुत उक्त न्यायिक दृष्टान्तों में प्रतिपादित सिद्धान्तों से सिद्धान्त पूर्ण सहमति रखते हैं, लेकिन तथ्यों की भिन्नता के कारण न्यायिक दृष्टान्तों में प्रतिपादित सिद्धान्तों से निगराकार को कोई सहायता प्राप्त नहीं होती है।

21- जहाँ तक प्रश्न *Asma Latief & Anr. Vs Shabbir Ahmad & Ors* वाले निर्णय का है, उक्त निर्णय के पदांक संख्या 21 की ओर हमारा ध्यान आकर्षित किया गया है उसमें माना गया कि आदेश दिनांक 05.08.1991, जो विचारण न्यायालय द्वारा पारित किया गया व निर्णय की



परिभाषा धारा 2(9) अधिनियम एवं आदेश 20 नियम 4 GPC में दी गई परिभाषा के अनुरूप निर्णय की परिभाषा में नहीं आता है और माननीय उच्च न्यायालय ने पक्षकारों को संपत्ति को स्वामित्व के संबंध में वाद प्रस्तुत करने की छूट प्रदान की है और यह माना गया है कि यह स्थापित नहीं हो रहा है कि अपीलार्थी किसी भी विपरीत प्रभाव से प्रभावित हो रहे हैं। उक्त निर्णय में विद्यमान विन्दु मौजूदा विन्दु से सर्वथा भिन्नता रखने वाले हैं। जहाँ तक प्रश्न न्यायिक दृष्टांत राकेश कुमार बनाम बिहार राज्य SLP (Cri) 10373/2018 का है उस प्रकरण में धारा 482 दण्ड प्रक्रिया संहिता 1973 के तहत न्यायिक मजिस्ट्रेट के आदेश की वैधानिकता को चुनौती दी गई थी जिसमें Drugs and Cosmetics Act, 1949 के विभिन्न प्रावधानों के अन्तर्गत दण्डिक प्रकरण में अपराध के संबंध में प्रसंज्ञान लिया गया था जबकि उसमें Drugs and Cosmetics Act, 1949 के अन्तर्गत केवल Drugs Inspector के द्वारा ही परिवाद प्रस्तुत किया जा सकता है ऐसी स्थिति में माननीय सर्वोच्च न्यायालय के माननीय उच्च न्यायालय द्वारा धारा 482 दण्ड प्रक्रिया संहिता के अन्तर्गत इस आधार पर कि अपीलार्थी के विरुद्ध प्रथम दृष्टया मामला खाना पाया जाता है दण्डिक प्रकरण में मजिस्ट्रेट द्वारा लिये गये प्रसंज्ञान के संबंध में हस्तक्षेप करने से मना कर दिया था जिसे अनुचित माना। जहाँ तक प्रश्न AIR 1999 Raj 370, Shri Umed Higher Secondary School, Jodhpur Vs State of Rajasthan and Ors वाले मामले का है इस मामले में रिट याचिका राज्य सरकार द्वारा पारित आदेश दिनांक 18.02.1998 की वैधानिकता को चुनौती दिये जाने हेतु प्रस्तुत की गई थी एवं उक्त आदेश धारा 10(1) Rajasthan Non-Government Educational Institutions Act, 1989 के अन्तर्गत पारित करते हुए सरकार ने स्कूल पर अधिकार करते हुए प्रशासक की नियुक्ति की थी। उक्त मामले में भी माननीय उच्च न्यायालय ने विभिन्न प्रावधानों और न्यायिक दृष्टांतों का उल्लेख करते हुए याचिका को आशिक रूप से स्वीकार किया था। यहाँ यह लिखा जाना सुसंगत है कि धारा 482 दण्ड प्रक्रिया संहिता एवं भारतीय संविधान के अनुच्छेद 228 के अन्तर्गत



माननीय उच्च न्यायालय और सर्वोच्च न्यायालय को अन्तर्निहित शक्तियाँ प्राप्त हैं, जिसके तहत परिस्थितियों में न्यायोचित आदेश पारित किया जा सकता है, परन्तु इस आयोग को इस प्रकार की कोई अन्तर्निहित शक्तियाँ प्राप्त नहीं हैं। जहाँ तक प्रश्न न्यायिक दृष्टांत (2019) 5 SCC 480, **Dharani Sugars and Chemicals Limited Vs Union of India and Anr.** का है, उस प्रकरण में धारा 35-AA एवं 35-AB, Banking Regulation Act, 1949 को जरिये संशोधन Ordinance, 2017 के माध्यम से जोड़े जाने को चुनौती दी गई थी। भारतीय रिजर्व बैंक द्वारा जारी परिपत्रों एवं विभिन्न बिन्दुओं पर विवेचन इस निर्णय में किया गया है तथा निगराकार द्वारा इस आयोग के समक्ष किसी भी बिन्दु के संबंध में ध्यान आकर्षित नहीं किया गया है कि वे इस निर्णय के किस भाग को इस निर्णय में सुसंगत मानते हैं। जहाँ तक प्रश्न न्यायिक दृष्टांत (2003) 1 SCC 557, **Salcem Bhai and Ors. Vs State of Maharashtra and Ors.** का है, इस न्यायिक दृष्टांत वाले मामले में आदेश 7 नियम 11 एवं आदेश 8 नियम 10, व्यवहार प्रक्रिया संहिता के प्रावधानों को विवेचित करते हुए न्यायालय की शक्तियाँ क्या होंगी, यह उल्लेखित किया गया है और यह माना गया है कि आदेश 7 नियम 11 व्यवहार प्रक्रिया संहिता की शक्तियों का प्रयोग किस अवस्था पर किया जा सकता है।

22- जहाँ तक प्रश्न राजश्री पान मसाला द्वारा प्रस्तुत निगरानी याचिका संख्या 10/2026 - राजश्री पान मसाला बनाम श्री योगेन्द्र सिंह बडियाल में पारित आदेश दिनांक 15.01.2026 को चुनौती दिये जाने का है, विधि का सर्वमान्य सिद्धांत है कि एक ही आदेश को दो बार चुनौती नहीं दी जा सकती है, साथ ही एक ही अपील में इन दोनों आदेशों को याचिका के माध्यम से चुनौती नहीं दी जा सकती क्योंकि आदेश दिनांक 06.01.2026 स्थगन प्रार्थनापत्र में पारित किया गया है जबकि आदेश दिनांक 15.01.2026 अग्रमातृना प्रकरण में पारित किया गया है। इसके अतिरिक्त आदेश दिनांक 15.01.2026 को निर्माता कंपनी राजश्री पान



मसाला द्वारा अपील इजराय संख्या 04/2026 के माध्यम से पृथक से चुनौती दी जा चुकी है और उसे पृथक से निर्णित किया जा रहा है।

23. अतः उपरोक्त किये गये समय विवेचन के अनुसार निगराकारान श्री सलमान खान एवं राजश्री पान मसाला द्वारा प्रस्तुत निगरानी याचिका संख्या क्रमशः 09/2026 एवं 10/2026 सारहीन होने के कारण अस्वीकार कर खारिज किये जाने योग्य है।

आदेश

निगराकार श्री सलमान खान के द्वारा परिवाद प्रकरण संख्या 879/2025 के साथ प्रस्तुत स्थगन प्रार्थना पत्र संख्या 114/2025 - योगेन्द्र सिंह षडियाल बनाम राजश्री पान मसाला व अन्य में विद्वान जिला उपभोक्ता विवाद प्रतिरोष आयोग, जयपुर द्वितीय, जयपुर द्वारा पारित आदेश दिनांक 06.01.2026 के विरुद्ध प्रस्तुत निगरानी याचिका संख्या 09/2026 तथा निगराकार राजश्री पान मसाला द्वारा परिवाद संख्या 879/2025 में परिवादी द्वारा प्रस्तुत प्रार्थनापत्र में जिला उपभोक्ता विवाद प्रतिरोष आयोग, जयपुर द्वितीय, जयपुर द्वारा पारित आदेश दिनांक 15.01.2026 के विरुद्ध प्रस्तुत निगरानी याचिका संख्या 10/2026 अस्वीकार कर खारिज की जाती है तथा विद्वान जिला उपभोक्ता विवाद प्रतिरोष आयोग, जयपुर द्वितीय, जयपुर द्वारा पारित आलोच्य आदेश दिनांक 06.01.2026 एवं 15.01.2026 पुष्ट किये जाते हैं।

यह भी स्पष्ट किया जाता है कि भारत जैसे बहुत बड़े और विशाल भौगोलिक परिस्थिति वाले पूरे देश में केवल दिल्ली में स्थित एक संस्था केंद्रीय उपभोक्ता संरक्षण प्राधिकरण (CCPA) को इस प्रकार की शक्तियाँ प्रदान किये जाने के संबंध में विधायिका को पुनर्विचार करना चाहिये और कम-से-कम राज्य उपभोक्ता आयोग एवं उसकी विभिन्न पीठों को इस तरह के प्रकरण सीधे प्रस्तुत किये जा सकने और सुने जाने के प्रावधान उपभोक्ता संरक्षण अधिनियम में सीधे जोड़े जाने चाहिये ताकि इस संबंध में कोई प्राति हो तो वह दूर हो सके और आम-जनता को सुलभ और सरल न्याय मिल सके तथा आमजन को भ्रामक विज्ञापनों से राहत मिल सके। इस संबंध में राज्य सरकार एवं भारत सरकार को



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राज. राज्य उपभोक्ता आयोग, जयपुर
निगरानी याचिका संख्या 09/2026 एच 10-2026

इस निर्णय की प्रति प्रस्तुत करते हुए उपभोक्ता संरक्षण अधिनियम में इस तरह के प्रावधान जोड़े जाने के संबंध में Law Commission of India (भारतीय विधि आयोग) से टिप्पणी मांगे जाने के संबंध में लिखा जावे।

निगरानी याचिका का खर्चा उभयपक्ष अपना-अपना वहन करेंगे।
निर्णय की प्रमाणित प्रतिलिपि जिला उपभोक्ता विवाद प्रतितोष आयोग, जयपुर द्वितीय, जयपुर को प्रेषित की जावे।



लियाकत अली
सदस्य

(अरुण कुमार अग्रवाल)
न्यायिक सदस्य

(न्यायाधिपति देवेन्द्र कच्छावाहा)
अध्यक्ष

प्रतिलिपि
लया सहायक
जय अर्थिक

22. The orders passed on the Execution Appeals as referred to above on the same day are extracted hereinunder:



राजस्थान राज्य उपभोक्ता वि. प्र. आयोग
जयपुर
AE/ 05 / 2026
सलमान खान
बनारस
योगेश सिंह बडियाल व अन्य

इजराय विद्वान जिला उपभोक्ता विवाद प्रतिरोध आयोग जयपुर-द्वितीय जयपुर (जिस आगे सुविधा की दृष्टि से अधीनस्थ आयोग कहा जाएगा) के द्वारा परिणाम प्रकरण संख्या 879 / 2025 के साथ प्रस्तुत स्थगन प्रार्थना-पत्र संख्या 114 / 2025 में पारित आदेश दिनांक 06.01.2026 की अवमानना के संबंध में प्रस्तुत अवमानना प्रार्थना पत्र संख्या 02 / 2026 में पारित आदेश दिनांक 15.01.2026 के विरुद्ध प्रस्तुत की है, जिसके द्वारा अधीनस्थ आयोग ने अपीलार्थी / अप्रार्थी संख्या 2 को जमानती वारंट से तलव किये जाने का आदेश प्रदान किया है।

- 2 मामले के सुसंगत तथ्य संक्षेप में इस प्रकार से हैं कि परिवारी श्री योगेश सिंह बडियाल ने अप्रार्थीगण राजश्री पान मसाला एवं श्री सलमान खान के विरुद्ध उपभोक्ता संरक्षण अधिनियम 2019 की धारा 35 व 89 के अन्तर्गत परिवार प्रकरण संख्या 879 / 2025 प्रस्तुत किया एवं परिवार के साथ उपभोक्ता संरक्षण अधिनियम 2019 की धारा 38(8) के अन्तर्गत स्थगन प्रार्थना-पत्र संख्या 114 / 2025 प्रस्तुत कर ता-कसला मूल परिवार अप्रार्थी संख्या 1 द्वारा उत्पादित पान मसाला राजश्री के आमक प्रचार प्रसार एवं विज्ञापन पर स्थगन आदेश पारित करने की प्रार्थना की। अधीनस्थ आयोग ने दिनांक 06.01.2026 को परिवारी द्वारा प्रस्तुत स्थगन प्रार्थना-पत्र पर उपभोक्ता की बहस सुनकर परिवारी द्वारा प्रस्तुत स्थगन प्रार्थना-पत्र को आधिकारिक रूप से स्वीकार करके अप्रार्थीगण को परिवार का जवाब आने तक अप्रार्थी संख्या 1 द्वारा उत्पादित पान मसाला राजश्री के आमक प्रचार प्रसार एवं विज्ञापन नहीं करने के आदेश पारित किये। अधीनस्थ आयोग द्वारा पारित आदेश दिनांक 06.01.2026 को अप्रार्थीगण द्वारा पालना नहीं करने पर परिवारी ने अधीनस्थ आयोग के समक्ष अवमानना प्रार्थना-पत्र संख्या 02 / 2026 प्रस्तुत किया जिस प्रार्थना-पत्र को अधीनस्थ आयोग ने दिनांक 15.01.2026 को स्वीकार करके अप्रार्थी संख्या 2 को जमानती वारंट से तलव करने का आदेश पारित किया जिस आदेश से व्यथित होकर अप्रार्थी संख्या 2 ने दिनांक 06.02.2026 को यह अपील पेश की।
- 3 अपील पर पक्षकारों के विद्वान अधिवक्तामण की बहस सुनी।
- 4 विद्वान अधिवक्ता अपीलार्थी / अप्रार्थी संख्या 2 ने अपील सीमा में दशदिनागये तथ्यों की तर्कों के रूप में जोर देते हुए तर्क दिया कि रनिया पृष्ठ 503 अनेक्सचर-4 में



किये गये, जो विधिसम्मत नहीं है। अंत में उन्होंने अपील भूमि में दर्शाये गये तथ्यों के आधार पर अपील स्वीकार करके आक्षेपित आदेश दिनांक 15.01.2026 को अपास्त करने की प्रार्थना की। उन्होंने अपने तर्कों के समर्थन में निम्नलिखित न्यायिक दृष्टांत पेश किये :-

1. (2014) 16 SCG 204 - Ram Kishan Vs Tarun Bajaj
2. 2022 SCC Online Cal 3519 - Somadhan Properties Vs Pulak Kumar Bera
3. (2007) 12 SCC 1 - Inder Mohan Goswami Vs State of Uttranchal

5. इन तर्कों के अतिरिक्त अपीलार्थी की ओर से बहस के लिखित बिंदु प्रस्तुत न्यायिक वृत्तों से पारित सिद्धांतों की टिप्पणी के साथ प्रस्तुत किये गये हैं। लिखित बिंदुओं से उनकी ओर से तर्क दिया गया है कि अपीलार्थी को अधीनस्थ आयोग के आदेश दिनांक 06.01.2026 से जानकारी नहीं रही है। अतः यह नहीं भागा जा सकता कि अपीलार्थी द्वारा अधीनस्थ आयोग के आदेश की जानबूझ कर अवहेलना की गयी है। यह तर्क भी दिया गया कि अपीलार्थी को न तो आदेश दिनांक 08.01.2026 की जानकारी थी न ही स्वयं अपीलार्थी द्वारा ऐसा कोई कार्य किया गया है। जिसे आदेश की अवमानना माना जा सके।

