

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH SITTING AT NEW DELHI**  
**ORIGINAL APPLICATION NO. 164 OF 2025**

**IN THE MATTER OF:**

HARYALI WELFARE SOCIETY

.... APPLICANT

VERSUS

M/S. FLIPKART LOGISTICS  
PRIVATE LIMITED AND ORS.

.... RESPONDENTS

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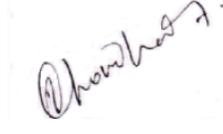
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**THROUGH**

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH SITTING AT NEW DELHI**  
**ORIGINAL APPLICATION NO. 164 OF 2025**

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**JOINT REJOINDER TO THE REPLY AFFIDAVIT DATED 13.11.2025,  
18.09.2025 AND 13.11.2025 FILED BY RESPONDENT NO. 1, 2 AND 3  
RESPECTIVELY**

1. The above-mentioned Original Application was filed under Sections 14 and 15 read with Section 20 of the National Green Tribunal Act, 2010 raising a 'substantial question relating to the environment' as defined under Section 2(m) of the Act, regarding the persistent illegal sale and distribution of polystyrene and expanded polystyrene (thermocol) commodities (also known as 'Styrofoam') by several E-Commerce companies across India namely Amazon, Flipkart, Indiamart, and Snapdeal in complete violation of Rule 4(2) of the Plastic Waste Management Rules, 2016. That Rule 4(2) of the PWM Rules, 2016 categorically prohibits/bans the manufacture, import, stocking, distribution, sale and use of various single use plastic items including polystyrene and expanded polystyrene (thermocol) commodities across the country from 1<sup>st</sup> July, 2022. However, despite the legal mandate, polystyrene and expanded polystyrene (thermocol) products—such as plates, cups, bowls, cutlery, sheets, balls, cut-outs, shapes, and beads continue to be sold and distributed illegally across India by various E-Commerce platforms, including Amazon, Flipkart, Indiamart and Acevector Ltd. (formerly known as Snapdeal) enable the sale and

distribution of these items, which are widely used for arts and crafts, decorations, and for various celebratory purposes during festivals like Ganesh Chaturthi, Durga Puja, Dussehra, Kali Puja, Chhath Puja, and Christmas for pandal decorations as well as for birthdays and weddings and also for home decorations.

2. That the present Rejoinder is being filed in response to the Reply Affidavit dated 13.11.2025, 18.09.2025 and 13.11.2025 filed by Respondent No. 1, 2 and 3 i.e., Flipkart Logistics Pvt. Ltd., Amazon Seller Services Pvt. Ltd. and Indiamart Intermesh Limited respectively. The Applicant herein submits that nothing should be assumed to be admitted for want of specific traverse and all averments in the Reply Affidavit should be assumed to be denied unless specifically admitted or part of the record. The Applicant reiterates all the facts and submissions made in the Original Application to be true and correct and the same may be read as part of the instant Rejoinder and are not all being repeated for the sake of brevity.
3. That the Respondent No. 1, 2 and 3 i.e., Flipkart Logistics Pvt. Ltd., Amazon Seller Services Pvt. Ltd. and Indiamart Intermesh Limited respectively has taken the same stand that The Respondent Nos. 1, 2 and 3 herein state that they neither manufacture, import, stock, distribute, nor sell any Styrofoam items. It merely operates as an intermediary providing a digital platform to facilitate transactions between independent buyers and sellers. The Applicant in this regard is filing the instant Joint Rejoinder:

**REJOINDER TO AFFIDAVIT OF RESPONDENT NO. 1, FLIPKART LOGISTICS PVT. LTD:**

4. That the contents of Paragraph No. 5, 6 and 8 of the Affidavit dated 13.11.2025 filed by Flipkart Logistics Pvt. Ltd., states that it has no role in the sale, purchase, and marketing of products and that it performs

only logistics functions to service arrangements. The Applicants herein submit that arguendo, the Respondent No. 1 is not manufacturing, importing, stocking, distributing and selling illegal and banned items, but they are listing, showcasing, and facilitating the sale of the Styrofoam commodities which are banned. The Applicant herein submits that the following specific legal provisions which make it illegal for e-commerce platforms to sell or facilitate the sale of banned items:

**a) Section 79(3)(b) of the Information Technology Act,**

**2000** – It is to be noted that if an intermediary i.e., the e-commerce platform comes to know either directly or through a notice from the Government or its agency, that something on its platform is being used for illegal activity, then the intermediary must quickly remove or block access to that material. That in the present case, despite being aware of the ban of Styrofoam commodities from 1<sup>st</sup> July, 2022 and despite receiving notices from the CPCB as well as the Punjab Pollution Control Board u/s 5 of the Environment Protection Act, the Respondent No. 4 till date continues to list, showcase, and facilitate the sale of the Styrofoam as evident from the screenshot dated 09.11.2025 despite the ban. The relevant extracts are hereby reproduced:

*"3(b) upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner".*

Copy of the relevant extracts of the Information Technology Act, 2000 is annexed as **ANNEXURE A/1.**

**b) Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code)**

**Rules, 2021:** It is submitted that if an intermediary is notified by the Government or its agency that some information on its platform is unlawful, then it must not host, store, or share that information. The relevant extracts are hereby reproduced:

*"3(1)(d) an intermediary, on whose computer resource the information is stored, hosted or published, upon receiving actual knowledge in the form of an order by a court of competent jurisdiction or on being notified by the Appropriate Government or its agency under clause (b) of sub-section (3) of section 79 of the Act, shall not host, store or publish any unlawful information, which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of India; security of the State; friendly relations with foreign States; public order; decency or morality; in relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force"*

