

W.P.No.12095 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.08.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12095 of 2022

and W.M.P.Nos.11532 of 2022, 5209 of 2023, 22818 and 22820 of 2026

Dabur India Limited,
Having its Registered Office at
8/3, Asaf Ali Road,
New Delhi – 110 002,
Through its Authorized Signatory,
Himanshu Bhatia

.. Petitioner

Versus

The Senior Drugs Inspector,
Ponneri Range,
C/o. The Assistant Director of Drugs Control,
Thiruvallur Zone,
No.201, Jawaharlal Nehru Road,
Vishu Complex,
1st Floor, Tiruvallur – 602 001.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records relating to the impugned seizure and the impugned notice dated 11.04.2022, and the impugned show-cause notices, dated 12.12.2022 and 03.01.2023, issued by the respondent herein, quash the same, with a direction to the respondent to return the stock seized to the petitioner Company for sale & distribution.



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(Prayer is amended as per the order, dated 13.08.2026 in W.M.P.No.22817 of 2026 in W.P.No.12095 of 2022)

For Petitioner : Mr.R.Jawaharlal,
for Ms.Meghna Kumar

For Respondent : Mr.J.V.Sakthi Baalakrishnan,
Government Advocate

ORDER

The prayer in the Writ Petition is to call for the records relating to the impugned seizure notice, dated 11.04.2022 and the show-cause notices, dated 12.12.2022 and 03.01.2023, to quash the same and consequently, to direct the respondent to return the stock seized from the petitioner Company for sale and distribution.

2. The case of the petitioner is that it has been manufacturing Dabur Amla Hair Oil under cosmetic license issued under Form-32. While so, vide the notification, dated 15.12.2020, the Cosmetics Rules, 2020 were notified and Rule 39(3) of the Cosmetic Rules, 2020 prohibited import or manufacture of cosmetics which contains dyes, colours, pigments other than those specified by the Bureau of Indian Standards and included the tenth schedule of the Cosmetic Rules. With effect from the



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said rule, it can be seen that the colour in C.I.12740, which was hitherto a permitted colour, was not permitted by the said Rule. However, while the said Rules were brought to force, Rule 72(1) had a sunset clause, by which, all licenses, approvals, permissions, certificates, which were issued under the Drugs and Cosmetic Rules prior to 15.12.2020 shall be deemed to be valid for all purposes till the expiry of license or for a period of 18 months from the date of notification of the Cosmetic Rules, 2020 whichever is later. Thus, it can be seen that the permissibility of the above colour under the erstwhile Rules under the two licenses granted to the petitioner could be made up to 14.06.2022. However, even before the expiry of the 18 month window provided under the Rules, on 11.04.2022 itself, there was an inspection and seizure of the goods of the petitioner and consequently, the later show-cause notices was also issued, as against which, this Writ Petition is filed.

3. Additionally, the learned Counsel for the petitioner would bring to the notice of this Court that the very colour is also subsequently permitted by yet another amendment, dated 03.02.2023 and now, the position is that the said colour can be added to the product. The learned Counsel for the petitioner would submit that the respondent authority had



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not read the rule in accordance with law and when the petitioner has claimed the 18 month window, the only ground, on which the Writ Petition is resisted, is that the Rules, especially Rule 68, states that if there is any inconsistency between these Rules and any other rules made under the Act, the provisions of these rules shall prevail over such other rules.

4. I have also heard the learned Government Advocate for the respondent who would rely upon the counter-affidavit and submit that the authority had acted in view of the Rule 68 of the Cosmetic Rules, 2020.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. On a consideration of the case of the parties, it can be seen that until the new rules came into force with effect from 15.12.2020, adding of the colorant in C.I. 12740 was a permitted activity. It can also be seen that subsequently, with effect from the year 2023, it is again permitted. However, upon introduction of the Rules by the notification in G.S.R. 763(E). with effect from 15.12.2020, the activity was not permitted. In this regard, the Rule 72(1) is extracted hereunder for ready reference:-



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“72. Savings.- (1) Notwithstanding the non-applicability of the Drugs and Cosmetics Rules, 1945, the approvals or permissions or licenses or certificates issued under the provisions of the Act and the said rules in respect of cosmetics prior to commencement of these rules, shall be deemed to be valid for all purpose still its expiry or for a period of eighteen months from the date on these rules are notified, whichever is later, under the corresponding provisions of said rules;”

7. Thus, it can be seen that it has a sunset provision, by which, the earlier licenses and the permissions can be continued for up to a period of 18 months therefrom. Thus, it can be clear that by virtue of the said provision, when, under the earlier license, the adding of the said colorant was permitted, for a period up to 18 months i.e., up to 14.06.2022, the petitioner can validly add the colour. It is only thereafter, for the goods manufactured by them, they could not have added the colour. The authority is relying upon Rule 68 and the same is extracted hereunder:-

“68. Applicability in case of inconsistency.-

If there is any inconsistency between these rules and any other rules made under the Act, the provisions of these rules shall prevail over such other rules.”

8. Rule 68 will come into force only if there is an inconsistency between the Rules. The earlier rule permitted and the later rule prohibited, but, however, granted 18 months window. Therefore, there is no question of any inconsistency so as to press into service the Rule 68. Therefore, the



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reliance placed by the respondent on the Rule 68 as if it totally erases Rule 72(1) is an incorrect reading of the Rule and the petitioner is entitled to succeed. In any event, it is also submitted by the learned Counsel for the petitioner that they will receive the stock only to destroy as it has crossed the expiry.

9. In view thereof, this Writ Petition is allowed on the following terms:-

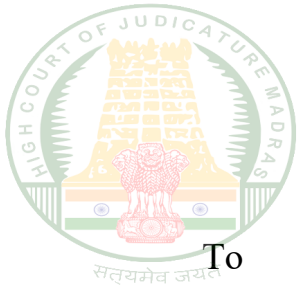
(i) The impugned seizure and the impugned notice, dated 11.04.2022, and the consequential impugned show-cause notices, dated 12.12.2022 and 03.01.2023 issued against the petitioner, shall stand quashed.

(ii) The respondent shall return the stock to the petitioner in accordance with the procedure within a period of eight weeks from the date of receipt of a web-copy of this order.

(iii) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.08.2026

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To

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The Senior Drugs Inspector,
Ponneri Range,
C/o. The Assistant Director of Drugs Control,
Thiruvallur Zone,
No.201, Jawaharlal Nehru Road,
Vishu Complex,
1st Floor, Tiruvallur – 602 001.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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