विद्वान अधिवक्ता प्रत्यर्थी संख्या 2/अप्राथी संख्या 1 की ओर से तर्क दिया गया कि प्रत्यर्थी संख्या 2/अप्राथी संख्या 1 कम्पनी को कोई नोटिस जारी नहीं किया गया। इसलिए उनके विरुद्ध वारण्ट जारी नहीं हो सकते हैं। अतः उन्होंने आक्षेपित आदेश अपास्त करने की प्रार्थना की।

7 प्रत्यर्थी संख्या 1/परिवादी के विद्वान अधिवक्ता द्वारा तर्क दिया गया कि आदेश 7 नियम 14 सिविल प्रक्रिया संहिता का प्रार्थना पत्र दिनांक 09.02.2026 के बाद 04:30 बजे के पश्चात् पेश किया। दिनांक 12.02.2026 को जमानती वारण्ट की तारीख से पूर्व। 8 विज्ञापन बाध में जारी किये गये हैं। जिनमें से किसी में "कंसलर्युक्त" है, किसी में नहीं। माननीय राज्य उपभोक्ता आयोग के समक्ष अपील/रिचोजन लाने के कारण अधीनस्थ आयोग की कार्यवाही में विलम्ब हो रहा है। प्रत्यर्थी संख्या 1/परिवादी के दैनिक समाचार-पत्र दैनिक भास्कर कोल की समीन प्रति दिनांक 26.08.2025, 03.11.2025, 02.11.2025, 08.12.2025, 16.12.2025 एवं 08.01.2026 तथा "राजश्री" विज्ञापन का होडिंग दिनांक



राजस्थान राज्य उपभोक्ता वि. अधि. अधिन.
जयपुर
AE/05/2025
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वर्मान
योगेश सिंह, बडियाल, ए. अन्व

09.01.2026 की रसीद प्रति प्रस्तुत करने के साथ-साथ टेक रिपोर्ट आर्टिकल नम्बर ER483844224IN की प्रति मय पारटल रसाद पेशी को तथा अतः में उन्होंने अपील खारिज करने की प्रार्थना की।

8. हमने उक्त तर्कों पर ध्यान दिया तथा आक्षेपित आदेश के परिप्रेक्ष्य में पत्रावली एवं पत्रावली पर उपलब्ध दस्तावेजों का ध्यानपूर्वक परिशीलन किया एवं अपीलार्थी/अप्राथी संख्या 2 की ओर से प्रस्तुत न्यायिक विनिश्चयों का सरागमन अध्ययन किया।

9. अपीलार्थी/अप्राथी संख्या 2 के द्वारा मीजदार अपील इजराय विद्वान जिला उपभोक्ता विवाद प्रतिलोष आयोग, जयपुर द्वितीय जयपुर द्वारा परिवाद प्रकरण संख्या 879/2025 के साथ प्रस्तुत स्थगन प्रार्थना पत्र संख्या 114/2025 में पारित आदेश दिनांक 06.01.2026 की अवमानना के संघर्ष में प्रस्तुत अवमानना प्रार्थना पत्र संख्या 02/2026 में पारित आदेश दिनांक 15.01.2026 के विरुद्ध प्रस्तुत की गई है, जिसके द्वारा अधीनस्थ आयोग ने अपीलार्थी/अप्राथी संख्या 2 को जमानती वारंट से तलब किये जाने का आदेश प्रदान किया है।

यह निर्विवादित तथ्य है कि दिनांक 06.01.2026 को अधीनस्थ आयोग ने स्थगन प्रार्थना पत्र संख्या 114/2025 में अधीनस्थ आयोग ने परिवादी का स्थगन प्रार्थना पत्र आंशिक रूप से स्वीकार करते हुए यह आदेश पारित किया था कि परिवाद के जवाब आने तक विपक्षी क्रम 1 द्वारा उत्पादित पान मसाला राजश्री के धामक प्रचार-प्रसार एवं विज्ञापन नहीं करेंगे। अधीनस्थ आयोग की पत्रावली

में अवमानना प्रकरण के साथ प्रस्तुत दस्तावेजात में प्रथम दस्तावेज जो कि पृष्ठ संख्या 11 पर लगाया गया है, उसमें एक विज्ञापन की होल्डिंग का रसीद फोटोग्राफ है जिसमें सेलिब्रिटी सलमान खान की फोटो के साथ टैगलाइन 'दशरथका जशत' व उसके नीचे 'पाख' का फोटो है, जिसमें राजश्री कंपनी का नाम भी है और नीली पट्टी के नीचे 'किंगरयुवक' मूद्रित है। उक्त विज्ञापन के संबंध में अवमाननाकर्ता का अवमानना प्रार्थना पत्र के पदांक संख्या 3 में यह कथन रहा है कि विपक्षीयण की न्यायालय के आदेश दिनांक 06.01.2026 का पूर्ण रूप से जान है, बावजूद इसके विपक्षीयण द्वारा दिनांक 09.01.2026 को नयापरा स्टेडियम कोटा के सामने N.S. Publicity द्वारा जारी एक Sign Board पर विज्ञापन प्रचार-प्रसार



राजस्थान राज्य उपभोक्ता विवाद आयोग,
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बनाम
योगेन्द्र सिंह बट्टिवाल व अन्य

के लिए पर लगाया गया है। यहाँ यह लिखा जाना भी सुसंगत है कि अधीनस्थ आयोग द्वारा पारित आदेश दिनांक 06.01.2026 की अंतिम पंक्तियों को तीन भागों में विभक्त किया जा सकता है। प्रथम भाग में उक्त आदेश के जरिए विपक्षीयता को आदेशित किया गया है कि केवल किसी एक विपक्षी को दूसरे भाग में परिवाद के जवाब आने तक उक्त स्थगित आदेश दिया गया है इसका तात्पर्य हमारे विनम्र मत में यह निकलता है कि सभी विपक्षीयता के जवाब आने तक कि केवल एक विपक्षी के जवाब आने तक और तीसरा भाग जिसमें लिखा है कि विपक्षी संख्या एक द्वारा उत्पदित मान मसाला राजश्री के आमक प्रचार-प्रसार एवं विज्ञापन नहीं करे। ऐसी स्थिति में केवल एक पक्षकार का जवाब आने मात्र ही उक्त आदेश का निष्पत्ती होना नहीं माना जा सकता।

११. मौजूद अपील आदेश दिनांक 15.01.2026 के विरुद्ध प्रस्तुत की गई है जिसके माध्यम से अधीनस्थ आयोग ने परिवादी की ओर से प्रस्तुत प्रार्थना-पत्र को स्वीकार करते हुए केवल विपक्षी संख्या 2 के विरुद्ध जमानती वारंट प्रस्तुत करने के आदेश दिए गए हैं अर्थात् अवमानना प्रकरण अधीनस्थ आयोग के समक्ष अभी भी उचित हमारे विनम्र मत में अधीनस्थ आयोग के आदेश की अवमानना हुई है या नहीं करना प्राथमिक रूप से अधीनस्थ आयोग का काम है और अधीनस्थ आयोग के समक्ष एक प्रार्थना-पत्र दिनांक 06.02.2026 को अप्रार्थी क्रम 2 की ओर से जमानती वारंट के निस्त किए जाने हेतु प्रस्तुत किया गया था। आदेश दिनांक 06.02.2026 के अनुसार उक्त प्रार्थना पत्र एवं परिवादी की ओर से प्रस्तुत प्रार्थना पत्र पर रजिस्त्र चूनी जाकर आदेश हेतु 09.02.2026 की तारीख को गई थी। दिनांक 09.02.2026 को दीने प्रार्थना पत्रों का निस्तारण एक साथ करते हुए इस आयोग द्वारा AE/04/2026-राजश्री पान मसाला बनाम योगेन्द्र सिंह से पारित आदेश दिनांक 06.02.2026 में उचित इस वारंट का उल्लेख करते हुए कि जब तक विपक्षी क्रम 2 का जमानती वारंट तामील नहीं हो जाता और उसके वायजद की अवमानना कर्त्ता उपस्थित नहीं होता है तब तक विपक्षी क्रम 2 सलमान खान का निस्तारी वारंट आदेश जारी नहीं किया जायेगा। विपक्षी क्रम 2 के विरुद्ध पुनः जमानती वारंट जारी करने का आदेश दिया गया है। न तो परिवादी की ओर से प्रस्तुत प्रार्थना-पत्र जिसमें विपक्षी क्रम 2 की निस्तारी वारंट जारी करने की



DHARMENDRA SINGH

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संस्थान राज्य उपभोक्ता वि. प्रति आयोग,
जयपुर
AE/05/2026
सलमान खान
वनाम
योगेन्द्र सिंह बडियाल व अन्य

बजाज वाले मामले में स्नेच्छा से कारित अवमानना (Wilful disobedience) को विवेचित किया गया है और यह बताया गया कि Wilful disobedience का मतलब क्या होता है। हमारे विग्नर मत् में अधीनस्थ जिला आयोग के आदेश दिनांक 06.01.2026 की अवमानना हुई थी नहीं यह देखना प्राथमिक रूप से अधीनस्थ जिला आयोग का काम है। अपीलीय न्यायालय और इस आयोग को उक्त अवमानना प्रकरण में अवमानना कारित किये जाने अथवा कारित नहीं किये जाने के संबंध में कोई आदेश गारित होता है और उसे चुनौती दी जाती है तब उसकी समीक्षा करता इस आयोग का दायित्व बनता है। अभी यह अवमानना प्रकरण प्रारम्भिक अवस्था पर है उक्त प्रकरण में अपीलार्थी की उपस्थिति भी नहीं हुई है। उक्त प्रकरण में अवमाननाकर्ता को गिरफ्तारी वारण्ट जारी कर दिये गये थे और उसके लिए निर्धारित प्रक्रिया को नहीं अपनाया गया था जबकि हस्तगत प्रकरण में ऐसी कोई परिस्थितियां नहीं है बल्कि इस आयोग ने अपने आदेश दिनांक 06.02.2026 में अधीनस्थ जिला आयोग को स्पष्ट रूप से निर्देशित कर दिया था कि यदि जमानती वारण्ट की तामील के बावजूद अवमाननाकर्ता आयोग के समक्ष उपस्थित नहीं होता है तो उसे गिरफ्तारी वारण्ट से तालब किया जावे।

विक्रम चन्द दृष्टांत इंदर मोहन गोस्वामी वनाम उत्तरांचल राज्य वाले प्रकरण में प्रसारित प्रक्रिया सहित 1973 में न्यायालय के पारस जो अंतर्निहित शक्ति (Inherent power) है उसको विवेचित किया गया है कि उनका इस्तेमाल किस प्रकार से किया जाना चाहिए और क्या-क्या सावधानियां परामें बरती जानी चाहिए। हम आयोग को न तो इस तरह की कोई शक्तियां प्राप्त हैं न ही इस तरह की शक्ति धरना सबसे अधिक प्रावधान के अंतर्गत इस आयोग द्वारा निर्धारित की जा सकती है। उक्त प्रकरण में भी चूंकि वर जमानती वारण्ट जारी कर दिया गया था और चूंकि यह ध्यात की स्वतंत्रता से संबंधित मामला है इसलिए बिना विधिक प्रक्रिया अपनाये पारित आदेश को वातव्य माना गया है। धारा-200, 204, 190 (1)(a) वर प्रक्रिया संज्ञा 1973 के संदर्भ में यह कहा गया है कि complaint cases में पहली बार सम्मन जारी किये जाने चाहिए बाद में दूसरी बार सम्मन के बाद अभियुक्त को उपस्थित नहीं होने पर जमानती वारण्ट जारी किये जाने चाहिए।



द्वारा पृथक से अपील पेश की गई है। ऐसी स्थिति में प्रश्न यह उत्पन्न होता है कि जब अप्रार्थी क्रम 2 पर कोई जमानती वारंट तामील हुआ ही नहीं है या ये कह सकते हैं कि अपीलार्थी का जमानती वारंट पुलिस ने बाद तामील अथवा अदम तामील जगनवृद्ध कर नहीं लाया है। अधीनस्थ आयोग के समक्ष दिनांक 11.02.2026 को एक प्रार्थना पत्र अप्रार्थी क्रम 1 के Directors का नाम जोड़े जाने व संशोधित प्रार्थना पत्र जोड़े जाने की अनुमति का प्रस्तुत किया गया है व दूसरा Directors को विरुद्ध जमानती वारंट जारी करने की प्रार्थना के साथ प्रस्तुत किया गया है। ऐसा प्रतीत हो रहा है दोनों पत्रों पर कोई बहस नहीं हुई है और उक्त दोनों पत्र अधीनस्थ आयोग के समक्ष लवित है। यह स्वीकृत स्थिति है कि अप्रार्थी क्रम 1 के विरुद्ध कोई नोटिस जारी हुए नहीं विपक्षी क्रम 2 (अपीलार्थी) ने पृथक अपील पेश कर दी है तथा अप्रार्थी क्रम 1 के Directors को पक्षकार बनाए जाने का प्रार्थना पत्र लवित है। मौजूदा अपील बिना कोई तामील अथवा बिना किसी विधिक सूचना के प्रस्तुत की गई है।

18 अपीलाट की ओर से जो न्यायिक दृष्टान्त पेश किये गये हैं और जो बहस प्रस्तुत की गई है, वह परिवार की पोषणीयता के संबंध में प्रस्तुत की गई है और हमारे निम्न मत में परिवार की पोषणीयता आदेश 7 नियम 11 CPC के प्रार्थना पत्र में अधीनस्थ आयोग को तय करना है, जो स्वयं अपीलाट की ओर से प्रस्तुत किया गया है। एक तरफ अधीनस्थ आयोग के समक्ष उक्त आवदन पत्र पर बहस नहीं की जा रही है, परिवार द्वारा दोसरे बहस इस संबंध में लिये गये प्रस्ताव पर सहमति नहीं दी गयी है और अपीलाट उक्त अर्जी इस आयोग से तय करवाना चाहते हैं। 19 परिवार के पदांक 7 (अपील इजराय अमिलेख के पृष्ठ संख्या 36) का अमलोकन क्रिप्ते से प्रवृत्त होता है कि 400,000/- रूपए प्रति किलोग्राम की कसर को 15/- रूपए से 20/- रूपए के पाउंड में शुद्ध कसर पान मसाला एवं इलायची देते जाने के प्रकार प्रसार के संबंध में आपत्ति की गई है और अप्रार्थी क्रम 1 (उत्पादक) की ओर से प्रस्तुत लिखित बयान (जवाब) में इन कथनों का विशिष्ट खण्डन नहीं किया गया है और अर्जियों से परिवार के अधिवक्ता की पुष्टि हो रही है।