Copy of the relevant extracts of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 is annexed as **ANNEXURE A/2.**

**c) Section 4(3) of the Consumer Protection (E-Commerce)**

**Rules, 2020:** It is submitted that every e-commerce entity must ensure that goods offered for sale are not prohibited for sale under any law in force and hence shall not adopt any unfair trade practices by selling banned illegal items:

*"4(3) No e-commerce entity shall adopt any unfair trade practice, whether in the course of business on its platform or otherwise"*

Copy of the relevant extracts of the Consumer Protection (E-Commerce) Rules, 2020 is annexed herewith as **ANNEXURE A/3.**

5. That the Applicant herein further submits that till date the Flipkart portal shows the listing and marketing of all the banned Styrofoam commodities in absolute violation of the Ban. That upon visiting the Respondent's online portal on 02.02.2026, it was clearly observed that thermocol (Styrofoam) beads, balls, and various other decorative craft items continue to be listed and available for purchase despite the prevailing ban. Furthermore, upon clicking the "Buy Now" option, the website allows placement of orders for these prohibited items. This unequivocally demonstrates that the banned products remain accessible for sale, thereby establishing the continued illegal stocking, distribution, and sale of Styrofoam-based commodities in violation of the ban. That the Applicant herein has made the Flipkart Logistics Pvt. Ltd., but the submissions made by the Respondent No. 1 pertains only with regard to the functioning of the Instakart Services Pvt. Ltd., which is not a party to the matter and that no allegations have been raised by the Applicant against Instakart.

Copy of the screenshot of the images taken on 02.02.2026 is annexed herewith as **ANNEXURE A/4.**

**REJOINDER TO AFFIDAVIT OF RESPONDENT NO. 2, AMAZON SELLER SERVICES PVT. LTD:**

6. That the contents of Paragraph No. 6, 7 and 8 of the Affidavit dated 18.09.2025 filed by Amazon Seller Services Pvt. Ltd, states that it has no role in the sale, purchase, and marketing of products and that it merely operates as an intermediary providing a digital platform to facilitate transactions between independent buyers and sellers. That the Applicant herein submits that this contention has been appropriately addressed in Para No. 4 of the Rejoinder and the same is not repeated for the sake of brevity.

7. That the Applicant herein further submits that till date the Amazon portal shows the listing and marketing of all the banned Styrofoam commodities in absolute violation of the Ban. That upon visiting the Respondent's online portal on 02.02.2026, it was clearly observed that thermocol (Styrofoam) beads, balls, and various other decorative craft items continue to be listed and available for purchase despite the prevailing ban. Furthermore, upon clicking the "Buy Now" option, the website allows placement of orders for these prohibited items. This unequivocally demonstrates that the banned products remain accessible for sale, thereby establishing the continued illegal stocking, distribution, and sale of Styrofoam-based commodities in violation of the ban.

Copy of the screenshot of the images taken on 02.02.2026 is annexed herewith as **ANNEXURE A/5.**

**REJOINDER TO AFFIDAVIT OF RESPONDENT NO. 3, INDIAMART**

**INTERMESH LIMITED:**

8. That the contents of Paragraph No. 5, 9 and 23 of the Affidavit dated 13.11.2025 filed by. Indiamart Intermesh Ltd., states that it has no role in the sale, purchase, and marketing of products and that it merely operates as an intermediary providing a digital platform to facilitate transactions between independent buyers and sellers. That the Applicant herein submits that this contention has been appropriately addressed in Para No. 4 of the Rejoinder and the same is not repeated for the sake of brevity.
9. That the Applicant herein further submits that till date the Indiamart portal shows the listing and marketing of all the banned Styrofoam commodities in absolute violation of the Ban. That upon visiting the Respondent's online portal on 02.02.2026, it was clearly observed that thermocol (Styrofoam) beads, balls, and various other decorative craft items continue to be listed and available for purchase despite the prevailing ban. Furthermore, upon clicking the "Buy Now" option, the

website allows placement of orders for these prohibited items. This unequivocally demonstrates that the banned products remain accessible for sale, thereby establishing the continued illegal stocking, distribution, and sale of Styrofoam-based commodities in violation of the ban.

Copy of the screenshot of the images taken on 02.02.2026 is annexed herewith as **ANNEXURE A/6.**

10. That based on the above facts and circumstances, the Hon'ble Tribunal may be pleased to direct the Respondent No. 1, 2, 3 and 4 to remove all the listing of illegal styrofoam commodities that facilitates the sale of the illegal items despite the ban in existence.

11. Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.

**APPLICANT**

THROUGH

**RITWICK DUTTA**

**RAHUL CHOUHARY**

**KAUSTAV DHAR  
ADVOCATES**

Counsel for the Applicants  
N-73, LGF, Greater Kailash-1  
New Delhi-110048

Email id:- [Litigation@dclawchambers.com](mailto:Litigation@dclawchambers.com)

**VERIFICATION**

Verified by H. Shashidhar Shetty, s/o Shri P Manjappa Shetty, aged about 45 years, R/o Shree Shastha building, Ashooknagar, Mangalore-575006 that the contents of Paragraphs 1 to 11 are true to my personal knowledge and that I have not suppressed any material fact.

