

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition (PIL) No. 10192/2022

Priyansha Gupta Daughter Of Shri Manish Gupta

-----Petitioner

Versus

Union Of India and Ors.

-----Respondents

For Petitioner(s)	:	Ms. Priyansha Gupta, petitioner in person
For Respondent(s)	:	Mr. R.D. Rastogi, ASG assisted by Mr. Sumit Tatarwal & Mr. Devesh Yadav Mr. Kinshuk Jain, Sr. Standing Counsel with Mr. Saurabh Jain Mr. Samee Khan on behalf of Mr. Bhuvnesh Sharma, AAG

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE UMA SHANKER VYAS

Order

08/01/2025

Heard.

From the contents of the petition, it is vividly clear that there is menace of online platform sale of e-cigarettes.

In the reply filed by the Union of India and its functionaries, it has been stated that after the law has been enacted, the implementing agency is the State and there are documents on record to show that instructions have been issued to the State Governments including State of Rajasthan from time to time.

The affidavit filed by the ACP, PCR, Commissionerate, Jaipur discloses nothing except paper exercise. Insofar as menace of operation of online platform for sale of e-cigarettes is concerned, all that has been stated is that the department is in the process of

formulating a mechanism to deal with such transactions and the police officers have their limitations. It has been further stated that developing a mechanism to curb online transactions would require extensive know-how, technical infrastructure and experts etc. and the Government is taking effective steps to come out with the solution for prohibiting such online transactions.

The affidavit was filed way back on 16.09.2022. Therefore, it is required to be placed on record as to what steps have been taken to prevent and ban sale of e-cigarettes through online platforms.

The affidavit is required to be filed by the officer-in-charge in the police headquarter, who is dealing with issues relating to online sale of e-cigarettes and fully conversant with the steps which have been taken, action plan, if any, framed and also clearly state as to what action so far has been taken against online platform selling e-cigarettes.

Let the affidavit be filed within a period of two weeks from today.

List in the 1st week of February, 2025.

The officer-in-charge in the PHQ, who is dealing with the issue of online sale of e-cigarettes shall also remain present through VC before the Court to apprise with regard to the necessary steps taken.

(UMA SHANKER VYAS),J

(MANINDRA MOHAN SHRIVASTAVA),CJ