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सतमान खान



राजस्थान राज्य उपभोक्ता वि. प्र. आयोग,
जयपुर

AE/08/2026

सलमान खान

बनाम

योगेश सिंह, बडियाल व अन्य

20 जून तक प्रश्न इस आयोग द्वारा पूर्व में निगरानी गारंटीका संख्या 07/2026-सलमान खान बनाम इन्दमोहन सिंह में पारित आदेश दिनांक 21.01.2026 का है, उक्त निर्णय इरापीट की Co-ordinate Bench द्वारा पारित किया गया है, अतः उक्त पर आदेश के संबंध में गुणावगुण पर टिप्पणी किया जाना न्यायोचित नहीं होगा। यहाँ यह कहा देना संभव है कि यह वही आदेश है, जिसके विरुद्ध राज्य सरकार के विभिन्न उच्च अधिकारीगण एवं सीबीआई को शिकायतें इस संघ में की गई है कि प्रकरण को दैनिक ताल सूची में बिना सूचीबद्ध हुए प्रकरण को सूचीबद्ध करवाया जाकर के बिना विपक्षी को सुने याचिका ग्रहणार्थ स्वीकार करते हुए एकपक्षीय अंतरिम आदेश बिना किसी आपात स्थिति के पारित किया गया है, जबकि उक्त आदेश में ही यह माना गया है कि मामला कोटा बेंच से संबंधित है और प्रकरण को कोटा बेंच अंतरित किए जाने का आदेश भी दिया गया। यहाँ यह लिखा जाना संभव है कि उक्त आदेश में Co-ordinate Bench द्वारा कोटा सर्किट बेंच से पचाहली प्रस्तुत होने की कोई दिनांक भी निर्धारित नहीं की गई है। अन्य आदेश जो इस आयोग द्वारा अपील संख्या 233/2025 - जे.बी. इण्डस्ट्रीज बनाम योगेश सिंह बडियाल वाले प्रकरण में दिनांक 08.09.2025 को मुख्य पील जयपुर में पारित किया गया था, को भंग किया गया है। उक्त प्रकरण अपीलाट ने यह कहते हुए अपील को Withdraw करना चाहा था कि, परिवारी प्रकरण को Withdraw कर चुका है और अपील Withdraw किए जाने की अनुमति कोई कानूनी बाधा नहीं थी अतः Withdraw करने की अनुमति प्रदान की जाये। इसके अतिरिक्त आयोग द्वारा गुणावगुण पर कोई आदेश पारित नहीं किया गया है। अतः अभी तक प्रथम अपील संख्या 401/2025-गजेंद्र सिंह बनाम जे.बी. इण्डस्ट्रीज के अर्थ में पारित आदेश दिनांक 08.10.2025 का है, उक्त प्रकरण में भी अपीलाट ने अपील को नोट प्रेस में खारिज करने की प्रार्थना की थी, जिस पर प्रत्यर्थागण के अधिवक्ता द्वारा आपत्ति की गई और प्रत्यर्थागण को और से प्रस्तुत Laboratory Report के आधार पर प्रत्यर्था के तर्कों को विधिसम्मत मानते हुए प्रत्यर्थागण के विरुद्ध अनावश्यक याचिका प्रस्तुत किए जाने के आधार पर उक्त याचिका 10,000/-रुपए खर्च पर खारिज की गई थी। उक्त प्रकरण में भी गुणावगुण पर आयोग ने अपना कोई भी अधिकारित के संबंध में पारित नहीं किया है।



21. जहाँ तक प्रश्न प्रत्यर्था/परिवादी की ओर से प्रस्तुत दस्तावेजात का है, दैनिक समाचारपत्रों के जिन रंगीन छायाप्रतियों का अवलोकनार्थ प्रस्तुत किया गया है उसके अनुसार कोटा संस्करण दिनांक 26.08.2025, 03.11.2025 व 09.01.2026 को जो विज्ञापन छपा गया, उसमें प्राउच पर केसर युक्त लिखा हुआ है। जबकि दिनांक 21.11.2025, 08.12.2025, 16.12.2025 व 18.01.2026 के विज्ञापन में प्राउच पर सिल्वर कोटेड इलायची लिखा हुआ है। केसरयुक्त शब्द नहीं है। उक्त समाचारपत्रों की प्रतियाँ प्रत्यर्था/परिवादी पक्ष द्वारा अपने स्तर पर प्रस्तुत की गयी हैं। अधीनस्थ आयोग के स्थगन आदेश दिनांक 06.01.2026 के परचात केसर युक्त वाले विज्ञापन हटाये गये, परन्तु बाद में पुनः केसर युक्त वाले विज्ञापन प्रसारित किये गये हैं। अन्य दस्तावेज प्रत्यर्था/परिवादी की ओर से जारि रजिस्टर्ड पोस्ट भेजी गयी अग्रिम सूचना की असल रसीद म्या ट्रेक रिपोर्ट के प्रस्तुत की गयी है जिसके अनुसार उक्त डाक कलेक्टर एस.ओ. जयपुर को यहाँ से दिनांक 10.02.2026 को 15:17:33 बजे बुकड करायी गयी और दिनांक 12.02.2026 को 13:52:03 पर उक्त डाक वादा वेस्ट एस.ओ. को डिलीवर होने की पुष्टि हो रही है। उक्त डाक अवमाननाकर्ता को मिली या नहीं, इसकी पुष्टि उक्त परचावेज नहीं हो रही है। वैसे भी जमानती वारण्ट की तामील संबंधित पुलिस थाने के नाम से करायी जाती है, न कि सीधे रजिस्टर्ड डाक से भेजी जाकर।

22. जहाँ तक प्रश्न अपीलार्थी की ओर से प्रस्तुत इस तर्क का है कि प्रत्यर्था/परिवादी को पता है कि अप्राधी संख्या एक के मालिक का नाम ज्ञात नहीं होने से अप्राधी संख्या दो के विरुद्ध आदेश पारित किया जावे, प्रथम तो अवमानना याचिका के अंतर्गत अप्राधीगण के विरुद्ध धारा 72 अधिनियम के अंतर्गत दण्डात्मक कार्यवाही किये जाने का निवेदन किया गया है केवल अप्राधी संख्या दो के विरुद्ध नहीं किया गया है। धारा-8 अवमानना याचिका में भी अप्राधीगण को न्यायालय के आदेश दिनांक 06.01.2026 का पूर्ण ज्ञान होना लिखा गया है। जहाँ तक प्रश्न इस तर्क का है कि उक्त विज्ञापन चेन्नपुरा स्टेडियम कोटा पर किसने लगाया यह साबित नहीं है। हमारे विनियम पत्र में जब तक अन्यथा साबित नहीं कर दिया जाए वही माना जाएगा कि जिस कंपनी का विज्ञापन है या जिसके नाम के लिए उसे लगाया गया है, उसी के तारा लगाया गया है।

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राजस्थान राज्य अधिवक्ता वि. परि. आयोग,
जयपुर
AE/05/2025
संख्या खान
रनाम
योगेश सिंह मरियाल व अन्य

23. जहाँ तक प्रश्न इस बात का है कि memo of appeal execution के पेज-3 परा-II में बाणलानुसार दिनांक 15.01.2026 को अधीनस्थ आयोग के समक्ष बंध कार्यालय नहीं थी, केवल अध्यक्ष द्वारा अधिवक्ता को वकालतनामा व परिवार का जवाब प्रस्तुत करने का कथन चेम्बर में किया गया था और इसलिए उक्त वकालतनामा व जवाब चेम्बर में ही प्रस्तुत किये गये थे। मूल परिवार में अध्यक्ष तथा दोनो सदस्यों श्री अजय कुमार एवं सुप्रिया अग्रवाल के हस्ताक्षर हैं तथा उनकी पदनाम की प्रतियाँ भी लगी हुई हैं। ऐसी स्थिति में उक्त वार्ता आयोग के सुनवाई कक्ष में हुई अथवा चेम्बर में हमारे विनम्र मत में यह इस अपील में जांच की विषयवस्तु नहीं है। मूल परिवार में दिनांक 15.01.2026 को जवाब परिवार को उल्लेख नहीं है बल्कि अपार्थी संख्या एक व दो के अधिवक्ता द्वारा वकालतनामा पेश करने, परिवार के अधिवक्ता द्वारा एक प्रार्थनापत्र विपक्षी संख्या दो के घण्टापत्र पर सलमान खान के हस्ताक्षर अंगुल नहीं होने तथा एफ.एस.एल. जांच कक्षी जाने के संबंध में दिये जाने तथा मोफा फॉर्मेशन की त्रुटि कर उनकी मौजूदगी में तबतय करायें जाने के आदेश दिये जाने का उल्लेख है तथा विपक्षी संख्या एक व दो की ओर से प्रार्थनापत्र अंतर्गत आदेश 1 नियम 10 (2) संपठित आदेश 7 नियम 14 सीपीसी पेश किये जाने का उल्लेख है। विपक्षी संख्या एक व दो का लिखिल बयान परिवार की पत्रावली में लगा हुआ है परन्तु उस पर इस बात का पृष्ठांकन नहीं है कि उक्त जवाब कब व किसके द्वारा पेश किया गया है। ऐसी स्थिति में हमारे विनम्र मत में यह नहीं माना जा सकता कि उक्त जवाब दिनांक 15.01.2026 को ही प्रस्तुत पार किया गया था। इसके अलावा स्थगन प्रार्थनापत्र की पत्रावली संख्या 114/2025 में दिनांक 06.01.2026 को स्थगन आदेश पारित करते समय आगामी तारीख 06.02.2026 दी गयी थी। दिनांक 15.01.2026 की कोई तारीख उक्त प्रकरण में नहीं थी। ऐसी स्थिति में यह तथ्य इस आयोग द्वारा निर्धारित नहीं किया जा सकता कि दिनांक 15.01.2026 को अवमाननाकर्ता/अप्रार्थीगण अवमानना प्रकरण में अधीनस्थ आयोग के समक्ष उपस्थित थे या नहीं। उक्त प्रकरण में अपार्थीगण को कोई जवाब प्रस्तुत किया जाना अथवा पत्रावली में मौजूद होना प्रतीत नहीं हो रहा है। ऐसी स्थिति में हमारे विनम्र मत में यह नहीं माना जा सकता कि चूंकि स्थगन आदेश दिनांक





[The main body of the document contains several paragraphs of text, which are extremely faint and difficult to read. The text appears to be a legal or official document, possibly a complaint or a response. There are some handwritten marks and a circular stamp on the right side of the page.]

राजस्थान राज्य उपभोक्ता वि. प्रति. आयोग,
जयपुर
A.E. 05 / 2026
सलमान खान
वनाम
प्रोगेन्ट सिंह, बडियाल व अन्य

प्रतिषेध आयोग, जयपुर द्वितीय, जयपुर द्वारा अवमानना प्रार्थना पत्र (संख्या) 02/2026
में पारित आदेश दिनांक 15.01.2026 पृष्ठ किया जाता है।

खर्चा पक्षकारान् अपना-अपना वहन करे।

निर्णय की प्रमाणित प्रतिलिपि के साथ विद्वान् जिला उपभोक्ता आयोग का मूल

अभिलेख अविलम्ब वापस लौटाया जावे।



(अरुण कुमार अग्रवाल)

सदस्य (जायिक)

जयपुर

(न्यायाधिपति देवेन्द्र कच्छवाहा)

अध्यक्ष

जयपुर

23. On 23.03.2026, the District Commission passed an order directing the constitution of a Special Task Force by the Commissioner / Deputy Commissioner of Police, Jaipur to travel to Mumbai for enforcement of the Bailable Warrant issued against the appellant. It was also directed that if the execution of the Bailable Warrant is obstructed and the OPs are not present on the due date, the District Commission would proceed to issue Non-Bailable Warrants. The order is extracted hereinunder:



[The main body of the document contains several paragraphs of text that are extremely faint and illegible due to heavy scanning artifacts and low contrast. The text appears to be a formal order or notice, but the specific details cannot be discerned.]

ANNEXURE-7

25. The appellant alleges that certified copies were applied for, but in spite of that no certified copy was supplied and accordingly the present appeal came to be filed on 01.04.2026. The case was listed on 07.04.2026 and the respondent no. 2 put in appearance. The matter was directed to come up on 08.04.2026.

26. The present appeal was preferred with the above narration challenging the action of the DCDRC, Jaipur-II and order passed by it as well as the orders of the SCDRC. After having heard the learned counsel for the appellant as well as the learned counsel for the respondent no. 2 at the admission stage, a detailed order of 48 paragraphs noticing the said proceedings was passed which is extracted hereinunder:

1. *The present compilation has been preferred as an appeal under Section 51(2) of the Consumer Protection Act, 2019 against an order passed by the SCDRC, Rajasthan dated 16.03.2026 in Appeal Execution AE/05/2026, whereby the State Commission has declined to interfere with the order of the District Commission dated 15.01.2026 and has confirmed the same.*

2. *However, there is a litigative history of this entire dispute which deserves to be mentioned as well as the legal issues that have cropped up including the maintainability of the present compilation as an appeal.*

3. *The appellant before us is a cine-celebrity, who is stated to be a brand ambassador for the product of "Silver Coated Elaichi", a product of the Respondent no. 2, Rajshree Pan Masala. The Respondent no. 1, who is a practicing Advocate filed CC No. 879/2025 before the DCDRC, Jaipur (II) alleging that the advertisement for the said product was misleading and the prayer made in the complaint was to ban and prevent the said advertisement from being continued and also to impose a penalty for the same.*

4. *It was also alleged that the advertisement was being misutilized for the promotion of a Pan Masala product by introducing it with the caption of*



a saffron infused (Kesar) product. The allegations are that the product was injurious to public health.

5. The said complaint is stated to have been filed under Section 35 of the Consumer Protection Act, 2019 read with section 89 of the Act.

6. Notices were issued on the said complaint and the complaint was taken up on 06.01.2026. According to the appellant, the date fixed for the appearance of the appellant was 15.01.2026. However, the case was taken up on 06.01.2026 and an interim order was passed in the exercise of powers under Section 38(8) of the 2019 Act. The translated copy of the order passed is extracted hereinunder:



DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION JAIPUR II, JAIPUR

Yogendra Singh Badial vs. Rajshree Pan Masala and Others

Application for Adjourment No. 114/2025

Date: 06/01/2026

1. The Counsel for the complainant is present. The Authorized Representative of Opposite Party No. 1 is present. The Complainant, having filed a complaint before this Commission under Sections 35 and 89 of the Consumer Protection Act alongwith an application for stay under Section 30(8) of the Consumer Protection Act submitted that the respondents are engaging in the production and deceptive promotion of the 'Rajshree' pan masala with the intent to confuse and mislead the general public. This activity entices people to consume a product detrimental to human health, thereby falling under the category of misleading advertising and pan masala products harmful to human health. By engaging in misleading promotion of the said product, the company's owner and its



celebrity endorser—Respondent No. 2, Mr. Salman Khan—have earned crores of rupees (and continue to do so), and are advertising the 'Rajshree' Pan Masala.

The advertising and promotion of the aforementioned misleading and harmful product are extremely detrimental to human health, as they may even lead to incurable and dreadful diseases such as cancer. The Advocate for the Complainant submitted that the Complainant's application for stay be allowed, and that a stay order be issued—pending the final disposal of the original complaint—restraining the misleading publicity and advertisements regarding the 'Rajshree' Pan Masala manufactured by Opposite Party No. 1.

2. Appearing on behalf of the opposite parties, their learned counsel argued on the application for adjournment and prayed for its dismissal.

3. We have deliberated upon the arguments advanced by both parties and perused the complaint and the application for adjournment.