**APPLICANT**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH SITTING AT NEW DELHI  
ORIGINAL APPLICATION NO. 164 OF 2025**

**IN THE MATTER OF:**

Haryali Welfare Society .... Applicant

Versus

M/s. Flipkart Logistics Private Limited and Ors. .... Respondents

**AFFIDAVIT**

I, Vivek Kamboj, aged about 53 years, S/O Y. P. Kamboj, R/O C-579, Sushant Lok-I, Gurugram, Haryana, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above titled Original Application, and hence well conversant with the facts and circumstances described in the present case and as such competent to swear this Affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

*Chandhu*  
**I, IDENTIFIED THE  
DEPONENT WHO HAS  
SIGNED IN MY PRESENCE**

*Vivek Kamboj*

**DEPONENT**

**VERIFICATION**

Verified on this 03<sup>rd</sup> day of February, 2025 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

NOTARY PUBLIC APPOINTED BY  
GOVT. OF INDIA  
G. S. GUARRANDA

Notary  
Reg. No.  
785

3 FEB 2026

ADVOCATE  
ENL. No.  
D 2877M

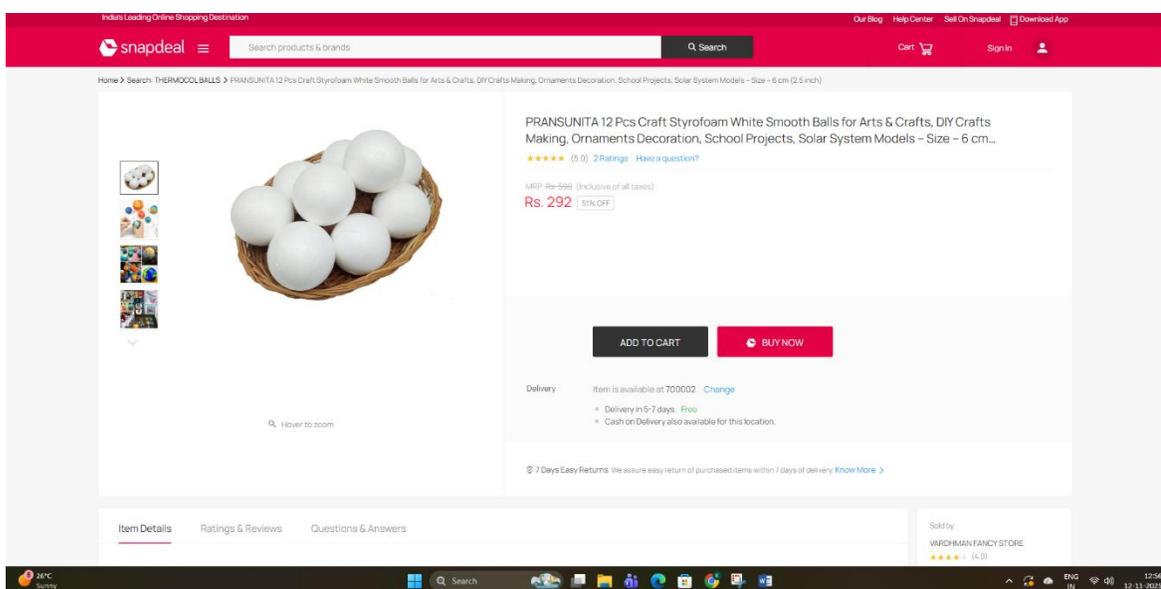
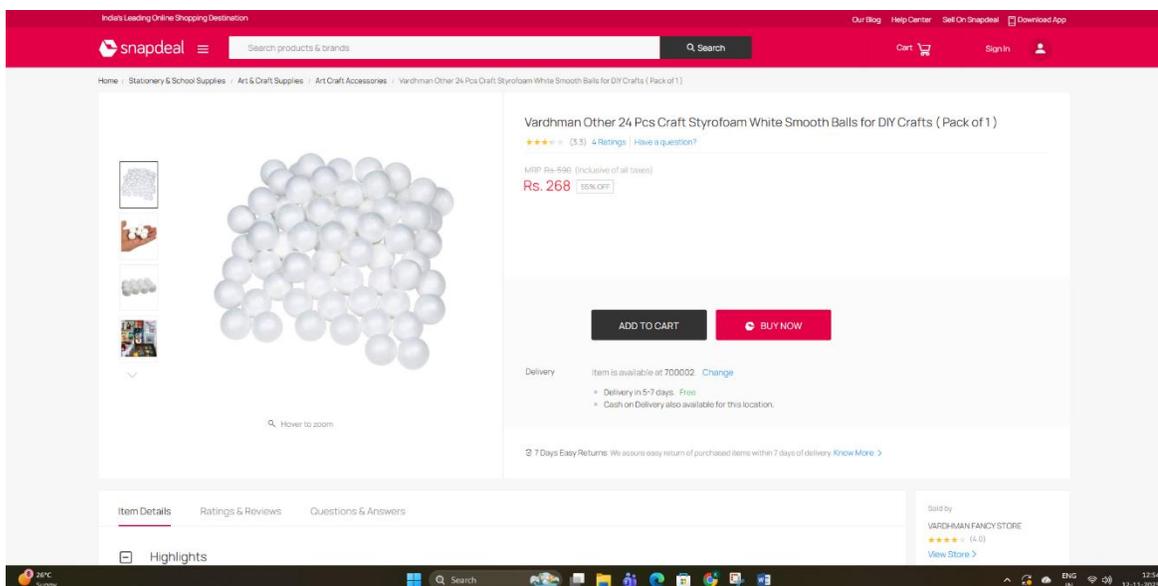
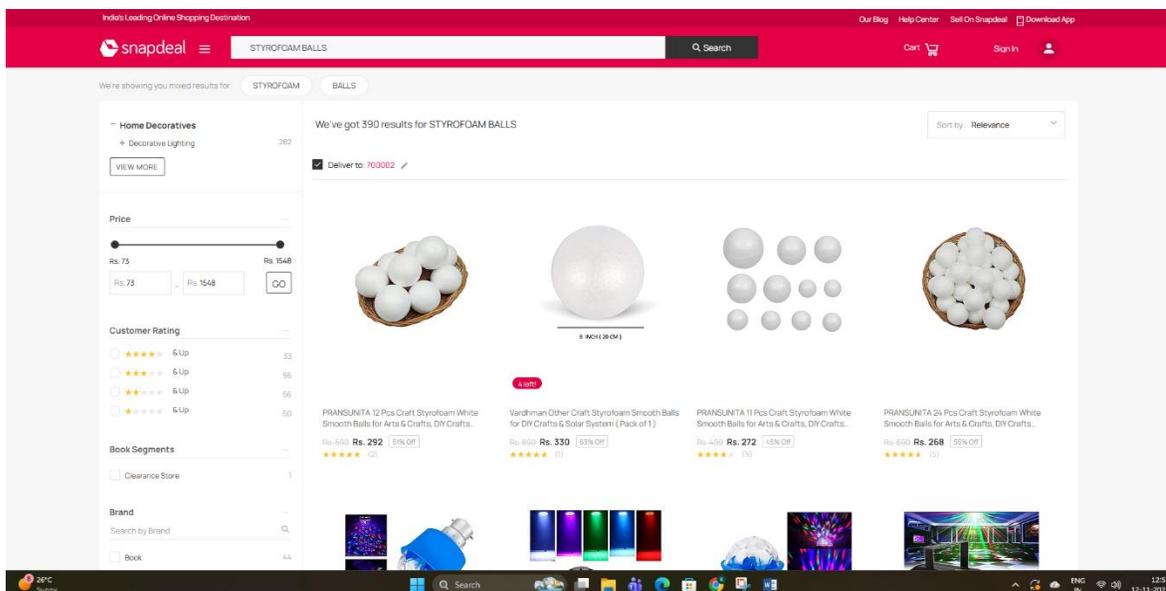
ATTESTED 9899422266

