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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 739/2020 & CM APPLs. 33535/2020, 9019/2021,**
14470/2021, 5817/2022

DR ROHIT JAIN

..... Petitioner

Through: Mr. Shashank Deo Sudhi and Mr.
Sachin Sain, Advs.

versus

SH VIJAY KUMAR DEV & ORS.

..... Respondents

Through: Mr. Sameer Vashisht, ASC, GNCTD
with Ms. Sanjana Nangia, Adv.
Mr. Anurag Ahluwalia, CGSC with
Mr. Danish Faraz Khan and Mr.
Rishab Narayan, Advs for R-4.
Ms. Noopur Singhal and Mr. Mishal
Vij, Advs for R-6.
Mr. Anil Gover, Sr. AAG, Haryana

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

09.05.2022

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1. The instant contempt petition has been filed for non-compliance of the order dated 06.08.2020 passed by this Court in a Public Interest Litigation bearing W.P.(C) 5031/2020. The relevant portion of the said order reads as under:

“4. Having heard the counsel for both the sides and looking to the facts and circumstances of the case, we hereby direct the concerned respondent authorities to initiate action, in accordance with law, against any illegal online health service

aggregators operating in Delhi in violation of the applicable law, including the Clinical Establishment (Registration and Regulations) Act, 2010, if applicable, or in violation of any rules, regulations or government policies applicable to the facts of the case. Action will be initiated in accordance with law against such violators of the law as expeditiously as possible and practicable, after giving an adequate opportunity of being heard to the concerned parties.

5. Several examples have been given in this writ petition about such alleged violators. Since they are not joined as party respondents, we are not observing anything against any of the parties or so called violators of the law, as pointed out in the writ petition. It is open for the respondents to take action against any such violators of the law as stated hereinabove, after giving an adequate opportunity of being heard to the concerned parties.”

2. A perusal of paragraph No.5 of the said order indicates that a direction has been passed to the respondents to initiate action against such violators of law who are engaged in any illegal online health service aggregators operating in Delhi in violation of the law, after giving an adequate opportunity of being heard to the concerned parties.

3. The letter and spirit of the said order indicates that this Court had intended to ensure that labs and online health service aggregators, which were not accredited by NABL and had not received approval from the ICMR to collect samples and provide reports, did not function in the city of Delhi.

4. The respondents are directed to file an affidavit delineating mechanism being followed to ensure that the order dated 06.08.2020 is being complied with in its letter and spirit, and the steps that are taken when a complaint is received that a lab is functioning without the requisite licence

in the city of Delhi.

5. List on 01.06.2022.

6. The responsible Officers of the GNCTD, ICMR and Delhi Police are directed to be present in the Court on the next date of hearing to assist the Court in this regard.

SUBRAMONIUM PRASAD, J

MAY 09, 2022

S. Zakir