4. A perusal of the case file clearly reveals that the Respondents are producing and engaging in misleading promotion of the 'Rajshree' Pan Masala, thereby confusing and misguiding the general public. By engaging in the widespread promotion of this product, the company's owner—along with the celebrity Respondent No. 2, Mr. Salman Khan—has earned crores of rupees, continues to accrue such earnings, and persists in advertising Rajshree Pan Masala. The advertising and promotion of the aforementioned misleading and harmful product pose a grave threat to human health, potentially leading to incurable and dreaded diseases such as cancer. The consumption of pan masala and similar products can lead to fatal diseases such as oral and throat cancer, which may prove to be life-threatening. The aforementioned products are leading the youth in the wrong direction. Promoting such products by claiming they contain saffron constitutes not only misleading



advertising but also falls under the category of fraud against public health. Therefore, the Complainant's application for stay is partially allowed, and the Opponents are directed to refrain from engaging in any misleading publicity, dissemination, or advertisement of the 'Rajshree' Pan Masala—manufactured by Opponent No. 1—until a response to the complaint is received.

5. The case file be put up on 06.02.2024 for the filing of the respondents' reply.

Sd/-
(Ajay Kumar)
Member

Sd/-
(Supriya Agarwal)
Member

Sd/-
(G.D. Meena)
President

7. A perusal of the said interim order indicates that the counsel for the OP-1 namely Rajshree Pan Masala was present who opposed the interim application. The order nowhere records the service of notice on the OP-2 who is the appellant herein. The order, however, records that parties have been heard and then prima facie findings have been recorded in paragraph 4 of the order that is extracted hereinabove.

8. It is this interim order that has given rise to the entire controversy. The appellant alleges that after having been served was to appear on



15.01.2026, but before the said date, the said application referred to above had been entertained and interim orders were passed directing that the matter shall now be listed on 06.02.2026 for filing of reply.

9. The appellant states that he appeared through counsel on 15.01.2026 when it was informed that the application for interim relief had been taken up and orders were passed as noted above. The appellant took a position that no notice was issued on the said application nor was it served on the appellant.

10. According to the appellant the Court room, on 15.01.2026, was not presided over by the Hon'ble President or its Members, whereupon the appellant through his counsel filed two applications, one under Order 1 Rule 10 for deleting him from the array of the parties and the other under Order 7 Rule 11 praying for dismissal of the complaint as against the appellant. According to the appellant, his counsel was intimated that the complainant had already filed an application under Section 72 of the Consumer Protection Act, 2019 praying for taking action for disobedience of the interim order dated 06.01.2026. According to the appellant, the application under Section 72 had been preferred only on 15.01.2026. For this, the learned counsel has invited the attention of the Bench to the application numbered as M.A. No. 114/2025 captioned under Section 72 of the 2019 Act which is at page nos. 148 to 156 of the paperbook. It is pointed out by the senior counsel, Mr. Ravi Prakash, that the said application clearly bears the date of 15.01.2026.

11. He then points out that the application makes a peculiar prayer of taking action under Section 72 for having violated the order dated 06.01.2026 on account of a misleading advertisement having been installed on 09.01.2026. Another application accompanying the said application with a peculiar prayer was also filed for issuing warrants against the appellant who is the OP-2. An English translation of the said application is extracted hereinunder:



BEFORE THE DISTRICT CONSUMER DISPUTES
REDRESSAL COMMISSION

COMPLAINT CASE NO. MA 114/2025

Yogendra Singh Badial, Son of Shri Bhanwar Singh, Caste:
Rajput, Age: 68 years, Resident of AC-4, Gayatri Sadan,
Sawai Jai Singh Highway, Bani Park, Jaipur - 302016,
Rajasthan. ... Complainant

Versus

(1) Rajshree Pan Masala (Company; Kamalakant & Company)
- Address: 28/114 Feeli Khana, Kanpur, Uttar Pradesh.

(2) Mr. Salman Khan (Film Star and Brand Ambassador)
Address: Galaxy Apartments, Bandra, Mumbai 400050

Non-applicants/Respondents.

**CONTEMPT NOTICE UNDER SECTION 72 OF THE
CONSUMER PROTECTION ACT, 2019**

Sir

It is most respectfully that since the name of the owner
of Respondent No. 1 is unavailable, kindly issue a warrant
against Respondent No. 2.

Saud, Jaipur
Date

Complainant
(Yogendra Singh Badial)

12. Learned senior counsel points out that once the appellant (OP-2) had already appeared, then the prayer made that since the name of the owner of the company was not available, therefore a warrant be issued against the appellant is completely incoherent. Learned counsel submits that this strange sort of request along with the application under Section 72 was entertained simultaneously on the same day and Bailable Warrants were issued against the appellant (OP-2). A translated copy of the said order of the District Commission is extracted hereinunder:



DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION JAIPUR II JAIPUR

APPLICATION UNDER SECTION 72 (1) CONSUMER
PROTECTION ACT

Application No. 02/26

Date: 15.01.2026

The applicant is present. Arguments regarding the filing of
the application were heard, and the case file was perused.

The application is ordered to be registered under Section
72(1).

On behalf of the Applicant/Complainant, a petition was
submitted—accompanied by an affidavit and a copy of the
judgment—requesting that it be noted that the Respondents
have failed to comply with, or have defaulted in complying
with, the judgment dated 06.01.2026 passed by this
Commission in Complaint Case No. 114/2025, titled *Shri
Yozendra Singh vs. Raj Shree Pan Masala*.

Under these circumstances, the statement of the
complainant was recorded under Section 223 of the
Bharatiya Nagarik Suraksha Sanhita. The arguments of the
complainant regarding the taking of cognizance were heard



In connection with the offense punishable under Section 72(F) of the Consumer Protection Act, 2019, the accused persons shall be summoned to appear upon furnishing bail bonds of ₹10,000 each, in accordance with the provisions of Bharatiya Nagarik Suraksha Sanhita. Bailable warrants shall be issued against the accused.

The case file be put up on 06.02.2026 for hearing for the purpose of securing the presence of the accused.

The application submitted by the Complainant has been heard. The Complainant's application is allowed, and a bailable warrant shall be issued against Opposite Party No.

Member

Member

Member

13. The order recites the number of the application as Application No. 2/2026.

14. Aggrieved, the appellant filed an Appeal Execution No. 5/2026 before the SCDRC, Rajasthan and the Respondent No. 2 Company also seems to have filed Appeal Execution No. 4/2026 against the order dated 15.01.2026. Orders were passed by the State Commission as an interim measure on 06.02.2026. The order passed by the State Commission on 06.02.2026 is extracted hereinunder:

Dy. No. 7520/NCDR/2026

**DHARMENDRA
SINGH**

Digitally signed by DHARMENDRA
SINGH
Date: 2026.07.03
14:20:43
+05'30'



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Honble Mr. Anand Prasad Nishikant

President

Honble Mr. Surender Singh - Judicial Member

Honble Mrs. Sarana Jain - Member

Heard learned counsel for the appellant. Mr. Yogender Singh & Mr. Divesh Sharma appeared on behalf of Rajshree Pan Masala appellant.

This Execution Appeal was filed against the order dated 15.1.2026 passed in contempt petition no. 02/2026 Yogender Singh Vs. Rajshree Pan Masala.

Vide impugned order dated 15.1.2026 the learned District Commission issued bailable warrant against celebrity of appellant company instead of summons. We do not agree with this argument because this is the practice of Consumer Commission in contempt cases. Normally summons/notices issued to the company and bailable warrant issued to the contemptor in-person. Learned counsel further argued that learned District Commission is adamant to pass arrest warrant without compliance of bailable warrant.

Learned District Commission is directed not to issue any arrest warrant if contemptor is not appeared



despite service of bailable warrant. If bailable warrant
not come back without service, he may pass again
bailable warrant but without service of bailable warrant.
Arrest warrant could not be passed.

Learned counsel has also stated that an application
has been filed under Order 7 Rule 11 of the CPC which
is also pending in the trial court. The learned District
Commission is directed to decide the application as early
as possible.

Issue notice to the respondent. Send for the record
of complaint, temporary interim application and
contempt petition.

Put up on 16.2.2026

Dharmendra Singh
Member

Member (Judicial)

President

15. When this order was brought to the notice of the District Commission, a fresh Bailable Warrant was issued on 09.02.2026 by the District Commission on the ground that the State Commission has in its order only directed that arrest warrant shall not be issued. The said order dated 09.02.2026 is extracted hereinunder:

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**DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION JAIPUR II JAIPUR**

CONTEMPT PETITION NO. 02/2026

Yogendra Singh Vs. Rajshri Pan Masala & Anr.

Date 09.02.2026

Both the parties are present. A certified copy of the order passed by the Hon'ble State Commission in Case No. 02/2026 (Jaipur II), Jaipur, on 06.02.2026, was perused. On 06.02.2026, a petition was filed by the learned counsel for the complainant seeking the issuance of an arrest warrant against Opposite Party No. 2, Salman Khan, on account of the continued airing of the misleading advertisement for Rajshree Pan Masala. Additionally, a petition was filed by the learned counsel for Opposite Party No. 1 on the same date, 06.02.2026, seeking the cancellation of the bailable warrant. The arguments of the learned counsel for both parties regarding the two aforementioned applications were heard on 06.02.2026. Both of the said applications are being disposed of jointly through this order.



In Case No. AE 4/2026 (Rajshree Pan Masala vs. Yogendrasingh), the Honble State Commission passed an order on 06-02-2026 directing that an arrest warrant shall not be issued against Opposite Party No. 2, Salman Khan, until the bailable warrant against Opposite Party No. 2 has been duly served. In light of the Order dated 06-02-2026 issued by the Honble State Commission, it is hereby ordered that a bailable warrant be re-issued against Opposite Party No. 2, Salman Khan. Let the bailable warrant against Opposite Party No. 2, Salman Khan, be re-issued. The case file shall be listed on 23/02/2026 for the appearance of Opposite Party No. 2, Salman Khan.

Sd/-
(Supriya Agarwal)
Member

Sd/-
(Supriya Agarwal)
Member

Sd/-
(J.L.Meena)
President

16. It is in this background that the appellant, who had already put in appearance filed his response with a request for deleting his name and also hearing his application for the dismissal of the complaint, that proceedings under Section 72 of the Act have been have been initiated on the ground of non-compliance of the interim order dated 06.01.2026. It needs to be again pointed out that the appellant had already put in appearance as stated by him on 15.01.2026 itself.

17. According to the learned counsel, the applications for deletion of the appellant as a party and the issue of maintainability and admissibility of the



complaint remained pending and have not been taken up in spite of the observations of the State Commission directing an early disposal thereof.

18. The appellant is stated to have assailed the interim order dated 06.01.2026 and 15.01.2026 in R.P. No. 9 of 2026. The order passed by the District Commission in the proceedings under Section 72 was assailed separately by the appellant in Appeal Execution No. 5/2026 under Section 73 of the 2019 Act.

19. This Appeal Execution was filed under Section 73 of the Consumer Protection Act, 2019, whereas the Revision Petition against the interim orders had been filed under Section 47(1)(b) of the Consumer Protection Act, 2019. Both these matters seem to have been heard simultaneously. The State Commission on the one hand has proceeded to dismiss the Revision Petition filed against the orders dated 06.01.2026 and 15.01.2026 and has confirmed the same and has also simultaneously proceeded to confirm the order of the District Commission dated 15.01.2026 under Section 72 on 15.01.2026 by dismissing AE/5/2026 under Section 73 of the Act. The orders have been passed simultaneously on 15.03.2026.

20. It may be pointed out that the Revision Petition 9 of 2026 that had been filed against the interim order dated 06.01.2026 was dismissed against which it is informed by the learned counsel that Writ Petition No. 5850/2026 has been filed before the High Court of Rajasthan.

21. It has also been stated that the respondent Company Rajshree Pan Masala has also preferred the same proceedings and that the appeal and revision filed by them has also been dismissed. A Writ Petition is also stated to have been filed by the respondent Company in the matter arising out of the interim order dated 06.01.2026.

22. Learned senior counsel was called upon to address this Commission on the issue of maintainability of this compilation that has been filed as an appeal under Section 51(2) of the 2019 Act questioning the orders passed by the State Commission in the proceedings arising out of Section 72 of the 2019 Act and the appellate decision of the State Commission under Section 73 of the said Act. The Registry of this Commission has also raised an objection with regard to the maintainability of the present appeal against the order of the State Commission dated 16.03.2026 which is an order passed under Section 73 of the 2019 Act.

23. Responding to the said objections and the maintainability of the present appeal, learned counsel has invited the attention of the Bench to



Section 72 and then to Section 73 and has urged that an order passed in an appeal under Section 73 is in the nature of the First Appeal which as per Section 73(1) is an appeal both on facts and on law. He submits that against such an order, there is no bar in the filing of the second appeal on the substantial questions of law as contemplated under Section 51(2) of the Consumer Protection Act, 2019. For this, Section 51(2) is extracted hereinafter:

51. Appeal to National Commission. –

(1)

(2) Save as otherwise expressly provided under this Act or by any other law for the time being in force, **an appeal shall lie to the National Commission from any order passed in appeal by any State Commission, if the National Commission is satisfied that the case involves a substantial question of law.**

24. Learned counsel has urged that the said provision does not exclude the jurisdiction of this Commission to entertain a second appeal against an order passed by the State Commission under Section 73 of the Act. Section 73 of the Act is extracted hereinafter:

73. Appeal against order passed under section 72. - (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, where an order is passed under sub-section (1) of section 72, an appeal shall lie, both on facts and on law from—

(a) the order made by the District Commission to the State Commission;

(b) the order made by the State Commission to the National Commission;

and

(c) the order made by the National Commission to the Supreme Court.

(2) Except as provided in sub-section (1), no appeal shall lie before any court, from any order of a District Commission or a State Commission or the National Commission, as the case may be.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of order of a District Commission or a State Commission or the National Commission, as the case may be:

Provided that the State Commission or the National Commission or the Supreme Court, as the case may be, may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period of thirty days.



25. A perusal of sub-section (2) of Section 73 would demonstrate that the only provision of appeal against an order passed under Section 72 is to the State Commission, to the National Commission as well as to the Supreme Court. The question that arises is as to whether against the order of the State Commission, a second appeal can be entertained under Section 51(2) or not. Learned counsel takes the help of the Supreme Court decision in the case of *Shiur Sakhar Karkhana Pvt. Ltd. vs. State Bank of India*, (2020) 19 SCC 592 to urge that the words "any order" passed in appeal by the State Commission would include an order passed by the State Commission under Section 73 as well. He submits that the decision of the Apex Court referred to above was in relation to ex-parte orders under the 1986 Act where the word "orders" was interpreted to mean and include "any orders". He therefore submits that the same analogy should be applied to entertain a second appeal before this Commission, more so when the words "any order passed in appeal" have been expressly used in Section 51(2) of the 2019 Act.

26. Prima facie the above authority is in relation to ex-parte orders under the 1986 Act and therefore may not be a direct ratio in support of the proposition advanced by the learned counsel but the express recital in Section 51(2) of the 2019 Act may require consideration.

