

\$~49

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

+ **W.P.(C) 11879/2016**

KAUSHAL KISHORE TRIPATHI

..... Petitioner

Through Mr. Anand Grover, Sr. Advocate with
Mr. Saurabh Chauhan, Mr. Varun
Jain, Ms. Lorraine Misquith, Ms.
Shrinidhi Rao and Ms. Priyam
Lizmary, Advocates.

versus

LAL RAM SARUP TB HOSPITAL & ORS. Respondents

Through Mr. Saket Sikri with Ms. Jasbir
Bidhuri and Mr. Junaid, Advocates
for respondent No.1.
Mr. Arjun Mitra, Ms. Aastha Jain and
Ms. Jaskaran Kaur, Advocates for
respondent Nos.2 and 3 with Mr. V.S.
Salhotra, ADDG, TB with Mr. V.P.
Rana.
Mr. Kirtiman Singh, Advocates for
DCGI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

20.01.2017

Learned counsel for the parties submit that they have instructions from their respective parties and have agreed to the disposal of the petition in the following terms:-

- 1. The Petitioner's daughter shall be administered Bedaquiline under the supervision of Dr. Zarir F. Udwadia at P.D. Hinduja National Hospital and Medical Research Centre, Mahim, Mumbai.*

2. *The Petitioner/Petitioner's daughter's treating doctor shall make the applications for obtaining the requisite permissions for obtaining Bedaquiline under the Compassionate Use basis to the Drug Controller General of India (DCGI). The applications shall be processed urgently by the DCGI preferably within 24 hours of the submission of the application (s), upon fulfilling the requisite conditions, so that the Petitioner/Petitioner's daughter's treating doctor can then make an application to the company, M/s Janssen Pharmaceuticals, for importing Bedaquiline urgently on the compassionate use basis.*
3. *A copy of the permission so granted by the DCGI along with the application to M/s Janssen Pharmaceuticals shall be furnished to the Respondent No. 2 (DDG CTD), who shall make the full course of Bedaquiline available through KEM Hospital, Mumbai, to the treating physician of the Petitioner's daughter, i.e. Dr. Zarir F. Udwadia within 2 days thereof.*
4. *As and when the course of Bedaquiline is made available to the Petitioner/ Petitioner's daughter's treating physician by M/s Janssen Pharmaceuticals, the same shall be handed over the KEM Hospital as and by way of replenishment of the stocks of Bedaquiline of the Respondent No. 2 by Dr. Udwadia within a week of the receipt of the same.*
5. *The administering and monitoring of Bedaquiline shall be at the entire responsibility of Dr. Zarir F. Udwadia, including the age of the Petitioner's daughter.*

6. *The Respondent No. 1 makes it clear that domicile or residence of the patient is not a criteria for the eligibility of Bedqualine for its administration under the conditional access programme.*
7. *The parties have agreed to this consent order in the peculiar facts and circumstances of this case.*

The writ petition is, accordingly, disposed of in the above terms.

The statement of the respondent No.1, that domicile or residence of the patient is not a criterion in determining the eligibility for administration of Bedaquiline under the Conditional Access Programme in the respondent No.1 Hospital, is taken on record.

This Court appreciates the gesture shown by the respondents in taking a humanitarian view in the matter and of their respective counsels in advising the respondents in doing so.

Since this order has been passed in the peculiar facts and circumstances of the case, it shall not be treated as a precedent.

Dasti under the signatures of the Court Master.

JANUARY 20, 2017
st

SANJEEV SACHDEVA, J