*Vivek Kamboj*

**DEPONENT**

**ATTESTED**

**COPY OF THE SCREENSHOT TAKEN BY THE APPLICANT ON 12.11.2025 SHOWING THE ILLEGAL STOCKING, DISTRIBUTION AND SALE OF STYROFOAM COMMODITIES:**



## THE INFORMATION TECHNOLOGY ACT, 2000

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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE. [*Omitted*.]

THE FOURTH SCHEDULE. [*Omitted*.]

(nb) “cyber security means protecting information, equipment, devices, computer, computer resource, communication device and information stored therein from unauthorised access, use, disclosure, disruption, modification or destruction;]

(o) “data” means a representation of information, knowledge, facts, concepts or instructions which are being prepared or have been prepared in a formalised manner, and is intended to be processed, is being processed or has been processed in a computer system or computer network, and may be in any form (including computer printouts magnetic or optical storage media, punched cards, punched tapes) or stored internally in the memory of the computer;

(p) “digital signature” means authentication of any electronic record by a subscriber by means of an electronic method or procedure in accordance with the provisions of section 3;

(q) “Digital Signature Certificate” means a Digital Signature Certificate issued under sub-section (4) of section 35;

(r) “electronic form” with reference to information, means any information generated, sent, received or stored in media, magnetic, optical, computer memory, micro film, computer generated micro fiche or similar device;

(s) “Electronic Gazette” means the Official Gazette published in the electronic form;

(t) “electronic record” means data, record or data generated, image or sound stored, received or sent in an electronic form or micro film or computer generated micro fiche;

<sup>1</sup>[(ta) “electronic signature” means authentication of any electronic record by a subscriber by means of the electronic technique specified in the Second Schedule and includes digital signature;

(tb) “Electronic Signature Certificate” means an Electronic Signature Certificate issued under section 35 and includes Digital Signature Certificate;]

(u) “function”, in relation to a computer, includes logic, control, arithmetical process, deletion, storage and retrieval and communication or telecommunication from or within a computer;

<sup>1</sup>[(ua) Indian Computer Emergency Response Team” means an agency established under sub-section (1) of Section 70B;]

(v) “information” includes <sup>2</sup>[data, message, text,] images, sound, voice, codes, computer programmes, software and data bases or micro film or computer generated micro fiche;

<sup>3</sup>[(w) “intermediary”, with respect to any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes;]

(x) “key pair”, in an asymmetric crypto system, means a private key and its mathematically related public key, which are so related that the public key can verify a digital signature created by the private key;

(y) “law” includes any Act of Parliament or of a State Legislature, Ordinances promulgated by the President or a Governor, as the case may be, Regulations made by the President under article 240, Bills enacted as President's Act under sub-clause (a) of clause (1) of article 357 of the Constitution and includes rules, regulations, bye-laws and orders issued or made thereunder;

(z) “licence” means a licence granted to a Certifying Authority under section 24;

(za) “originator” means a person who sends, generates, stores or transmits any electronic message or causes any electronic message to be sent, generated, stored or transmitted to any other person but does not include an intermediary;

(zb) “prescribed” means prescribed by rules made under this Act;

(zc) “private key” means the key of a key pair used to create a digital signature;

1. Ins. by Act 10 of 2009, s. 4 (w.e.f. 27-10-2009).

2. Subs. by s. 4, *ibid.*, for “data, text” (w.e.f. 27-10-2009).

3. Subs. by s. 4, *ibid.*, for clause (w) (w.e.f. 27-10-2009).

Provided further that the court shall not compound any offence where such offence affects the socio economic conditions of the country or has been committed against a child below the age of 18 years or a woman.