27. However, learned counsel also relied on a Bench order of this Commission in the case of *Mamta Enterprises vs. Arkay Solar Energy*, 2025 SCC OnLine NCDRC 462 to contend that the said decision also indicates that an appeal under Section 51(2) would be available against an order passed in appeal by the State Commission. We may point out that paragraph 12 of the said decision indicates that it is not a matter arising out of proceedings under Section 72 read with Section 73 of the Consumer Protection Act and therefore the same may also not be a ratio for the proposition advanced.

28. We may also note that while interpreting the provisions of the 1986 Act, the Apex Court in the case of *Karnataka Housing Board vs. K. A. Nagamani*, (2019) 6 SCC 424 held that an order passed during enforcement (execution) proceedings after a complaint has been finally decided would not be an order passed in a complaint and therefore would not be revisable under Section 21(b) of the Act. Observations were made that since execution proceedings are not a continuation of a complaint, the revisional jurisdiction would not be available, in as much as, it is confined



only in respect to a pending or disposed off consumer dispute before the State Commission. It was held that the enforcement / execution proceedings do not fall within the definition of a consumer dispute which stands terminated with a final decision thereon on adjudication. Thus, the enforcement proceedings are separate and distinct and are not a continuation of a complaint and consequently the revisional jurisdiction was not available.

29. In the instant case, the dispute is about the maintainability of a second appeal where an order has been passed by the State Commission under Section 73 of the 2019 Act emanating from an order under Section 72 passed by the District Commission. .

30. We may also point out the distinction between Section 71 of the 2019 Act and Section 72. Section 71 is for the enforcement of orders, whereas Section 72 is for penalty for non-compliance of an order made by the Commission. The reason is that Section 71 incorporates order 21 of the Civil Procedure Code for being followed in order to enforce an order of the Commission as a Decree, whereas Section 72 is in the nature of penalty for non-compliance of any order made by the District Commission. The process under Section 72 is that of a summary trial by the Commission for which the Commission shall have the powers of a Judicial Magistrate of First Class in terms of the Code of Criminal Procedure, 1973. It is in respect of such an order that an appeal is provided under Section 73 of the Act.

31. Section 72 of the Act does not appear to create any distinction between a final or an interim order, but in the present case the interim order dated 06.01.2026 had been separately questioned by filing a Revision Petition by the petitioner that has also been dismissed on 15.03.2026 and a Writ petition against the same has been filed before the Rajasthan High Court. The interim order dated 06.01.2026 therefore is still in jeopardy as stated by the appellant.

32. Learned counsel has then urged that the District Commission has proceeded to pass some other orders which have been reported in the newspapers for setting up a Special Investigation team for which directions have been issued to the Police Commissioner / District Police Commissioner, Jaipur for enforcing the warrants against the appellants or else Non-Bailable Warrants be issued. The next date fixed was for day before yesterday i.e. 06.04.2026. He also submits that in spite of the fact



that the appellant's counsel had moved the application for obtaining certified copies of the orders, the same has not been provided till date.

33. What needs to be noticed is this issue of procedure as well regarding the allegations of non-issuance of certified copies that has been dealt with by this Commission in the case of J.S. Bedi vs. Max Super Speciality Hospital & Ors., F.A. No. 445 of 2024, decided on 15.05.2025. On the issue of service of notice of the application for interim relief, the procedure provided for service under Section 65 of the 2019 Act read with Regulation 10 of the 2020 Regulations, this Commission has evaluated the legal position as explained in M/s. Suphoshaa Realcon Private Limited Vs. Ms. Divya Sharma & Anr., RP /3134/2024, decided on 23.12.2024

34. Learned counsel submits that in these extraordinary circumstances and the nature of the orders passed one after the other without there being any orders on the applications moved by the appellant for rejecting the complaint and deleting him, an interim order is sought to be made absolute for enforcement in respect of an alleged misleading advertisement which on facts does not make out any case of a Consumer Complaint.

35. Learned counsel also submits that for the purpose of proceeding in respect of Section 89 of the Act, the Commissions below have not noticed provisions of Section 92 of the 2019 Act which may also require a consideration. Learned counsel has also urged that the complainant in person has not alleged that he has either consumed the product or has purchased it and even otherwise the District Commission while passing the interim order on 06.01.2026 has assumed the product to be harmful without any investigation scientific or otherwise or any proof in respect thereof so as to establish the advertisement to be misleading. It is therefore urged that consequently there is no occasion to penalise the appellant for the advertisement of silver quoted cardamom on the pretext of Pan Masala.

36. Learned counsel has urged that even on merits as well as on the procedure adopted, it is evident that the interim orders and the orders passed under Section 38(8) virtually proceeds to finally grant a relief on the presumption of a misleading advertisement without any trial in the case itself and therefore such orders as interim measures are even otherwise inequitable and amount to a injudicious exercise of discretion. It is urged that ex parte interim orders are passed to maintain the status of affairs as existing on the date of lis and in the present case the interim order, the



disobedience whereof is alleged against the appellant, had been passed ex parte on 06.01.2026 and was ex parte to him.

37. Consequently proceeding to penalize under Section 72 of the 2019 Act also is a premature and erroneous approach that gives rise to substantial questions of law.

38. As to what would be substantial questions of law in the present case would include:

i. Whether the present compilation would be maintainable against an order passed by the State Commission under Section 73 as a second appeal under Section 51(2) of the Consumer Protection Act, 2019?

ii. Whether the jurisdiction exercised by the District Commission while passing the interim order on 06.01.2026 under Section 38 (8) of the Act and the subsequent order under Section 72 on 15.01.2026 can be sustained holding it to be a "judicious exercise of discretion" as explained by the Apex Court in the case of Reliance Airport Developers (P) Ltd. vs. Airports Authority of India & Ors., (2006) 10 SCC 1?

iii. Whether the District Commission while proceeding to entertain an application under Section 72 was justified in issuing warrants against the appellant on the prayer made on 15.01.2026 when the appellant alleges that he had no notice of the interim application on which interim orders were passed on 06.01.2026?

iv. Whether any disobedience can be attributed to the appellant in respect of the order dated 06.01.2026 when the order had been passed without evidence of any service of the copy of the application for interim relief on him?

v. Whether the District Commission on 15.01.2026 after having received the response of the appellant who had already put in appearance was justified in issuing Bailable Warrants for his presence on future dates without deciding the applications moved by him?

vi. Whether the State Commission while observing that the District Commission is yet to decide and delve into the merits of the allegations regarding misleading advertisement and that the District Commission was yet to decide the applications moved by the appellant, was justified in confirming the orders dated 06.01.2026 and 15.01.2026?

vii. Whether non-supply of certified copies to the appellant are prejudicial and amounts to denial of access to justice on the allegations made by the appellant?



As to what are substantial questions of law have been explained by this Commission in the case of *Munesh Devi vs. HDFC Life Insurance Co. Ltd.*, NC/DN/41/2025 decided on 26.05.2025.

39. Learned counsel prays that this matter may be heard and the appeal be entertained in order to ensure that the fora below proceed in a just manner abiding by the rule of law and not to act impulsively or hastily.

40. In order to appreciate the arguments and the submissions raised, it would be appropriate to examine the records of the District Commission as well as the State Commission. We therefore direct that the State Commission, Rajasthan shall send for the entire records of the District Commission as well as its own records pertaining to the subject matter including the proceedings under Section 72 and 73 alongwith complete order sheets and dispatch the same to the Registrar of this Commission for being perused by us. The records shall be sent by a Special Messenger after summoning the District Commission records as well. All records and orders be uploaded on the State Commission website if not already done to make it accessible.

41. The District Commission and the State Commission are directed to comply with this order and forthwith dispatch the records to this Commission to be presented before us on Tuesday next i.e. 14.04.2026.

42. In view of the submissions having been raised and the issues which may require a consideration, issue notice to the Respondent No. 1, who shall also be served by the State Commission as well as by the District Commission as he is a practising lawyer. Notice shall also be dispatched to the said respondent by the registered speed post as well. A copy of this order shall be placed on the proceedings of the District Commission for informing the learned counsel for the parties about the pendency of the present proceeding before us.

43. In the background as indicated above, and also the issues raised since we have summoned the original records of the District Commission, all further proceedings before it shall remain stayed and the Authorities to whom directions have been issued by the District Commission shall be duly intimated of these proceedings.

44. We also direct that the execution of any warrants issued by the District Commission shall remain in abeyance till the disposal of this matter before us.



45. Mr. Varun Singh has appeared for the Respondent No. 2 and has filed his vakalatnama.

46. Learned counsel for the parties are also directed to intimate this Commission about any orders being passed by the High Court of Rajasthan or otherwise.

47. List for admission hearing on 15.04.2026.

48. The Registrar is directed to communicate this order today itself to the State Commission, Rajasthan as well as to the District Commission, Jaipur-II for compliance by the date fixed.

27. Since the proceedings had wide ramifications and several issues pertaining to the jurisdiction as well as maintainability had to be considered, notices were issued and on 15.04.2026, the respondent no. 1 Mr. Yogendra Singh Badiyal along with his counsel Mr. Indra Mohan Singh appeared online. On that date, it was informed that **Writ petition No. 5850/2026 had been filed by the appellant before the High Court of Rajasthan, assailing the order of the State Commission dated 16.03.2026 as well as the interim order dated 06.01.2026 passed by the District Commission. Accordingly, the following order was passed by this Commission on 15.04.2026:**

It has been pointed out by the learned counsel for the appellant that in paragraph No.17 of the order dated 08.04.2026 it appears that the word, "have" has occurred inadvertently which should have been "had" inasmuch as the same reflects the pendency of the matter at that time as it now stands disposed off.

The opposite party No.1 appeared in person online alongwith Mr. Inder Mohan Singh stated to be holding Vakalatnama on behalf of the opposite party No.1. Let the Vakalatnama be filed alongwith affidavit and Mr. Singh prays for time to file the affidavit on behalf of the opposite party No.1 by 07.05.2026. He also states that since he is busy with some family function in between therefore the date may be fixed after 20.05.2026. The matter shall come up on 22.05.2026. A copy of the affidavit shall be served on the learned counsel for the appellant as well as the counsel for



the respondent No.2 by 07.05.2026 and they will have two weeks thereafter to file a response, if any, to the said affidavit by the next date fixed.

The records which have been sent by the State Commission have been perused by the learned counsel for the complainant and the learned counsel for the opposite party No.2 who are physically present. According to the learned counsel the record does not contain that part of the file which may indicate the receipt of the applications for certified copies and their issuance. The State Commission, Rajasthan and the District Commission, Jaipur-II are both directed to despatch the records of any such files maintained by them for issuance of certified copies so as to reach this Commission by 07.05.2026. The rest of the records which have been received shall be open for inspection to the learned counsel for the parties and it shall be for them to apply for any certified copies of the documents which are part of the record of the State Commission or the District Commission.

Learned counsel for the parties inform that the next date fixed before the High Court is 12.05.2026. Any orders passed by the High Court or any other proceedings may be intimated to this Commission by the next date fixed.

28. It appears that another Writ Petition No. 5836/2026 had been filed and both the Writ Petitions were directed to come up on 12.05.2026. The High court passed the interim order on 07.04.2026 staying the operation of the interim order dated 16.03.2026 and 06.01.2026. The order is extracted hereinunder:

07/04/2026

1. The present writ petition has been filed by the petitioner assailing the order dated 16.03.2026 (Annexure-P-2) passed by the learned State Consumer Disputes Redressal Commission, Rajasthan, in Revision Petition No.09/2026, titled as Salman Khan Vs. Yogendra Singh Badiyal and Anr., and order dated 06.01.2026 (Annexure-P-3) passed by the District Consumer Disputes Redressal Commission ('DCDRC'), Jaipur II, in MA/114/2025 in Consumer Complaint No.879/2025 titled as Yogendra Singh Badiyal and Anr. Vs. Rajshree Pan Masala and Anr.



2. Mr. G.S. Bapna, learned Senior counsel, assisted by Mr. Shivangshu Naval, Advocate, submits that the Consumer Complaint No.879/2025 has been filed alleging that the advertisements of the "Rajshree Pan Masala" published in newspapers are misleading and harmful to public health and in violation of regulatory frameworks and the petitioner has been arrayed as respondent No.2 in the complaint solely on the ground of being the Brand Ambassador for respondent No.2's "silver-coated elaichi" product and for allegedly appearing in the advertisement of the pan masala.

3. Learned Senior counsel submits that the petitioner has only endorsed respondent No.2's "silver-coated elaichi" product and has never ever advertised or endorsed respondent No.2's pan masala product and thus, the complaint is ex-facie frivolous and misconceived.

4. Learned Senior counsel further submits that DCDRC lacked jurisdiction to entertain the said complaint with respect to a 'false or misleading advertisement', as any such complaint can be filed only before a Central Consumer Protection Authority and the learned State Consumer Disputes Redressal Commission, despite taking cognizance of the said fact, has erred by dismissing the revision petition.

5. Learned Senior counsel submits that despite the respondent No.1 miserably failing to setup prima facie case in his favour, the ad-interim order dated 06.01.2026 (Annexure-P-3) was passed by the DCDRC, Jaipur II.

6. Learned Senior counsel further submits that the said interim order dated 06.01.2026 was never served upon the petitioner and thus, there was no occasion whatsoever for the respondent No.1 to proceed with the filing of the contempt proceedings on 15.01.2026, much less for the DCDRC to issue bailable warrants thereon, without recording any finding with respect to the service of the order upon the petitioner.

Learned Senior counsel further submits that against the said order dated 15.01.2026 passed by the DCDRC, an appeal has already been preferred by the petitioner before the National Consumer Disputes Redressal Commission, New Delhi, being diary No.7520/NCDRC/2026-FA.

7. Taking note of the above, issue notice to the respondents.

8. Mr. Himmat Singh, Advocate, puts in appearance on behalf of respondent No.1 Mr. Yogendra Singh Badiyal, who himself is also present-in-person before this Court.

9. Mr. Divesh Sharma, Advocate, accepts notice on behalf of the respondent No.2.



10. Hence, service is complete and notice need not be filed.

11. Learned counsel for the petitioner is directed to serve a copy of the writ petition in the Offices of the learned counsel for the respondents within seven days from today.

12. Names of Mr. Himmat Singh, Advocate and Mr. Divesh Sharma, Advocate, be shown in the cause list as learned counsel for their respective respondents.

13. Learned counsel for the respondents pray for and are granted four weeks' time to file their reply to the writ petition.

14. List the matter on 12.05.2026 along with S.B. Civil Writ Petition No. 5836/2026.

15. In the meanwhile and till the next date, the effect and operation of the order dated 16.03.2026 (Annexure-P-2), the order dated 06.01.2026 (Annexure-P-3) and further proceedings in Consumer Complaint No.879/2025 pending before the District Consumer Disputes Redressal Commission, Jaipur II, shall remain stayed.

29. Since a copy of the order was not available before this Commission on 08.04.2026, the parties had been directed to intimate the Commission about the order of the Rajasthan High Court which was communicated on 15.04.2026.

