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

+ W.P.(C) 13809/2022 & CM APPL. 42195/2022(Stay)

FLIPKART INTERNET PRIVATE LIMITED Petitioner

Through: Mr. Dayan Krishnan, Sr. Adv. with
Mr. Dheeraj Nair, Ms. Vishrutyi
Sahni, Ms. Mallika Chadha, Mr.
Sheedhar Kale, Mr. Sukrit Seth and
Mr. Sanjeevi Seshadri, Adv.

versus

CENTRAL CONSUMER PROTECTION AUTHORITY

..... Respondent

Through: Mr. Apoorv Kurup, CGSC with Mr.
Abhinav, Adv. for CCPA.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

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23.09.2022

CM APPL. 42196/2022 (for exemption)

Allowed, subject to all just exceptions.

The application shall stand disposed of.

W.P.(C) 13809/2022 & CM APPL. 42195/2022(Stay)

The Court notes that an identical challenge has been entertained and forms subject matter of a writ petition titled, **Amazon Seller Services Pvt. Ltd. vs. Central Consumer Protection Authority** [W.P.(C) 13269/2022]. Consequently, let this petition be tagged along with the aforesaid writ petition to be called on the date fixed.

Notice. Since the respondents are duly represented by learned counsels, let a counter affidavit be filed within a period of four weeks from

today.

For the purposes of considering the grant of interim reliefs, the Court in its order of 20 September 2022 had observed as follows:-

“4. Prima facie, the Court notes that the investigation is stated to have come to the conclusion that the pressure cookers were not BIS certified. However, the petitioner does not appear to have been afforded any opportunity to rebut or meet those findings. The nature of obligations which an e-commerce platform must discharge under the 2020 Rules and whether they were in fact met in the facts of the present case would merit a more detailed examination. Additionally the Court would have to consider the duties and obligations which an e-commerce entity must be held liable to perform in law before onboarding a seller. These and other issues would warrant further consideration.

5. Consequently and till the next date of listing while the petitioner shall be liable to notify the consumers of the 2265 pressure cookers sold on its platform of the order of the CCPA, further steps with respect to recall of those items and reimbursement shall be placed in abeyance till the next date. The Court also calls upon the petitioner to deposit a sum of Rs. 1 lakh with the Registrar General of the Court within a period of 1 week from today without prejudice to its rights and contentions in the writ petition.

6. List again on 14.11.2022 in the category of “End of Board”.”

In view of the aforesaid, the petitioner here is also held entitled to interim reliefs on identical terms.

List on 14.11.2022.

YASHWANT VARMA, J.

SEPTEMBER 23, 2022/bh