



*** IN THE HIGH COURT OF DELHI AT NEW DELHI**
BEFORE
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

+ W.P.(C) 3437/2026 & CM APPLs. 16508-11/2026

IN THE MATTER OF:

.....PETITIONER

versus

**1. UNION OF INDIA
THROUGH ITS SECRETARY
MINISTRY OF CONSUMER AFFAIRS
FOOD AND PUBLIC DISTRIBUTION
KRISHI BHAWAN, RAFI MARG
CONNAUGHT PLACE
NEW DELHI – 110001**



**2. CENTRAL CONSUMER PROTECTION AUTHORITY
THROUGH ITS CHIEF COMMISSIONER
DEPARTMENT OF CONSUMER AFFAIRS
KRISHI BHAWAN, NEW DELHI 110001**

.....RESPONDENTS

(Through: Mr. Chetan Sharma, ASG with Mr. Abhishek Gupta, CGSC, Mr. Dhananjay Singh, Mr. Kumar & Mr. Chanakya, Advocates.)

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

JUDGEMENT

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The petitioner seeks to challenge the order dated 01.01.2026 (“**Impugned Order**”) passed by the Central Consumer Protection Authority (“**CCPA**”) under the purported exercise of its power vested under the Consumer Protection Act, 2019 (“**Act**”). The gravamen of the dispute seems to originate from the CCPA taking *suo moto* cognizance of listings of walkie-talkies, which is a product governed by the Use of Low Power and Very Low Power Short Range Radio Frequency Devices (Exemption from Licensing Requirement) Rules, 2018 on the petitioner’s (“**Facebook Marketplace**”) platform.

2. In relation thereto, a Show Cause Notice dated 02.05.2025 was issued by the CCPA to the petitioner, and in furtherance of it, various written representations/submissions, and personal hearings were conducted. Ultimately, the Impugned Order came to be passed in which it was concluded that Facebook Marketplace has violated, *inter alia*, Sections 2(28)(i)-(iv), 2(47) of the Act, Consumer Protection (E-Commerce) Rules,



2020 (“**E-Commerce Rules**”) and the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022 (“**Guidelines**”).¹

3. In light of the aforementioned violations, the CCPA issued the following directions in exercise of its powers under Section 20 and 21 read with Section 10 of the Act:

“43. In view of the above, under Section- 20, 21 read with Section 10 of the Consumer Protection Act 2019, CCPA hereby issues the following directions:-

a) In light of the nature of the violations detailed in the foregoing paragraphs, it is necessary that the opposite party is directed to Pay a penalty of ₹10,00,000/- for indulging in misleading advertisement and unfair trade practice.

b) The opposite party shall ensure that in future no walkie-talkies or any product requiring statutory approval/certification is listed, hosted, advertised or sold on its platform without full compliance with applicable laws and mandatory disclosures.

c) The opposite party shall periodically carry out self-audit of its platform so that such violations of law through deceptive listings/hastings and advertisements are not prevalent. It shall further publish certificate of such self-audit on their website in public and consumer interest.

d) Submit a compliance report of the directions (a) & (b) above within 15 days of receipt of the Order.”

4. During the course of arguments, Mr. Arvind P. Datar, learned senior counsel appearing for the petitioner, requested that with respect to the directions contained in para. 43(a) and 43(c) of the Impugned Order he be granted liberty to assail them before the National Consumer Disputes Redressal Commissions (‘**National Commission**’). Mr. Datar also seeks

¹ Para. 40(c) of the Impugned Order.



5. The petition *qua* the challenge to the aforesaid directions contained in para. 43(a) and 43(c) of the Impugned Order stands dismissed as withdrawn, with liberty to approach the appellate forum i.e., the NCDRC.

7. All rights and contentions with respect to the aforesaid adjudication are left open.

9. At this stage, with the petitioner withdrawing the instant petition *qua* the challenge to the substantive directions contained in the Impugned Order, and further having complied with the directions concerning walkie-talkies, nothing truly remains to be adjudicated in the present petition.

10. However, Mr. Datar seeks interference of this Court with respect to a part of the directions contained in para. 43(b) of the Impugned Order. Since



the issue highlighted by him can be resolved by a minor clarification, the same is being dealt with. The portion of the directions with which the petitioner is aggrieved reads as under:

“The opposite party shall ensure that in future...any (sic) product requiring statutory approval/certification is listed, hosted, advertised or sold on its platform without full compliance of applicable laws and mandatory disclosures”

11. Mr. Datar submits that the petitioner sincerely wants to abide by the applicable laws, however, the aforementioned direction, owing to their omnibus nature are incapable of being complied with, and severely prejudice the rights of the petitioner. He submits that the said directions would serve as an overbroad continuous order made *qua* all products listed/to be listed on the Facebook Marketplace, without there being specific adjudications with respect to them.

12. Per contra, Mr. Abhishek Gupta, learned counsel appearing for the respondents submits that the directions contained in para 43(b) are fully justifiable and the CCPA is empowered to issue the directions. Mr. Gupta also submits that even this highlighted part of the directions contained in para. 43(b) can be challenged before the NCDRC.

13. The Court finds that there is a possibility of the part directions contained in para. 43(b) to be construed as being an *ex-ante* adjudication *qua* the listing of any/all products on the petitioner’s marketplace. *Ex facie*, the said directions appear to be vague, omnibus and susceptible to abuse. Directions/orders ought to be such that guide the conduct of persons; precision is, therefore, expected from judicial/quasi-judicial directions.

14. The said directions are, therefore, clarified to the effect that they are not to be construed as an adjudication being made with respect to any/all



other products listed/to be listed on the Facebook Marketplace. If any adverse consequences are to befall upon the petitioner in connection with an inquiry/investigation, which is not the subject matter of the Impugned Order, the petitioner is, similar to any other person in this Country, entitled to a fair hearing in accordance with the applicable law.

15. Accordingly, the writ petition stands disposed of along with all pending applications.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 25, 2026

tr/Rao