30. The respondent no. 1 Mr. Yogendra Singh Badiyal filed his written submissions in the shape of an affidavit dated 04.05.2026 supported by an affidavit in support of the written submissions. The same is extracted hereinunder:



BEFORE THE HONBLE NATIONAL CONSUMER
DISPUTES REDRESSAL COMMISSION (NCDRC)
NEW DELHI

Revision Petition/Diary No. 7520/NCDRC/2026

IN THE MATTER OF

Rajshree Pan Masala & Ors ..Petitioners/Appellants

VERSUS

Yogendra Singh Badiyal ..Complainant/Respondent

**WRITTEN SUBMISSION ON BEHALF OF THE
RESPONDENT (COMPLAINANT)**

MAY IT PLEASE YOUR LORDSHIPS,

I, Yogendra Singh Badiyal, the Respondent herein, most humbly submit the following points for the kind consideration of this Honble Commission:

1. **The Core Deception: The Myth of "Kesar Yukit" (Saffron Infused)** The Petitioner continues to market its product using the claim "Kesar Yukit" (Infused with Saffron) in a pouch priced at a mere Rs. 5/-. It is a well-established commercial fact that genuine Saffron costs approximately ₹ 4,00,000 per kg. It is physically and economically impossible to include any trace of genuine Saffron in a low-cost FMCG product of this price point. The use of the word "Kesar" is a calculated move to lure the youth and

Yogendra Singh

Dy. No. 7520/NCDRC/2026

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common public into believing they are consuming a premium, "safe" ingredient while in reality, it serves as a surrogate front for prohibited Pan Masala and Zarda.

2. Chronology of Deceptive Advertising (Annexures Attached) The Petitioner has engaged in a "hide-and-seek" game with the law, as evidenced by the changing nature of their advertisements in Dainik Bhaskar and on public hoardings.

26.08.2025 - 03.11.2025: Explicitly claimed "Kesar Yukt." Dec 2025 - Jan 2026: After receiving legal notices, they strategically removed "Kesar Yukt." and replaced it with "Silver Coated Elaichi."

10.01.2026: In blatant defiance, they re-introduced "Kesar Yukt" on massive hoardings across Rajasthan.

This oscillation proves that the Petitioner is fully aware of the falsity of their claims and is wilfully misleading the public.

3. Locus Standi under Section 35(A)(b) of the Consumer Protection Act. The Petitioner's primary defence is the technicality that the Respondent is not a "Consumer." Under Section 35(A)(b), the Act allows





any voluntary consumer association or even one or more consumers having the same interest to file a complaint. The Respondent, an Advocate of 35 years, is acting in the interest of public health to prevent the systematic poisoning of the public through deceptive claims.

- 4) **Accountability of the Celebrity Endorser (Salman Khan)** The Hon'ble Supreme Court in *Patanjali Ayurved Ltd. vs. Union of India (2024)* has held that celebrities and endorsers are equally accountable for the claims made in advertisements.

The celebrity endorser Salman Khan, cannot plead ignorance. As the face of the brand, he is responsible for the impact his endorsement has on the poor and the youth of this country. Despite a stay by the District Commission and bailable warrants, the endorsement continued, showing utter disregard for judicial authority.

- 5) **Defiance of Judicial Authority and Obstruction of Justice.** The Petitioner has bypassed the NCDRC initially to secure a stay from the High Court through financial muscle. More disturbingly, attempts were made to influence the Respondent with monetary

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offers, and the Presiding Officer of the District Commission was subjected to harassment, necessitating a police complaint. Such "corporate-celebrity nexus" tactics must be dealt with sternly to protect the dignity of Consumer Courts.

PRAYER

In light of the facts stated above, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

Dismiss the Petitioner's above case with heavy costs.

Direct the Petitioner to provide scientific proof of the presence of genuine Saffron in the Rs. 5 pouch.

Uphold the accountability of the celebrity endorser in accordance with the law of the land.

Pass any other order(s) as this Hon'ble Commission may deem fit in the interest of justice and public health.

Date: 04.05.2026

Place: New Delhi / Jaipur

FILED BY



(Signature)

Yogendra Singh Badiyal

Advocate

Rajasthan High Court

Complainant/Respondent in Person



VERIFICATION

I, the above named deponent do hereby verify on oath that the contents of para No.1 to 3 of my above affidavit are true and correct to the best of my knowledge. Nothing material has been concealed there from and no part of it is false. So help me God.

JAIPUR

DATED :


DEPONENT



ATTESTED

**NOTARY PUBLIC
GOVT. OF INDIA JAIPIR (RAJ)**

4 MAY 2026



BEFORE THE HON'BLE NATIONAL CONSUMER
DISPUTES REDRESSAL COMMISSION (NCDRC)
NEW DELHI

Revision Petition /Appeal No. _____ of 2026

IN THE MATTER OF

Rajshree Pan Masala & Ors. Petitioners/Appellants

VERSUS

Yogendra Singh Badiyal Complainant/Respondent

AFFIDAVIT IN SUPPORT OF WRITTEN SUBMISSIONS

I, Yogendra Singh Badiyal S/o Shri Bhanwar Singh, aged about 68 years, resident of AC-4, Gayatri Sadan, Sawai Jai Singh Highway, Bani Park, Jaipur-302016 do hereby take oath and state as under :-

1. That I am the Complainant/Respondent in the above noted case and well conversant with facts and circumstances of the case.

That the annexed written submissions has been drafted by my counsel under my instructions which I believe to be true and correct to the best of knowledge and understood the same accordingly.

3. That the contents of para No. 1 to 5 of the reply to the writ petition are true and correct.



ATTESTED

NOTARY PUBLIC
GOVT OF INDIA JAIPUR (RAJ)
- 4 MAY 2026

DEPONENT



31. A perusal of the reply nowhere disputes the allegations that have been made the basis of this appeal and were also the allegations made by the appellant along with the contentions raised in his reply before the District Commission as well as in the application under Order 7 Rule 11. It is not understood as to why Mr. Badiyal did not respond to the same in spite of the fact we had passed a detailed interim order referring to the same on 08.04.2026 quoted hereinabove.

32. The matter came up on 22.05.2026 when parties were called upon to exchange their affidavits and the State Commission had already sent the records along with a report dated 30.04.2026. The order passed on 22.05.2026 is extracted hereinunder:

The respondent Mr Yogendra Singh Badiyal has filed a "written submission" supported by an affidavit without serving a copy either on the counsel for the appellant or the respondent no. 2. Let a copy of the same be served on the learned counsel for the complainant as also the other respondents. The copy does not appear to have been served for reasons best known to the respondent no. 1 and other counsel have been taken by surprise. The matter therefore has to be unnecessarily adjourned on account of this default on the part of the respondent no. 1.

Mr. Indermohan Singh attempted to justify that since the respondent no. 1 did not have the email ID of the learned counsel for the other parties therefore it cannot be served. We are not prepared to accept this, in as much as, this is the third time that the matter has been listed and the counsel for the parties have been continuously attending the hearing. A copy of the reply could have been very easily transmitted and handed over to the learned counsel, which has not been done. In the even the same is not served within one week from today, the respondent no. 1 shall be liable to pay a cost of Rs. 10,000/- by the next date fixed.

Apart from this the learned counsel for both the parties shall be at liberty to get a copy of the said affidavit from the Registry that shall be supplied and they shall, if necessary, file a response to the said affidavit.

The State Commission has already sent a report on 30.04.2026, a copy of the same shall also be provided to learned counsel for the parties, who may respond to the same by date fixed.

List the matter on 22nd June 2026.

33. During the pendency of the present proceedings, the Respondent no. 2 Kamla Kant & Co. along with another on a similar plea, arising out of an order passed by the District Commission and the State Commission that arose from a similar complaint alleged to have been filed before the District Commission, Kota, preferred an appeal vide D. No. 13053/2026. An interim order was passed on 10.06.2026 with which we shall deal with separately in the said Diary No. through a separate order.

34. In the said background, the procedure adopted by the District Commission, Jaipur (II) in passing orders one after the other on 15.01.2026 and then the subsequent orders dated 09.02.2026, 23.03.2026 and 24.03.2026 raise vital issues of exercise of judicious discretion and of orderly procedure in compliance with the principles of natural justice. We may point out the reasons as to why we had entertained the present compilation and impelled us to ascertain the manner of functioning of the District Commission in the present case in the context of the nature of the orders passed by it. It is evident that the interim order dated 06.01.2026 was ex-parte and had been passed on M.A. No. 114/2025, a copy whereof is stated to have not been served on the appellant. The appellant was not aware of the passing of the interim order dated 06.01.2026 on the said application till 15.01.2026

Dy. No. 7520/NCDR/2026

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Strangely enough, on 15.01.2026, a couple of more orders were passed simultaneously as mentioned above. These orders were passed on two applications. One was an application for proceeding under Section 72 of the Act. This application was filed on the same day i.e. 15.01.2026 and without giving any opportunity to the appellant, who had already put in appearance through his counsel, the order issuing Bailable Warrants were passed against the appellant. The second application moved was for appointment of a Court Commissioner to verify the genuineness of the signatures of the appellant and the said application was also allowed on the same day. Faced with this situation, the appellant and the respondent no. 2 both challenged the interim order dated 06.01.2026 before the State Commission in R.P. No. 9 and R.P. No. 10 of 2026. Two appeals were filed, being Appeal Execution No. 4 by the respondent no. 2 and Appeal Execution No. 5 by the appellant challenging the order of issuance of Bailable Warrants in the application under Section 72 of the Act. The State Commission had passed an interim order on 06.02.2026 mentioned above. The State Commission at the interim stage on 06.02.2026 directed the District Commission not to issue any arrest warrants and also directed the District Commission to decide the application filed by the appellant under Order 7 Rule 11 as early as possible.

35. The aforesaid facts therefore indicate that hasty orders seem to have been passed by the District Commission compelling the appellant and the respondent no. 2 to approach the State Commission, without taking any decision on the application filed by the appellant for deleting his name and for

dismissing the complaint as non-maintainable in the background that the complaint related to a misleading advertisement that could be entertainable by the CCPA under Chapter III of the 2019 Act read with Section 89 and Section 92 of the 2019 Act.

36. The District Commission did not comply with the second part of the interim order dated 06.02.2026, and as is evident from the facts narrated above, dismissed the said application on 24.03.2026 on the ground that the Revision Petition as well as the Appeal Execution No. 5 of 2026 filed by the appellant had been dismissed on 16.03.2026.

37. Not only this, the District Commission on 23.03.2026 passed an order for constituting a Special Task Force with a direction to the Commissioner / Deputy Commissioner of Police, Jaipur, in order to ensure service of Bailable Warrants on the appellant. Prima facie these were orders passed in the background as if the appellant and the respondent no. 2 had already committed a violation or a breach and the interim order dated 06.01.2026 had attained finality without there being evidence led or the trial having proceeded by production of any evidence treating the order dated 06.01.2026 to be sacrosanct and final. The said interim order had been passed ex-parte and the District Commission proceeded attaching finality to the same without the trial having been proceeded and the evidence have been led. The passing of such an interim order was clearly questionable, but we find that the State Commission in spite of making observations in the order proceeded to confirm the interim order dated 06.01.2026 by dismissing the RPs and simultaneously

dismissed the appeals filed against the orders of bailable warrants passed under Section 72 by the District Commission referred to hereinabove.

38. From the aforesaid discussion and the material on record *prima facie* the interim order passed on 06.01.2026 by the District Commission has assumed that the advertisement is misleading as it relates to M/s. Rajshree "Pan" Masala which is a tobacco product and its contents are harmful for the health of public at large that may lead to affliction of serious diseases like cancer. The said order on a *prima facie* basis has finally assumed and adverse impact of the advertisement which the appellant and the respondent no. 2 have clearly stated is with regard to Silver coated cardamom flavoured with saffron and in no way is a tobacco product. The advertisement itself says that it does not contain tobacco or nicotine. The District Commission does not seem to have even attempted to mention it in its order dated 06.01.2026, much less analysing it or expressing any *prima facie* opinion of the said factual aspect. The order dated 06.01.2026 was obviously *ex-parte* but in spite of the contest having been put forth through the application under Order 7 Rule 11 moved by the appellant bringing these facts to the fore, the Bailable Warrants were issued on an application under Section 72 of the 2019 Act on 15.01.2026 itself. The State Commission also did not examine the justification of passing such an order and dismissed the Revision Petition. On a *prima facie* basis, this may not receive any legal approval in as much as in order to pass an interim order, the *prima facie* case based on the pleaded facts has to be discussed or else it may result in some irreparable injury.

39. In order to assess a *prima facie* case for grant of an interim relief, as provided for under Section 38(8) of the Consumer Protection Act, 2019, the principles of judicious discretion are attracted in as much as the Commission has to pass a just and proper order in the facts and circumstances of the case. This requires the correct recital of facts on the basis whereof a *prima facie* opinion has to be expressed and the order to be passed should not travel to the extent of granting a final relief. It is a settled principle that whatever relief is to be granted at the final stage should not be finalized by way of an interim order and it is for the said reason that judicious discretion is required to be exercised while passing such orders. This should be more carefully when interim orders are *ex-parte* in nature or without giving any opportunity to the other side. As to what are the principles of judicious discretion reference be had to the ratio of the decision in the case of **Reliance Airport Developers (P) Ltd. vs. Airports Authority of India & Ors., (2006) 10 SCC 1**, wherein it has been explained as under:

26. While exercising the discretion, certain parameters are to be followed:

"Discretion", said Lord Mansfield in *R. v. Wilkes* [(1770) 4 Burr 2527 : (1558-1774) All ER Rep 570 : 98 ER 327 (HL)], "when applied to a court of justice, means sound discretion guided by law. It must be governed by rule, not by humour; it must not be arbitrary, vague, and fanciful, but legal and regular." [See *Craies on Statute Law*, 6th Edn., p. 273 and *Ramji Dayawala & Sons (P) Ltd. v. Invest Import* [(1981) 1 SCC 80], SCC p. 96, para 20.]

27. "Discretion" undoubtedly means judicial discretion and not whim, caprice or fancy of a judge. (See *Dhurandhar Prasad Singh v. Jai Prakash University* [(2001) 6 SCC 534].) Lord Halsbury in *Susannah Sharpe v. Wakefield* [1891 AC 173 : (1886-90) All ER Rep 651 (HL)] considered the word "discretion" with reference to its exercise and held : (All ER p. 653 F-G)



"[D]iscretion means when it is said that something is to be done within the discretion of the authorities that that something is to be done according to the rules of reason and justice, not according to private opinion : Rooke's case [(1598) 5 Co Rep 99h, 100a : 77 ER 209] according to law, and not humour. It is to be not arbitrary, vague, and fanciful, but legal and regular, and it must be exercised within the limit to which an honest man competent to the discharge of his office, ought to confine himself."

(See Kumaon Mandal Vikas Nigam Ltd. v. Girja Shankar Pant [(2001) 1 SCC 182 : 2001 SCC (L&S) 189], SCC p. 197, para 22.)

28. "Discretion" when applied to a court of justice, means sound discretion guided by law. It must be governed by rule, not by humour; it must not be arbitrary, vague and fanciful but legal and regular.

29. Though the word, "discretion" literally means and denotes an uncontrolled power of disposal yet in law, the meaning given to this word appears to be a power to decide within the limits allowed by positive rules of law as to the punishments, remedies or costs. This would mean that even if a person has a discretion to do something the said discretion has to be exercised within the limits allowed by positive rules of law. The literal (sic legal) meaning of the word "discretion" therefore, unmistakably avoids untrammelled or uncontrolled choice and more positively points out at there being a positive control of some judicial principles.

30. Discretion, in general, is the discernment of what is right and proper. It denotes knowledge and prudence, that discernment which enables a person to judge critically of what is correct and proper united with caution; nice discernment, and judgment directed by circumspection : deliberate judgment; soundness of judgment; a science or understanding to discern between falsity and truth, between wrong and right, between shadow and substance, between equity and colourable glosses and pretences, and not to do according to the will and private affections of persons.

