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

+ W.P.(C) 3031/2020

RAKESH MALHOTRA Petitioner

Through: Petitioner in person.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
INDIA AND ORS Respondents

Through: Mr.Sanjay Jain, ASG with
Mr.Satyakam, ASC along with Dr.Nutan
Mundeja, DGHS, GNCTD.
Mr.Akshay Makhija, CGSC with Mr.Sahaj Garg,
Mr.R.V.Prabhat and Mr.Amit Gupta, Advocates
for UOI.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **30.09.2020**

HEARD THROUGH VIDEO CONFERENCING.

CM No.12106/2020 (for directions)

1. A fresh Status Report has been filed by the Delhi Government in terms of the order dated 16.09.2020, placing on record, the current status of the number of tests undertaken in Delhi from 14.09.2020 as also a copy of the State map prepared by Geospatial Delhi Limited, indicating fixed site testing facilities set up for COVID-19.
2. It has firstly been averred in the Status Report that the Office order dated 09.09.2020, has been amended suitably by deleting the rider that was

earlier placed in the said order. A copy of the fresh order dated 22.09.2020, is placed on record which does not place any pre-conditions for self-testing for COVID-19 infection. It is further stated that Geospatial Delhi Limited has incorporated the changes made in the draft map, in terms of the feedback received from various districts and the said map of available testing in Delhi was received by the Delhi Government on 28.09.2020. The map mentions a total of 320 testing sites in Delhi. The said map has been shared with DMRC for being displayed at permanent locations/sites at all major Metro Stations. It has also been sent to the Delhi State Mission and uploaded on various websites of the Delhi Government.

3. Insofar as providing access to COVID-19 testing through Mohalla Clinics and Community Centres is concerned, it is stated that the same is under the active consideration of the Expert Committee constituted by the Lt. Governor of Delhi which had lastly met on 28.09.2020. But no final decision on the way forward for capacity building and ramping up the overall testing strategy in Delhi has been taken. Mr.Sanjay Jain, learned ASG states on instructions from Mr.Satyakam, learned ASC that some more time be granted for the Expert Committee's recommendations to be placed on record.

4. As for the report of Sero Surveillance-3, the same reflects a reduction of the IgG antibodies seroprevalence from 28.7% (as in Sero Surveillance-3) to 25.1%. The seroprevalence has declined in Northwest and Central Districts but has increased in West, South, Northwest and East Districts. Seroprevalence was found to be more in the female gender during the three rounds of Sero Surveillance and least in the age group of 18 to 49 years, as compared to the age group of those below 18 years and those who are above

50 years. The conclusion in the Sero Surveillance-3 report is that there is a need to enhance the focus on sample representativeness of the survey in Central, Northeast and North Districts.

5. Coming to the tests conducted by the Delhi Government between 14th September, 2020 to 27th September, 2020, the tabulated statement filed by the Delhi Government as Annexure D reveals that testing through RAT was the highest on 14th September, 2020 at 52271 and the lowest on 20th September, 2020 at 24907. The average testing through the RAT mode in the aforesaid period is 45212. As against the above, testing through the RT PCR and other similar modes in the same period reveals that a maximum of 11799 tests were conducted on 24th September, 2020, with a minimum of 7672 tests conducted on 27th September, 2020. The average testing in the abovesaid period comes to 10280.

6. Much emphasis has constantly been laid by this court on ramping up of tests through RT PCR in Delhi but it has not activated the respondent/Delhi Government adequately. As against the testing capacity of 15,000 through RT PCR and other similar tests per day available in Delhi, the actual number of testing being conducted through this mode is still floating around 11,000 tests per day on an average. In other words, though Delhi has the capacity of conducting 15,000 tests per day through RT PCR mode, 4,000 RT PCR tests per day not are being utilized, which does not make any sense when cases of COVID-19 infection during the period between 14th September, 2020 to 27th September, 2020, remain in the range of 3500-4000 cases per day with only one exception on 20th September, 2020 when the positive cases reported were 2548.

7. Since we are informed that the Expert Committee is actively involved in re-strategizing the testing capacity as also reviewing the overall strategy required to be followed by the Delhi Government and a request has been made to await the said recommendations, list on 7th October, 2020. Mr.Sanjay Jain, learned ASG shall inform the court as to the date finalized for commencing the next Sero surveillance in Delhi.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

SEPTEMBER 30, 2020

tr/mamta