(2) The person accused of an offence under this Act may file an application for compounding in the court in which offence is pending for trial and the provisions of sections 265B and 265C of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply.

**77B. Offences with three years imprisonment to be bailable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offence punishable with imprisonment of three years and above shall be cognizable and the offence punishable with imprisonment of three years shall be bailable.]

**78. Power to investigate offences.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), a police officer not below the rank of <sup>1</sup>[Inspector] shall investigate any offence under this Act.

## <sup>2</sup>[CHAPTER XII

### INTERMEDIARIES NOT TO BE LIABLE IN CERTAIN CASES

**79. Exemption from liability of intermediary in certain cases.**—(1) Notwithstanding anything contained in any law for the time being in force but subject to the provisions of sub-sections (2) and (3), an intermediary shall not be liable for any third party information, data, or communication link made available or hosted by him.

(2) The provisions of sub-section (1) shall apply if—

(a) the function of the intermediary is limited to providing access to a communication system over which information made available by third parties is transmitted or temporarily stored or hosted; or

(b) the intermediary does not—

(i) initiate the transmission,

(ii) select the receiver of the transmission, and

(iii) select or modify the information contained in the transmission;

(c) the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as the Central Government may prescribe in this behalf.

(3) The provisions of sub-section (1) shall not apply if—

(a) the intermediary has conspired or abetted or aided or induced, whether by threats or promise or otherwise in the commission of the unlawful act;

(b) upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

*Explanation.*—For the purposes of this section, the expression “third party information” means any information dealt with by an intermediary in his capacity as an intermediary.

## CHAPTER XIII

### EXAMINER OF ELECTRONIC EVIDENCE

**79A. Central Government to notify Examiner of Electronic Evidence.**—The Central Government may, for the purposes of providing expert opinion on electronic form evidence before any court or other authority specify, by notification in the Official Gazette, any Department, body or agency of the Central Government or a State Government as an Examiner of Electronic Evidence.

1. Subs. by Act 10 of 2009, s. 39, for “Deputy Superintendent of Police” (w.e.f. 27-10-2009).

2. Subs. by, s. 40, *ibid.*, for Chapter XII (w.e.f. 27-10-2009).

**The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021<sup>1</sup>**

*In exercise of the powers conferred by sub-section (1), clauses (z) and (zg) of sub-section (2) of section 87 of the Information Technology Act, 2000 (21 of 2000), and in supersession of the Information Technology (Intermediaries Guidelines) Rules, 2011, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—*

**PART I**

**PRELIMINARY**

**1. Short Title and Commencement.**—(1) These rules may be called the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**—(1) In these rules, unless the context otherwise requires—

- (a) ‘access control mechanism’ means any measure, including a technical measure, through which access to online curated content may be restricted based on verification of the identity or age of a user;
- (b) ‘access services’ means any measure, including technical measure such as closed captioning, subtitles and audio descriptions, through which the accessibility of online curated content may be improved for persons with disabilities;
- (c) ‘Act’ means the Information Technology Act, 2000 (21 of 2000);
- (d) ‘child’ means any person below the age of eighteen years;
- (e) ‘committee’ means the Inter-Departmental Committee constituted under rule 14;
- (f) ‘communication link’ means a connection between a hypertext or graphical element, and one or more items in the same or different electronic document wherein upon clicking on a hyperlinked item, the user is automatically transferred to the other end of the hyperlink which can be another electronic record or another website or application or graphical element;
- (g) ‘content’ means the electronic record defined in clause (t) of section 2 of the Act;
- (h) ‘content descriptor’ means the issues and concerns which are relevant to the classification of any online curated content, including discrimination, depiction of illegal or harmful substances, imitable behaviour, nudity, language, sex, violence, fear, threat, horror and other such concerns as specified in the *Schedule* annexed to the rules;
- (i) ‘digital media’ means digitized content that can be transmitted over the internet or computer networks and includes content received, stored, transmitted, edited or processed by-
  - (i) an intermediary; or

<sup>1</sup> *Vide* G.S.R. 139(E), dated 25.2.2021, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 25.2.2021.

**PART II**

**DUE DILIGENCE BY INTERMEDIARIES AND GRIEVANCE REDRESSAL  
MECHANISM**

**3. (1) Due diligence by an intermediary:** An intermediary, including social media intermediary and significant social media intermediary, shall observe the following due diligence while discharging its duties, namely:—

- <sup>1</sup>[(a) the intermediary shall prominently publish on its website, mobile based application or both, as the case may be, the rules and regulations, privacy policy and user agreement in English or any language specified in the Eighth Schedule to the Constitution for access or usage of its computer resource by any person in the language of his choice and ensure compliance of the same;
- (b) the intermediary shall inform its rules and regulations, privacy policy and user agreement to the user in English or any language specified in the Eighth Schedule to the Constitution in the language of his choice and shall make reasonable efforts to cause the user of its computer resource not to host, display, upload, modify, publish, transmit, store, update or share any information that,—
- (i) belongs to another person and to which the user does not have any right;
  - (ii) is obscene, pornographic, paedophilic, invasive of another’s privacy including bodily privacy, insulting or harassing on the basis of gender, racially or ethnically objectionable, relating or encouraging money

