

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P (C) 3031/2020

IN THE MATTER OF:

RAKESH MALHOTRA

...PETITIONER

VERSUS

GNCTD OF DELHI & ORS.

...RESPONDENTS

ISSUES FACED BY THE CITIZENS OF DELHI DUE TO REDUCED TESTING FOR COVID-19 VIRUS AND PROPOSED SOLUTIONS/BEST PRACTICES ADOPTED BY OTHER STATES BY AND ON BEHALF OF PROPOSED INTERVENOR

MOST RESPECTFULLY SHOWETH:

CURRENT PRESSING ISSUES

1. The unreasonable time taken by ICMR to certify the reports after uploading on its data entry portal.
2. The private laboratories collecting samples, which is being left unattended for 1-2 days at a stretch as there is either no slot empty in the machine for being processed or no manpower to process it, thereby resulting in the sample being rendered useless.
3. Delisting of lab(s) by the State Government rather than increasing the number of labs conducting RT-PCR tests.

SOLUTIONS/BEST PRACTICES

4. A strict direction be issued to ICMR by the Central Government qua the time taken by ICMR to certify the reports submitted by laboratories on its data entry portal. No trained technician is required for such clerical task. Alternatively, the said process of certification/verification may be automated and done immediately upon uploading of the report on its portal.
5. The Central Government may issue Show Cause notices to all private laboratories in Delhi, directing to disclose their maximum capacities and the reasons why the said capacity is not being met.

6. Further, a directive from the Central Government, that if any laboratory is found to be unreasonably rejecting to conduct tests, strict action shall be taken against them.
7. ICMR and other concerned authorities to ensure more and more laboratories are being approved to conduct RT-PCR tests.
8. The Central Government may speed up the process of RT-PCR kits being imported by private laboratories, which are stuck in customs.
9. The State Government may earmark funds and import RT-PCR machines in order to ramp up testing at Government centres. The state of Gujarat has bought additional 40 machines for enhancing the testing capacity of RT-PCR.
10. It is most imperative that samples being collected are handled with utmost care and the Phlebotomists be provided with appropriate ice boxes for carrying of samples. With increasing temperatures and the amount of time the Phlebotomists are on the road, the samples are bound to be damaged without being maintained at a certain temperature.
11. Mobile testing vans, as adopted by the State of Maharashtra, be adopted in Delhi as well.
12. Moreover, while the price for an RT-PCR test has been capped at Rs. 800/- by the Government, the standard practice at all laboratories is a charge of Rs. 1,200/-.
13. Other strategies to ramp up testing of residents all across Delhi be used, like pooled testing, which allows laboratories to test more samples with fewer testing materials. It could be used in a scenario where workers of one workplace or one family can be tested together.
14. As of today, apart from RT-PCR tests, private laboratories have started running short on testing kits of other tests related to COVID-19 like D-Dimer test, etc. Immediate steps to be taken in this regard as well to ensure that things may not spiral qua such tests as well.
15. There is a need to take a look at the skyrocketing and exorbitant pricing that the private laboratories are asking today for such tests. Standard blood tests being prescribed by the doctors are easily amounting to approximately Rs. 15,000/-. A

chest CT Scan, i.e., an HRCT is being charged at a minimum rate of Rs. 3,500/-, a test which is essential for keeping a check on the lungs of a COVID-19 patient.

16. The Madhya Pradesh High Court, amongst others, has taken been pleased to order with the consent of the State Government that testing charges for COVID-19 or pneumonia suspects/patients testing at all private hospital/nursing homes/diagnostic centre shall be limited to a maximum of:

S. No	Test	Maximum Rate (INR)
1	ABG	600/-
2	D-Dimer	500/-
3	Procalcitonin	1,000/-
4	CRP	200/-
5	Serum Ferritin	180/-
6	IL 6	1000/-
7	HRCT Scan/Chest scan	3,000/-

Similar directions may also be passed by this Hon'ble Court or by the State Government so that more and more citizens can afford such investigations so that even in the absence of prompt RT-PCR reports, indications of COVID-19 can be detected in a patient's body.



PROPOSED INTERVENOR
Ankur Mahindro (D-699/2002)
 Partner/Kred-Jure
 Advocates & Legal Consultants

New Delhi
 Date: 26.04.2021