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

+ **W.P.(C) 1294/2017**

**SOMRAJ SEN & ANR.** ..... Petitioners

Through: Ms Mallika Parmar, Advocate.

versus

**MEDICAL COUNCIL OF INDIA & ORS.** ..... Respondents

Through: Mr Partha Sil, Mr Tavish B. Prasad  
and Ms Preeti Shukla, Advocates for  
Review Petitioner.

Mr T. Singhdev, Ms Puja Sarkar, Ms  
Michelle Das and Mr Tarun Verma,  
Advocates for R-1.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**30.10.2017**

**CM No.37723/2017**

1. For the reasons stated in the application, the delay is condoned.
2. The application is disposed of.

**CM Nos. 37726-27/2017**

3. Allowed, subject to all just exceptions.

**Review Pet.454/2017**

4. This is a Review Petition filed by respondent nos.4 & 9, *inter alia*, seeking review of the order dated 11.07.2017. After some arguments, the learned counsel for the petitioner states on instructions that he seeks to withdraw the present review petition and the review petitioners would contest the proceedings before the Medical Council of India (hereafter

'MCI'). He, however, submits that after the order dated 11.07.2017 was passed, MCI has issued a notice dated 14.08.2017, which indicates that the MCI is considering appeal no.48; he points out that the said matter was withdrawn by the West Bengal Medical Council (hereafter 'WBMC') and in terms of the order dated 11.07.2017, MCI was required to consider the appeal from the decision of the WBMC and not the original complaint that it had withdrawn to itself. This is also clearly stated in paragraphs 6 & 7 of the order dated 11.07.2017.

5. He further submits that since the review petitioners had already filed their submissions before the WBMC, they may not be called upon to file further submissions.

6. The order dated 11.07.2017 is unambiguous; the order dated 04.10.2016, passed by the MCI was set aside with the further direction that the petitioner's appeal against the decision of the WBMC, which is pending before MCI be considered by the MCI uninfluenced by the order dated 04.10.2016. Accordingly, the MCI will take note of the aforesaid directions and consider the petitioner's appeal and not the complaint withdrawn by it from WBMC.

7. Insofar as the review petitioners contention that they ought not be called upon to file any submissions is concerned; it is clarified that it is upto the review petitioners to file such submission as they deem fit. In the event, they do not wish to file any fresh submissions it would be open to them to file their response before the WBMC. It would also be open for MCI to call upon WBMC to forward the relevant files. However, it is clarified that MCI would issue fresh notice for further hearings and pass an order after hearing the concerned parties including the petitioner.

8. The review petition is dismissed as withdrawn with the aforesaid observations/directions.

**OCTOBER 30, 2017/MK**

**VIBHU BAKHRU, J**