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

\+ W.P.(C) 8773/2025, CM APPL. 37476/2025 & CM APPL. 37477/2025

JITENDRA CHOUKSEY .....Petitioner

Through: Ms. Diya Kapur, Senior Advocate with Mr. Rohit Kumar, Mr. Aditya Ladha, Mr. Raghav Kumar, Mr. Ujjawal Gaur and Ms. Aakansha Chauhan, Advocates.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. Nishant Gautam, CGSC with Mr. Prithviraj Dey, Advocates for R-1 and 2.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

% 02.07.2025

1. Heard Ms. Diya Kapur, learned Senior counsel for the petitioner and Mr. Nishant Gautam learned counsel representing the respondent nos. 1 and 2.

2. This petition raises certain issues and concerns relating to approval of certain drug combinations which are being sold in the market for weight loss treatment. According to the petitioner the licenses for use and sale of these drugs have been issued which are not based on adequate data rather the same have been issued without conducting India's specific trials and studies. In the writ petition various other issues including the legal and ethical issues have also been raised.

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3. Certain other materials have also been produced before the Court in the form of convenience compilation on behalf of the petitioner.

4. Under the Drugs and Cosmetics Act, 1940 as argued by learned counsel for the petitioner, it is the Drugs Controller General of India, which is the competent and statutory authority entrusted with appropriate measures to be taken for ensuring safe use of drugs and accordingly a representation is said to have been made by the petitioner through his counsel on 18.04.2025 to the Drugs Controller General of India bringing to his notice the concerns raised in this writ petition. The said representation has also been made to the Secretary, Ministry of Health and Family Welfare, Government of India as well on 18.04.2025. The representations made to the Government of India as also to the Drugs Controller General of India are enclosed with the writ petition as Annexure P/2.

5. Having regard to the fact that the concerns and grievances raised in the writ petition are to be looked into and addressed by the Drugs Controller General of India, we find it appropriate to permit the petitioner to approach the Drugs Controller General of India by way of making an additional representation bringing to his notice the materials and documents submitted to the Court, which are contained in the convenience compilation. The said additional/supplementary representation shall be in addition to the representations already submitted by the petitioner through his counsel, dated 18.04.2025 and shall be submitted within a fortnight from today.

6. In case such a supplementary/additional representation is preferred enclosing therewith all the documents and materials, necessary for addressing the issue raised in this writ petition, the same shall be attended to and considered appropriately and in accordance with law by the competent

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authority/Drugs Controller General of India. The Drugs Controller General of India shall accordingly take an appropriate decision in the matter and shall address the concerns raised in the writ petition by the petitioner appropriately. The decisions shall be taken by the Drugs Controller General of India on the representation to be preferred by the petitioner under this order within a period of three months.

7. We further direct that while considering the issues raised by the petitioner, the Drugs Controller General of India shall consult the Experts as also other Stakeholders such as the Manufacturers of the drugs in question.

8. The writ petition is disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

JULY 2, 2025
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