31. The word "discretion" standing single and unsupported by circumstances signifies exercise of judgment, skill or wisdom as distinguished from folly, unthinking or haste; evidently therefore a discretion cannot be arbitrary but must be a result of judicial thinking. The word in itself implies vigilant circumspection and care, therefore, where the legislature concedes discretion it also imposes a heavy responsibility.

32. The discretion of a judge is the law of tyrants; it is always unknown. It is different in different men. It is casual, and depends upon constitution,

temper, passion. In the best it is often times caprice; in the worst it is every vice, folly, and passion to which human nature is liable, said Lord Camden, L.C.J., in *Hindson and Kersey* [(1680) 8 How St Tr 57].

33. If a certain latitude or liberty accorded by statute or rules to a judge as distinguished from a ministerial or administrative official, in adjudicating on matters brought before him, it is judicial discretion. It limits and regulates the exercise of the discretion, and prevents it from being wholly absolute, capricious, or exempt from review.

34. Such discretion is usually given on matters of procedure or punishment, or costs of administration rather than with reference to vested substantive rights. The matters which should regulate the exercise of discretion have been stated by eminent judges in somewhat different forms of words but with substantial identity. When a statute gives a judge a discretion, what is meant is a judicial discretion, regulated according to the known rules of law, and not the mere whim or caprice of the person to whom it is given on the assumption that he is discreet (per Willes, J. in *Lee v. Bude Rly. Co.* [(1871) 6 CP 576 : 40 LJCP 285 : 24 LT 827] and in *Morgan v. Morgan* [1869 1 P&M 644]).

35. In *Advanced Law Lexicon* by P. Ramanatha Aiyar, it has been stated as follows:

"Discretion.—Power of the court or arbitrators to decide as they think fit.

The word 'discretion' connotes necessarily an act of a judicial character, and, as used with reference to discretion exercised judicially, it implies the absence of a hard-and-fast rule, and it requires an actual exercise of judgment and a consideration of the facts and circumstances which are necessary to make a sound, fair and just determination, and a knowledge of the facts upon which the discretion may properly operate. [*Corpus Juris Secundum*, Vol. 27, p. 289 as referred in *Aero Traders (P) Ltd. v. Ravinder Kumar Suri* [(2004) 8 SCC 307 : (2004) 6 SLT 428], SCC p. 311, para 6 : SLT at p. 430, para 6.]

'A discretion', said Lord Wrenbury, 'does not empower a man to do what he likes merely because he is minded to do so, he must in the exercise of his discretion do not what he likes but what he ought. In other words, he must, by the use of his reason, ascertain and follow the course which reason dictates.' (*Roberts v. Hopwood* [1925 AC 578 : 1925 All ER Rep 24 (HL)] .)

This approach to construction has two consequences : the statutory

discretion must be truly exercised, and when exercised it must be exercised reasonably. (Maxwell)

'Discretion', said Lord Mansfield in *R. v. Wilkes* [(1770) 4 Burr 2527 : (1558-1774) All ER Rep 570 : 98 ER 327 (HL)] , 'when applied to a court of justice, means sound discretion guided by law. It must be governed by rule, not by humour, it must not be arbitrary, vague, and fanciful, but legal and regular.' (See *Craies on Statute Law*, 6th Edn., p. 273.)

'Discretion' means when it is said that something is to be done within the discretion of the authorities that that something is to be done according to the rules of reason and justice, not according to private opinion : *Rooke's case* [(1598) 5 Co Rep 99b, 100a : 77 ER 209] according to law, and not humour. It is to be not arbitrary, vague and fanciful, but legal and regular. Lord Halsbury, L.C. in *Susannah Sharpe v. Wakefield* [1891 AC 173 : (1886-90) All ER Rep 651 (HL)] , at p. 179 referred to in *Siben Kumar Mondal v. Hindusthan Petroleum Corpn. Ltd.* [AIR 1995 Cal 327] (AIR at pp. 333-35). See also *Aero Traders (P) Ltd. v. Ravinder Kumar Suri* [(2004) 8 SCC 307 : (2004) 6 SLT 428] , SCC p. 311, para 6 : SLT at p. 430, para 6; *Man Mal Sharma v. Bikaner Sahkari Upbhokta Bhandar* [AIR 1999 Raj 13 : (1998) 3 Raj LW 1846] , AIR at p. 18 and *Rekha Bhasin v. Union of India* [AIR 1998 Del 314] , AIR at p. 322.

Discretion, Lord Mansfield stated in classic terms in *John Wilkes case* [(1770) 4 Burr 2527 : (1558-1774) All ER Rep 570 : 98 ER 327 (HL)] , must be a sound one governed by law and guided by rule, not by humour; Lord Denning put it eloquently in *Breen v. Amalgamated Engg. Union* [(1971) 2 QB 175 : (1971) 2 WLR 742 (CA) : (1971) 1 All ER 1148] that in a *Government of Laws* 'there is nothing like unfettered discretion immune from judicial reviewability'. Courts stand between the executive and the subject alert, to see that discretionary power is not exceeded or misused. Discretion is a science of understanding to discern between right or wrong, between shadow and substance, between equity and colourable glosses and pretences and not to do according to one's wills and private affections. Lord Brightman elegantly observed in *Chief Constable of North Wales Police v. Evans* [(1982) 1 WLR 1155 (HL) : (1982) 3 All ER 141] that:

'Judicial review, as the words imply is not an appeal from a decision, but a review of the matter in which the decision was made.'

'The Judge, even when he is free, is still not wholly free. He is not to innovate at pleasure. He is not a knight-errant roaming at will in pursuit of his

own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles. He is not to yield to spasmodic sentiment, to vague and unregulated benevolence. He is to exercise a discretion informed by tradition, methodised by analogy, disciplined by system, and subordinated to "the primordial necessity of order in the social life". Wide enough in all conscience is the field of discretion that remains.' Benjamin Cardozo in *The Nature of Judicial Process*:

Discretion, in general, is the discernment of what is right and proper. It denotes knowledge and prudence, that discernment which enables a person to judge critically of what is correct and proper united with caution; nice discernment, and judgment directed by circumspection; deliberate judgment; soundness of judgment; a science or understanding to discern between falsity and truth, between wrong and right, between shadow and substance, between equity and colourable glosses and pretences, and not to do according to the will and private affections of persons. When it is said that something is to be done within the discretion of the authorities, that something is to be done according to the rules of reason and justice, not according to private opinion; according to law and not humour. It is to be not arbitrary, vague, and fanciful, but legal and regular. And it must be exercised within the limit, to which an honest man, competent to the discharge of his office ought to confine himself. (Per Lord Halsbury, L.C. in *Sharpe v. Wakefield* [1891 AC 173 : (1886-90) All ER Rep 651 (HL)].)

The word 'discretion' standing single and unsupported by circumstances signifies exercise of judgment, skill or wisdom as distinguished from folly, unthinking or haste; evidently therefore a discretion cannot be arbitrary but must be a result of judicial thinking. The word in itself implies vigilant circumspection and care; therefore, where the legislature concedes discretion it also imposes a heavy responsibility. (See *National Insurance Co. Ltd. v. Keshav Bahadur* [(2004) 2 SCC 370 : 2004 SCC (Cri) 558 : AIR 2004 SC 1581], SCC p. 375, para 10 : AIR at p. 1584, para 10.)

The discretion of a Judge is the law of tyrants; it is always unknown. It is different in different men. It is casual and depends upon constitution, temper, passion. In the best it is often times caprice : in the worst it is every vice, folly, and passion to which human nature is liable, said Lord Camden, L.C.J. in *Hindson and Kersey* [(1680) 8 How St Tr 57] as cited in *National Insurance Corpn. Ltd. v. Keshav Bahadur* [(2004) 2 SCC 370 : 2004 SCC (Cri) 558 : AIR 2004 SC 1581], AIR at p. 1584, para 11; *Kumaon Mandal*



Vikas Nigam Ltd. v. Girja Shankar Pant [(2001) 1 SCC 182 : 2001 SCC (L&S) 189].

The power to decide within the limits allowed by positive rules of law as to punishments, remedies or costs and generally to regulate matters of procedure and administration; discernment of what is right and proper. [See Article 136(1), Constitution.]

Discretion is governed by rule and it must not be arbitrary, vague and fanciful. (See S.G. Jaisinghani v. Union of India [(1967) 2 SCR 703 : AIR 1967 SC 1427], AIR at p. 1434.)

When any thing is left to any person, Judge or Magistrate to be done according to his discretion, the law intends that it must be done with sound discretion, and according to law (Tomlin). In its ordinary meaning, the word signifies unrestrained exercise of choice or will; freedom to act according to one's own judgment; unrestrained exercise of will; the liberty of power of acting without other control than one's own judgment. But, when applied to public functionaries, it means a power or right conferred upon them by law, of acting officially in certain circumstances according to the dictates of their own judgment and conscience, uncontrolled by the judgment or conscience of others. Discretion is to discern between right and wrong; and therefore whoever hath power to act at discretion, is bound by the rule of reason and law. (2 Inst. 56, 298; Tomlin.)

Discretion, in general, is the discernment of what is right and proper. It denotes knowledge and prudence, that discernment which enables a person to judge critically of what is correct and proper united with caution; nice discernment, and judgment directed by circumspection; deliberate judgment; soundness of judgment; a science or understanding to discern between falsity and truth, between wrong and right, between shadow and substance, between equity and colourable glosses and pretences, and not to do according to the will and private affections of persons.

The very word discretion standing single and unsupported by circumstances signifies exercise of judgment, skill or wisdom as distinguished from folly, unthinking or haste; evidently therefore a discretion cannot be arbitrary but must be a result of judicial thinking. (Lalbai Tricamlal v. Municipal Commr., Bombay [ILR (1909) 33 Bom 334 : 10 Bom LR 821].)
The word 'discretion' in itself implies vigilant circumspection and care;

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therefore where the legislature concedes wide discretion it also imposes a heavy responsibility. (*Ibrahim v. Emperor* [AIR 1933 Sind 49 : 34 Cri LJ 591].)

There [may] be several degrees of discretion, *discretio generalis*, *discretio legalis*, *discretio specialis*,—*Discretio generalis* is required of every one in everything that he is to do, or attempt;

'*Legalis discretio*', is that which Sir E Coke meaneth and setteth forth in *Rooke* [(1598) 5 Co Rep 99b, 100a : 77 ER 209] and *Keighley* [(1609) 10 Co Rep 139a, 140 : 77 ER 1136] cases and this is merely to administer justice according to the prescribed rules of law;

'The third discretion is where the laws have given no certain rule ... and herein discretion is the absolute judge of the cause, and gives the rule.' (*Callis*. 112, 113.)

Discretion, free and unqualified. The 'free and unqualified discretion' to refuse or grant licences, which is given to justices by the Beer Dealers Retail Licences is absolute as well as regards the renewal of an old, as the grant of a new licence. (*R. v. Kay* [52 LJMC 90].)

Discretion, Judicial is a certain latitude or liberty accorded by statute or rules to a Judge as distinguished from a ministerial or administrative official, in adjudicating on matters brought before him. The use of the word 'judicial' limits and regulates the exercise of the discretion, and prevents it from being wholly absolute, capricious, or exempt from review. But the presence of the word 'discretion' permits the Judge to consider as a Judge, what are vaguely termed, all the circumstances of the case and the purpose for which he is invested with the considerations of convenience or utility or saving of expense rather than on considerations of strict law or technicalities.

Such discretion is usually given on matters of procedure or punishment, or costs of administration rather than with reference to vested substantive rights. The matters which should regulate the exercise of discretion have been stated by eminent Judges in somewhat different forms of words but with substantial identity. When a statute gives a Judge a discretion, what is meant is a judicial discretion, regulated according to the known rules of law, and not the mere whim or caprice of the person to whom it is given on the assumption that he is discreet (*Lee v. Bude Rly. Co.* [(1871) 6 CP 576 : 40 LJCP 285 : 24 LT 827], CP at p. 580, *Willes, J.*; and see *Morgan v. Morgan* [1869 1 P&M 644] P&M at p. 647). 'That discretion, like



other judicial discretions, must be exercised according to common sense and according to justice, and if there is a miscarriage in the exercise of it, it will be reviewed, but still it is a discretion, and for my own part I think that when a tribunal is invested by Act of Parliament, or by rules, with a discretion, without any indication in the Act or rules of the grounds on which the discretion is to be exercised, it is a mistake to lay down any rules with a view of indicating the particular grooves on which the discretion would run, for if the Act or rules did not fetter the discretion of the Judge, why should the Court do so?' Gardner v. Jay [(1885) 29 Ch D 50 : (1881-85) All ER Rep Ext 1254 (CA)] (Ch D at p. 58, per Bowen, L.J.) (See also Harbuns Sahai v. Bhairo Pershad Singh [ILR (1880) 5 Cal 259 : 4 CLR 23].)

Discretion of Court.—'Ability to discern by the right line of law, and not by the crooked cord of private opinion, which the vulgar call discretion'; freedom to act according to the judgment of the Court, or according to the rules of equity, and the nature of circumstances; judicial discretion regulated according to known rules of law; legal discretion. and not personal discretion sound discretion guided by fixed legal principles."

40. It is also necessary to point out that when the Revision Petition was filed, the State Commission on 06.02.2026 through its interim direction had directed the District Commission to decide the application under Order 7 Rule 11, but no compliance was made. However, since the State Commission dismissed the Revision Petition on 16.03.2026, the District Commission went one step ahead to pass an order on 24.03.2026 that the said application already stood rejected. We do not understand the anxiety of the District Commission to have constituted a Special Task Force for service of summons. The direction to examine the genuineness of the signatures of the appellant when he is himself pursuing the matter through his counsel has also not been appreciated by the State Commission and instead discussions have been made on the provisions of Section 72(2) of the Indian Evidence Act. The

question that begs consideration is should the District Commission or a State Commission have focussed on the real issue pertaining to the correctness or otherwise of the allegations in the complaint instead of expanding on the law of evidence and travelling towards the forensic examination of the genuineness of the signatures of the appellant. It is presumably for this reason that the High Court in the similar proceedings arising from the District Commission, Kota has interfered in the Writ Petition No. 8078/2026 and has passed an interim order on 27.05.2026 to the extent of the directions issued by the DCDRC, Kota for obtaining signatures of the petitioners. There is one more peculiar fact in the present case namely that orders were passed on the application under Section 72 on 15.01.2026 on an application which stated that since the name of the owner of M/s. Rajshree Pan Masala is not available, therefore warrants be issued to the respondent no. 2 Mr. Salman Khan. We do not understand as to how the District Commission acted upon the application for issuing warrants when Mr. Salman Khan was already represented through his counsel on 15.01.2026 itself. The order was passed without giving an opportunity to contest the said application.

41. Having taken notice of these facts we had summoned the original records and we have also referred to our *prima facie* opinion regarding the substantial questions that would require consideration as already indicated in our order dated 08.04.2026 extracted hereinabove.