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<sup>1</sup> Subs. by G.S.R. 794(E), dated 28.10.2022, for clauses (a) and (b) (w.e.f. 28.10.2022). Clauses (a) and (b), before substitution, stood as under:

“(a) the intermediary shall prominently publish on its website, mobile based application or both, as the case may be, the rules and regulations, privacy policy and user agreement for access or usage of its computer resource by any person;

(b) the rules and regulations, privacy policy or user agreement of the intermediary shall inform the user of its computer resource not to host, display, upload, modify, publish, transmit, store, update or share any information that,—

- (i) belongs to another person and to which the user does not have any right;
- (ii) is defamatory, obscene, pornographic, paedophilic, invasive of another’s privacy, including bodily privacy, insulting or harassing on the basis of gender, libellous, racially or ethnically objectionable, relating or encouraging money laundering or gambling, or otherwise inconsistent with or contrary to the laws in force;
- (iii) is harmful to child;
- (iv) infringes any patent, trademark, copyright or other proprietary rights;
- (v) violates any law for the time being in force;
- (vi) deceives or misleads the addressee about the origin of the message or knowingly and intentionally communicates any information which is patently false or misleading in nature but may reasonably be perceived as a fact;
- (vii) impersonates another person;
- (viii) threatens the unity, integrity, defence, security or sovereignty of India, friendly relations with foreign States, or public order, or causes incitement to the commission of any cognisable offence or prevents investigation of any offence or is insulting other nation;
- (ix) contains software virus or any other computer code, file or program designed to interrupt, destroy or limit the functionality of any computer resource;
- (x) is patently false and untrue, and is written or published in any form, with the intent to mislead or harass a person, entity or agency for financial gain or to cause any injury to any person;”.

laundering or gambling, or promoting enmity between different groups on the grounds of religion or caste with the intent to incite violence;

- (iii) is harmful to child;
  - (iv) infringes any patent, trademark, copyright or other proprietary rights;
  - (v) deceives or misleads the addressee about the origin of the message or knowingly and intentionally communicates any misinformation or information which is patently false and untrue or misleading in nature;
  - (vi) impersonates another person;
  - (vii) threatens the unity, integrity, defence, security or sovereignty of India, friendly relations with foreign States, or public order, or causes incitement to the commission of any cognisable offence, or prevents investigation of any offence, or is insulting other nation;
  - (viii) contains software virus or any other computer code, file or program designed to interrupt, destroy or limit the functionality of any computer resource;
  - (ix) violates any law for the time being in force;]
- (c) an intermediary shall periodically inform its users, at least once every year, that in case of non-compliance with rules and regulations, privacy policy or user agreement for access or usage of the computer resource of such intermediary, it has the right to terminate the access or usage rights of the users to the computer resource immediately or remove non-compliant information or both, as the case may be;
- (d) an intermediary, on whose computer resource the information is stored, hosted or published, upon receiving actual knowledge in the form of an order by a court of competent jurisdiction or on being notified by the Appropriate Government or its agency under clause (b) of sub-section (3) of section 79 of the Act, shall not host, store or publish any unlawful information, which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of India; security of the State; friendly relations with foreign States; public order; decency or morality; in relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force:

*Provided that* any notification made by the Appropriate Government or its agency in relation to any information which is prohibited under any law for the time being in force shall be issued by an authorised agency, as may be notified by the Appropriate Government:

*Provided further that* if any such information is hosted, stored or published, the intermediary shall remove or disable access to that information, as early as possible, but in no case later than thirty-six hours from the receipt of the court order or on being notified by the Appropriate Government or its agency, as the case may be:

**ANNEXURE A/4****COPY OF THE SCREENSHOT OF THE IMAGES TAKEN BY THE APPLICANT ON 02.02.2026 OF FLIPKART PORTAL SHOWING THE FELICITATING OF THE SALE OF ILLEGAL STYOROFOAM COMMODITIES DESPITE THE BAN.**

The screenshot shows the Flipkart website interface for a search query "STYROFOAM BALLS". The page displays a grid of product listings. The left sidebar contains filters for Categories, Price, Brand, and Customer Ratings. The main content area shows the following products:

Product Name	Price	Discount	Availability
First Click Up to 15mm 2500 Pcs Approx. Art And Craft S...	₹269	₹500 46% off	Only few left
PRANSUNITA 11 Pcs Craft Styrofoam White Smooth Balls fo...	₹258	₹500 56% off	Hot Deal
First Click 14 Pcs Art And Craft Styrofoam 1.5 Inch 9 p...	₹339	₹999 66% off	Only few left
ROYALSHOP Art craft 12 Styrofoam white ball DIY crafts ...	₹339	₹999 66% off	Only few left

The bottom of the screenshot shows the Windows taskbar with the date 02-02-2026 and time 17:43.

