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

+ W.P.(C) 13760/2025 and CM APPL. 56422/2025, CM APPL. 56423/2025, CM APPL. 56424/2025, CM APPL. 74271/2025

INDIAMART INTERMESH LIMITED

.....Petitioner

Through: Mr. Sandeep Sethi, Sr Advocate and
Mr. Darpan Wadhwa, Sr. Advocate
with Ms. Riya and Mr. Naman Joshi,
Advocates.

versus

**CENTRAL DRUGS STANDARD CONTROL ORGANISATION &
ANR.**

.....Respondents

Through: Mr. Chetan Sharma, ASG with Ms.
Radhika Bishwajit Dubey, CGSC,
Mr. Amit Gupta, Mr. Gurleen Kaur
Waraich, Mr. Kritarth Upadhyay, Mr.
Vivek Sharma, Mr. R. V. Prabat, Mr.
Shubham Sharma, Mr. Naman, Mr.
Yashwardhan Sharma, Mr. Dinesh
Kumar, Dr. Kailash Malik and Mr.
Rakesh Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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25.02.2026

1. The sole case of the petitioner appears to be that it does not engage in any sale, purchase of goods/ services. The Petitioner functions are akin to Yellow Pages Directory, as held by the Division Bench of this Hon'ble



Court in **Indiamart Intermesh Limited v Puma**¹. The petitioner submits that it merely facilitates interactions and transactions between its Users and therefore, the provisions of Drugs and Cosmetics Act, 1940 would have no application.

2. The impugned order dated 01.09.2025 appears to have been passed in pursuance to directions passed *vide* Order dated 22.07.2026 by this Court in the case of **Indiamart Intermesh Limited vs. The Central Drugs Standard Control Organisation & Ors**².

3. The respondent-authority has considered various aspects of the matter in the impugned order and under the heading '**discussions and findings**', has concluded as under:

“• CDSCO have carefully gone through the facts available on the records, reply of the firm and defence put forth in its responses and at the time of personal hearing.

• With respect to firm's submission that notice u/s section 22 (1) (cca) issued by drugs inspector of this office is not maintainable as requirements of DCA falls outside the purview of the activities undertaken by the firm does not manufacture for sale or for distribution, sale, stock or exhibit or offer for sale or distributing any such products on its platform, CDSCO finds that firm, through its online platform, is exhibiting and offering for sale of drugs and thus falls under the purview of DCA and Rules made thereunder.

• With respect to firm's submission that it is an intermediary in terms of Section 2(1)(w) of the IT Act and is granted safe harbour u/s 79 of the IT Act, CDSCO finds that safe harbour u/s 79 of the IT Act cannot be claimed as the firm is not complying with the 79(2) of the IT Act and Rule 3 (b) (xi) of the IT Rules by not following with the provisions of DCA and directions of DCG(I).

• With respect to firm's submission that essential elements of the provisions of DCA are not attracted to its activities including but not limited to the essentials of Section 18 & 27 of DCA, COSCO finds that firm, through its online platform, is exhibiting and offering for sale

¹ Se FAO (OS) (Comm) 6/2024

² WP(C) 10401/2025



unapproved and spurious drugs and thus encouraging these illegal actions. Vision and mission of CDSCO is to Protect and Promote public health in India and to ensure safeguard and enhance the public health by assuring the safety, efficacy and quality of drugs, cosmetics and medical devices. Portal is being used as a means to facilitate illegal sales of unapproved, spurious and illegally imported drugs in the country which is detrimental to public health in the country. The actions of the firm are causing incitement to the commission of offences under the provisions of the Drugs & Cosmetics Act, 1940. Therefore, the firm is liable to prosecute under the provisions of the DCA.

In view of above, CDSCO find that the firm failed to comply with the statutory provisions of Drugs & Cosmetics Act, 1940 and Rules made thereunder and also the directions of this issued on several occasions. Therefore, appropriate action under the provisions of Drugs & Cosmetics Act, 1940 may be initiated against the firm in accordance with law.”

4. Mr. Sandeep Sethi, learned senior counsel who appears for the petitioner tries to explain each and every discussion and finding and to draw the attention of the Court that if the material available is considered in right perspective, the findings should have been otherwise. The submissions of Mr. Sethi are strongly opposed by Mr. Chetan Sharma, learned ASG. He submits that the petitioner is not a passive intermediary, and he strongly opposes each and every submission of Mr. Sethi.
5. Mr. Sharma, however, submits that respondents be granted liberty to put certain queries/questionnaire/ interrogatory to the petitioner. If the petitioner is able to satisfy, the respondents, thereafter, will take appropriate decision.
6. In order to put a quietus to the litigation, the Court deems it appropriate to allow the respondents to raise queries/questionnaire/ interrogatory to the petitioner within a period of 7 working days from today. Let the petitioner be granted a reasonable time of about 7 working days to revert back to the respondents.
7. The petitioner's undertaking is placed on record that they will fully



cooperate with any of the other instructions which the respondents intend to issue. Depending upon the queries/questionnaire/ interrogatory and the response, let view of the Department be placed on record on the next date of hearing.

8. Accordingly, list on 07.04.2026.
9. In the meantime, the order dated 09.09.2025 shall remain in force.

PURUSHAINDR KUMAR KAURAV, J

FEBRUARY 25, 2026

aks/ss