

ITEM NO.1

COURT NO.11

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION(CIVIL) NO. 645/2022

INDIAN MEDICAL ASSOCIATION & ANR.

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

(IA No. 130554/2022 - CLARIFICATION/DIRECTION
IA No. 16915/2023 - EXEMPTION FROM FILING O.T.
IA No. 13659/2023 - INTERVENTION APPLICATION)

Date : 19-03-2024 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. P S Patwalia, Sr. Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Amarjeet Singh, AOR
Mr. Priyanshu Tyagi, Adv.
Mr. Rishav Rai, Adv.

For Respondent(s)/ Mr. K M Nataraj, A.S.G.
R-1 Mr. Gurmeet Singh Makker, AOR
Mr. Sharath Nambiar, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Shashank Bajpai, Adv.
Mr. Ishaan Sharma, Adv.

R-3 Ms. Avni Singh, Adv.
Mr. Jitin Chaturvedi, AOR

R-4 Mr. K.M Nataraj, A.S.G.
Mr. Sharath Nambiar, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Shashank Bajpai, Adv.
Mrs. Priya Mishra, Adv.

Mr. Amrish Kumar, AOR

R-5

**Mr. Mukul Rohatgi, Sr. Adv.
Mr. Simranjeet Singh, Adv.
Mr. Nikhil Rohatgi, Adv.
Mr. Gautam Talukdar, AOR
Mr. Raushal Kumar, Adv.
Ms. Apurbaa Dutta, Adv.**

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Ms. Mrinmoi Chatterjee , AOR

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

1. On the last date of hearing, notice to show cause was issued to the respondent No.5 and its Managing Director-Acharya Balkrishna(respondent No.6) as to why contempt of court proceedings be not initiated against them for violating the order dated 21st November, 2023. At the request of learned counsel appearing for the aforesaid respondent, a period of two weeks' was granted to file a reply. The reply is not on record.
2. Further, Mr. K.M. Nataraj, learned Additional Solicitor General appearing for Union of India had informed this Court on the last date that the additional affidavit filed by the Union of India was not sufficient and he be permitted to file a fresh affidavit while withdrawing the earlier affidavit. Permission was granted to the Union of India to file a fresh affidavit setting out the steps taken by it in terms of the order passed on 21st November, 2023. The said affidavit is also not on record. It is stated by learned ASG that as per his instructions, the affidavit was filed only yesterday but at 5.45 p.m.
3. No wonder, the said affidavit is not on record.
4. In view of the aforesaid facts and circumstances, it is deemed appropriate to

direct the presence of respondent No.6-Acharya Balkrishna on the next date of hearing. Further, having gone through the advertisements issued by the respondent No.5 in the teeth of the undertaking given to this Court on 21st November, 2023 and on noticing that the said advertisements reflect an endorsement thereof by Baba Ramdev, it is deemed appropriate to issue notice to show cause as to why the contempt proceedings be not initiated against him as this Court is *prima facie* of the opinion that he too has violated the provisions of Section 3 and 4 of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954¹ read with Rule 6 of the Drugs and Magic Remedies (Objectionable Advertisements) Rules, 1955².

5. Mr. Mukul Rohatgi, learned Senior counsel appearing with Mr. Gautam Talukdar, learned Advocate on Record accepts notice on behalf of the proposed Contemnor-Baba Ramdev. Complete set of paper book be furnished to the learned counsel within two days.

6. Mr. Mukul Rohatgi, learned Senior counsel appearing for the respondent No.5 and its Managing Director-respondent No.6 states on instructions that reply to show cause is ready and the same shall be filed during the course of the day. Copies thereof may be furnished to the learned counsel for the petitioner as also to the Union of India and the same be filed by tomorrow, i.e. 20th March, 2024.

7. Coming next to the Union of India, an application (IA No.52679 of 2024) has been moved for permission to withdraw the additional affidavit filed on 05th February, 2024. For the reasons stated in the said application, the same is allowed and disposed

1

For short 'the Act'

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For short 'the Rules'

of.

8. Additional affidavit filed by the Union of India on 05th February, 2024 *vide* document No.32637/2024, is permitted to be withdrawn.

9. As a last opportunity, two weeks time is granted to the Union of India to ensure that the counter affidavit filed by it is on record with copies furnished to the counsel for all the parties.

10. We may add here that on the last date of hearing, this Court had indicated that if it is not satisfied by the affidavit filed by the Union of India, it shall pass appropriate orders on the next date of hearing. We are refraining from passing any further orders only to await the affidavit stated to have been filed by the Union of India.

11. The respondent No.6-Acharya Balkrishna shall remain present on the next date of hearing along with the proposed contemnor-Baba Ramdev.

12. List on 02nd April, 2024, at the top of the Board.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Nand Kishor)
Court Master (NSH)