**ANNEXURE A/5**

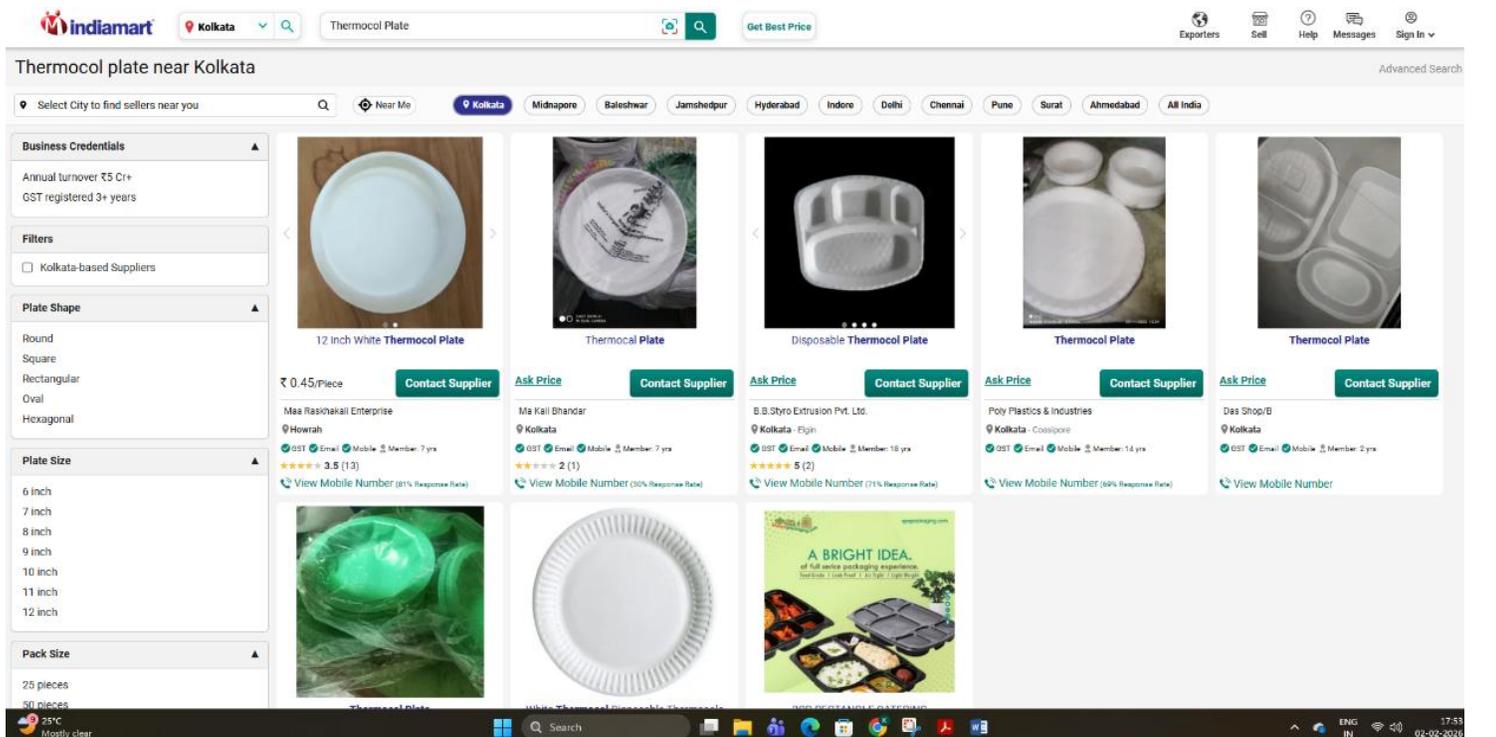
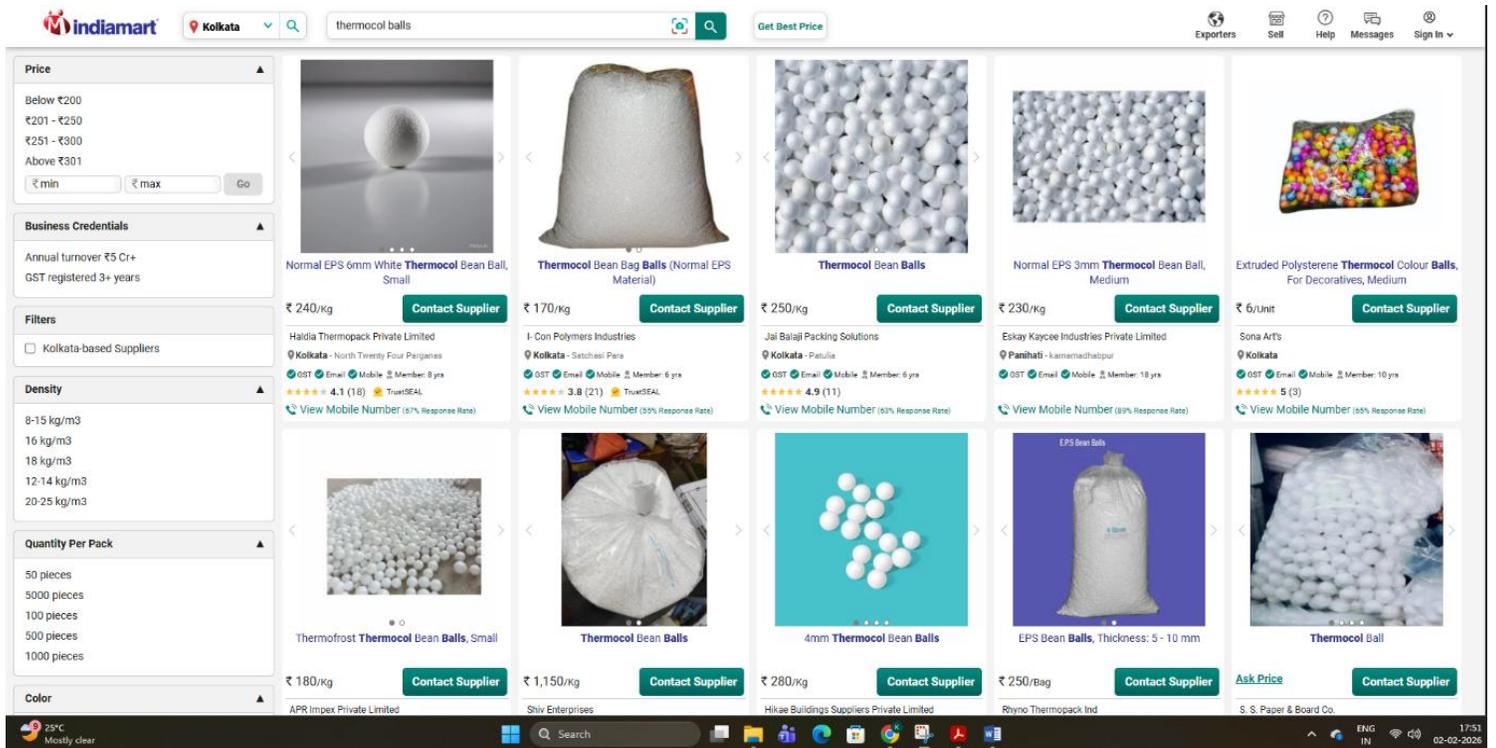
**COPY OF THE SCREENSHOT OF THE IMAGES TAKEN BY THE APPLICANT ON 02.02.2026 OF AMAZON PORTAL SHOWING THE FELICITATING OF THE SALE OF ILLEGAL STYOROFOAM COMMODITIES DESPITE THE BAN:**