42. Two other things need to be pointed out. Apart from the fact that the allegations made in the affidavits in support of this appeal have not been

clearly responded to in the reply of Mr. Badiyal as quoted above, the pleadings in the written submission appear to be a loud voice bereft of any sound principles. We say this with reluctance and diffidence in as much as a sort of crusading language gives an impression of an impulsive and uninformed expression based on a fragile premise that does not seem to answer the allegations made by the appellant while making a request to dismiss the complaint as the very factual foundation of connecting the advertisement with tobacco appears to be a peppered description. The advertisement itself indicates that the contents do not have any tobacco or nicotine in it whereas the entire allegation in the complaint is based on an allegation of a deceptive advertisement of Pan Masala. We may point out that even if the complainant was projecting himself to be raising an issue as a responsible citizen, the same should not be an action for gaining attention or a publicity or vindication of some private interest. A pleading embroidered with a passionate plea with distorted facts and targeted allegations without scrutiny may end up in rhetoric and narrative building and not on any solid foundation. We will not comment anything further, but we were impelled to do so because of the reply tendered by Mr. Badiyal before us and quoted hereinabove. The allegations should have some visible relevance to the foundational facts and these were not even touched upon by the District Commission while passing the order dated 06.01.2026 or even by the State Commission while passing the order on 15.03.2026.

43. The District Commission did not even make the minimum effort to explore the distinction of a misleading advertisement or shadow marketing and in effect arrived at an abrupt conclusion that the product was meant to promote and advertise some tobacco produce. There is a complete absence of even a *prima facie* assessment about the product and the same appears to be lacking in the order of the State Commission as well.

44. We also find that the portions of the orders passed by the State Commission on 15.03.2026 have also been transplanted in the orders passed by it on 30.03.2026 which is impugned in the connected Diary No. 13053/2026. We have pointed out to the belaboured effort made by the State Commission of its opinion on the applicability of Evidence Act in relation to getting the genuineness of the signatures of the appellant examined and its own opinion on the policy of the location of the CCPA centrally and localised at Delhi itself. We will say nothing further as the order speaks for itself and the matter is yet to be examined by the High Court.

45. There is one more issue which needs to be mentioned even though the matter has to be examined by the appropriate forum where the contentions are adjudicated namely the issue of the passing of such orders by the District Commission, the criticism whereof has been raised through these proceedings. We may point out that all orders passed by the Commission are supposed to be protected as action taken in good faith in terms of Section 98 of the 2019 Act which is extracted hereinunder:

98. Protection of action taken in good faith. - No suit, prosecution or other legal proceeding shall lie against the Presidents and members of the District

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Commission, the State Commission and the National Commission, the Chief Commissioner, the Commissioner, any officer or employee and other person performing any duty under this Act, for any act which is in good faith done or intended to be done in pursuance of this Act or under any rule or order made thereunder.

This clause makes provision for protection of action taken in good faith by the members of the District Commission, the State Commission and the National Commission, the Chief Commissioner, the Commissioner, any officer or employee and other person performing any duty under the proposed legislation. (Notes on Clauses).

46. However, their correctness or otherwise is always questionable and can also be on the basis of the material on record examined for suffering on account of legal malice or malice in law. It has been stated by the Apex Court that every erroneous, illegal or even perverse order/action, by itself, may not be malafide or wanting in good faith. Reference be had to the decision in the case of **Chandra Prakash Mishra vs. Flipkart India Pvt. Ltd. & Ors., 2022 SCC Online SC 423**, but where an order is passed which is not based on convincing facts and lacking sufficient particulars or based on surmises and conjectures, it can be tested for its fairness, reasonableness and judiciousness on grounds of legal malice to examine as to whether the power has been exercised validly or malafidely with oblique motives. Every adjudicatory forum or Courts has an obligation to act fairly and an adjudication can be questioned, if it is without any lawful excuse and in disregard to the rights of others. Legal malice has been explained by the Apex Court and the principle has been enunciated in the case of **Ravi Yashwant Bhoir vs. District Collector, Raigad & Ors., 2012 4 SCC 407** and **Ramjit Singh Kardam & Ors. vs. Sanjeev Kumar & Ors., 2020 20 SCC 209**.

47. In our considered opinion, such issues may require an examination as and when the occasion arises, more particularly on the facts of the present case.

48. Another feature which deserves mention is that the counsel for the respondent Mr. Indra Mohan Singh, who is himself the respondent in connecting Diary No. 13053/2026 has sent a copy of his representation dated 20.04.2026 where he has raised all submissions in spite of the fact that the matter is subjudice before the High Court as well as before this Commission. Even though the said copy of the representation has been filed, but it needs to be mentioned that such representations should not be initiated when matters are already engaging the attention of the appropriate adjudicatory forums as referred to above for sheer publicity purposes and sending the copies on the administrative side.

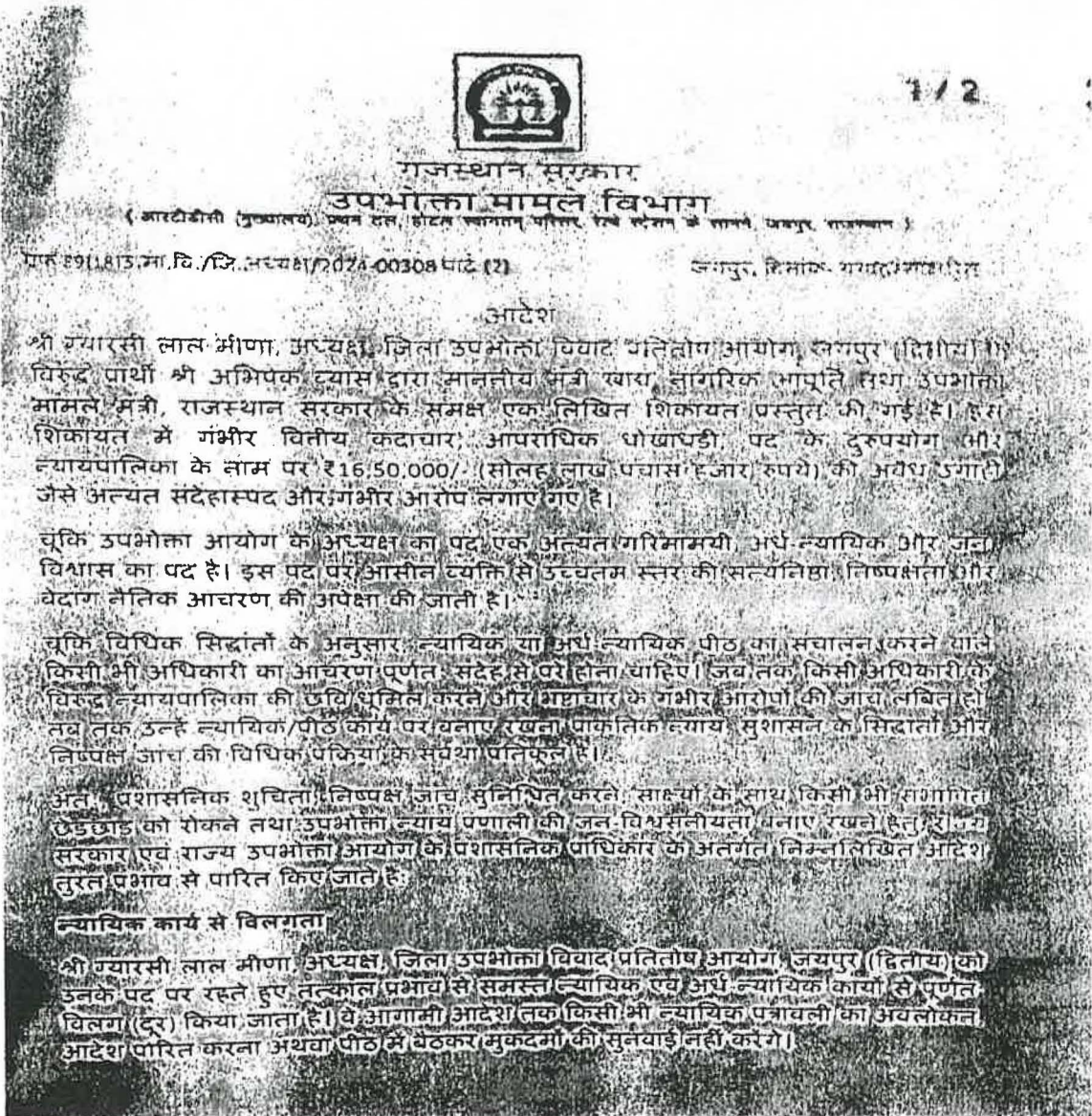
49. We may point out that two Writ Petitions have already been filed questioning the action of the District Commission and the orders of the State Commission in Writ Petition No. 5836/2026 and Writ Petition No. 5850/2026 before the Rajasthan High Court. On 07.04.2026, interims orders were passed in Writ Petition No. 5850/2026 that has already been extracted hereinabove.

50. We have taken into account the question of the maintainability of the present proceedings as a Second Appeal under Section 51(2) that has been noted by us in our order dated 08.04.2026 and the substantial questions arising for consideration, but what we find is that in all propriety instead of entering into this legal issue at this stage, since the interim order passed by

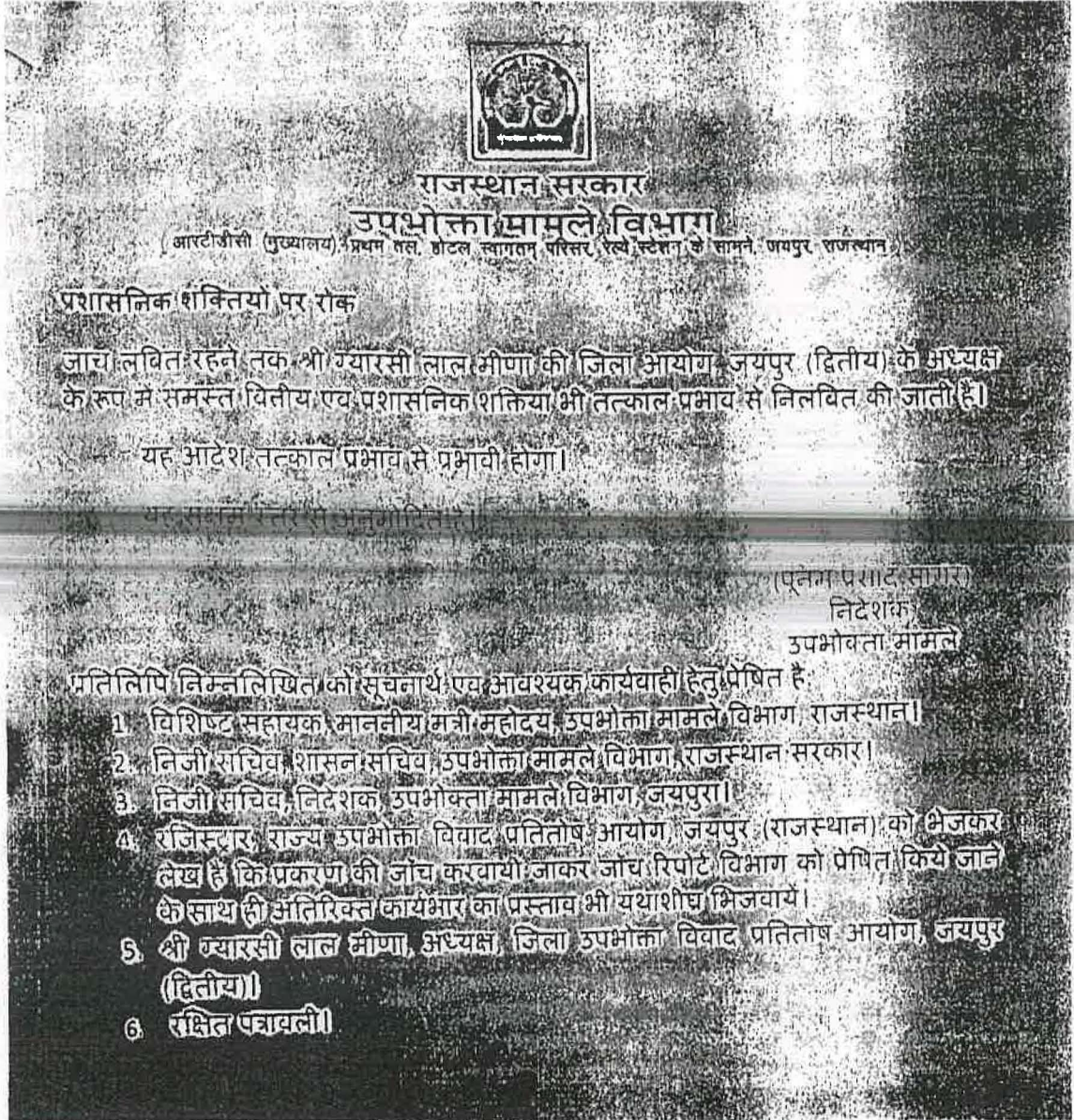
the High Court dated 07.04.2026 in the Writ Petitions referred to above, not only stays the operation of the interim order passed by the District Commission dated 06.01.2026 and the operation of the order of the State Commission dated 16.03.2026 with a further direction staying further proceedings in Consumer Complaint No. 879/2025, it would be appropriate for the appellant to avail of the said remedy before the High Court instead of pursuing the present appeal at this stage.

51. We may point out that the Apex Court in the case of *Ibrat Faizan Vs. Omaxe Buildhome Pvt. Ltd., 2022 SCC OnLine SC 620* and *Universal Sompo General Insurance Co. Ltd. Vs. Suresh Chand Jain & Anr., 2023 SCC OnLine SC 877* has indicated that the jurisdictional High Court would have the liberty to entertain matters where a remedy under the Consumer Protection Act, 2019 may not be available, given the circumstances and peculiar facts of a case where the orders passed by the Consumer Commissions may not be amenable to any Appeal or Revision under the statutory provisions. The Apex Court has therefore held that a Writ Petition before the High Court would be the appropriate remedy and since the appellant has already availed of the said remedy, where an interim order has been passed and further proceedings before the District Commission have been stayed, we find it appropriate to close the present proceedings without prejudice to the rights of the appellant to bring to the notice of the High Court of Rajasthan about the manner and the procedure adopted by the District Commission in the proceeding before it.

52. During the course of submissions, learned counsel for the appellant has also brought to our notice, the fact of the order of suspension of Mr. G.L. Meena the Presiding Officer of the District Commission, Jaipur-II by the State Government whose orders have been assailed in the present proceedings. The order passed by the Government of Rajasthan is reproduced hereinunder:



53. As a sequence of the passing of the said order restraining the said Officer from discharging his judicial and quasi-judicial duties, a consequential restraint order on his administrative functions has also been passed by the Director of Consumer Affairs, Govt. of Rajasthan, which is extracted hereinunder:



54. Accordingly for all the reasons given hereinabove, the present compilation stands disposed off with a direction to the DCDRC, Jaipur-II to

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await orders to be passed by the Rajasthan High Court in the Writ Petitions referred to above and the Office is directed to send a copy of this Order to the State Commission and also to be placed on the record of the District Commission. This order shall also be communicated to the Secretary, Consumer Affairs, Government of Rajasthan as well as to the Registrar, SCDRC, Jaipur, Rajasthan.

55. The original records that had been summoned from the District Commission and the State Commission shall be dispatched to the respective Commissions within a week.



Sd/-

(A.P. SAHI, J.)
PRESIDENT

Sd/-

(BHARATKUMAR PANDYA)
MEMBER

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