The screenshot displays a grid of Amazon India product listings. On the left, there is a sidebar with filters for 'Pay On Delivery', 'Discount', 'Colour', 'Item Condition', 'Availability', 'Age', 'Seller', and 'Theme'. The main content area shows several products:

- CrystalBall™ Inflatable Vinyl Ball**: ₹273 (32% off), 4.1 stars, 100+ bought in past month.
- Ultra 3 Inch Stress Reliever Smiley Emoji Happy Face Soft Squeeze PU Balls**: ₹99 (67% off), 3.4 stars, FREE delivery Sun, 8 Feb.
- GISCO Plastic 70mm Soft Gymnastics Juggling Balls**: ₹489 (62% off), 4.3 stars, FREE delivery Sun, 8 Feb.
- for Arts, Crafts, DIY, and Holiday Decorations - 4 inch (Pack of 2)**: ₹285 (43% off), 5.0 stars, FREE delivery Sun, 8 Feb.
- for Arts, Crafts, DIY, and Holiday Decorations - 1.5 inch Pack of 20 Pcs**: ₹299 (40% off), 5.0 stars, FREE delivery Sun, 8 Feb.
- FIRST CLICK Smooth White Paper Craft Ball 8 Inch**: ₹499 (38% off), 2.3 stars, FREE delivery Sat, 7 Feb.
- FIRST CLICK Smooth White Paper Craft Balls Size 2.5 Inch, Set of 8**: ₹299 (40% off), 2.3 stars, FREE delivery Sat, 7 Feb.
- FIRST CLICK White Paper Craft Balls – for Arts, Crafts, DIY, and Holiday Decorations - 2.5 inch(6.4 cm) Pack of 8**: ₹300 (40% off), FREE delivery Sun, 8 Feb.
- FIRST CLICK White Paper Craft Balls – for Arts, Crafts, DIY, and Holiday Decorations-8 INCHES(Pack of 1)**: ₹499, FREE delivery Sun, 8 Feb.
- CAKE DECOR™ White Faux Balls Topper For Cake and Cupcake Decoration - (20 pcs Pack)**: ₹178 (40% off), 5.0 stars, FREE delivery Tue, 10 Feb.

The bottom of the image shows a Windows taskbar with the date 02-02-2026 and time 17:46.

**COPY OF THE SCREENSHOT OF THE IMAGES TAKEN BY THE APPLICANT ON 02.02.2026 OF INDIAMART PORTAL SHOWING THE FELICITATING OF THE SALE OF ILLEGAL STYOROFOAM COMMODITIES DESPITE THE BAN.**



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Litigation . &lt;litigation@dclawchambers.com&gt;

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**Joint Rejoinder on behalf of the Applicant in OA No. 164 of 2025 Hariyali Welfare Society Vs Ms Flipkart Logistics Private Limited**

1 message

**Litigation .** <litigation@dclawchambers.com>

Tue, Feb 3, 2026 at 12:51 PM

To: rkhuranalegal@gmail.com, arun.srikumar@keystone.law, Advocate Raj Kumar <advrajakumar@gmail.com>, mohit singhal <singhalmohitlegal@gmail.com>, "office@njlaw.in" <office@njlaw.in>, "v.sahni@jsalaw.com" <v.sahni@jsalaw.com>

Cc: Kol Office <kol\_office@dclawchambers.com>

Dear Sir/madam,

Please find attached- Joint Rejoinder on behalf of the Applicant in OA No. 164 of 2025 Hariyali Welfare Society Vs Ms Flipkart Logistics Private Limited

Thanks & Regards  
Counsel for the Applicant

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 **Joint Rejoinder on behalf of the Applicant.pdf**  
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