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

\+ W.P.(C) 7550/2019 & CM APPL. No. 31368/2019
STUTI MALHOTRA THROUGH: HER LEGAL GUARDIAN/NEXT FRIEND MR. SUMAN KUMAR MALHOTRA ..... Petitioner

versus

UNION OF INDIA AND ANR. ..... Respondents

\+ W.P.(C) 7551/2019 & CM APPL. No. 31371/2019
PALLAVIKA ADESHRA ..... Petitioner

versus

UNION OF INDIA & ANR ..... Respondents

\+ W.P.(C) 7552/2019 & CM APPL. No. 31374/2019
JAGDISH MAKHIJA ..... Petitioner

versus

UNION OF INDIA AND ANR. ..... Respondents

\+ W.P.(C) 7593/2019 & CM APPL. No. 31589/2019
ASHUTOSH KALIA THROUGH: HIS LEGAL GUARDIAN/ NEXT FRIEND MRS. RITU KALIA ..... Petitioner

versus

UNION OF INDIA AND ANR. ..... Respondents

\+ W.P.(C) 7594/2019 & CM APPL. No. 31592/2019
MOHAMMAD MUSTHAFA ..... Petitioner

versus

UNION OF INDIA & ANR ..... Respondents

Present: Mr. Ajay Kohli & Ms. Pooja Vohra, Advocates for the petitioners

in all the matters.
Mr. Rajesh Gogna, CGSC for UOI with Mr.Upendra Sai, Advocate for respondent no.1 in the all matters.
Mr.Anuj Aggarwal, Adv. for GNCTD with Mr.Ankit Monga, Adv. for respondent no.2 in items no.8, 9 & 10.
Mr. Shadan Farasat, ASC for GNCTD with Ms.Hafsa Khan, Adv. for respondent no.2 in items no.6 &7.
Mr.Deepak Khadaria, Mr.Tushar Jarwal, Ms.Suman Yadav, Mr.Haarish Fazil, Mr.Kunal dutt and Amr.Shatadal Ghosh, Advocates for respondent no.3/Nuteck Medi World Clinic.
Mr.Anuj Aggarwal, GNCTD with Mr.Ankit Monga, for respondent no.2 in items no.8, 9 and 10.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 31.10.2019

Learned counsels for the respondents submit that identical matters have been disposed of by Division Bench-I of this Court by an order dated 04.09.2019; and accordingly, the present matters may also be disposed of in the same terms.

By way of the petitions, five petitioners have approached this Court seeking relief to the effect that their treatment through stem cell therapy be permitted to be confirmed. Diseases of the petitioners as mentioned in the petitions are detailed below:

Sl.No.	W.P.(C) No.	Name of the Petitioner	Disease
1.	7550/2019	Stuti Malhotra	Cerebral Palsy - Movement disorder caused by abnormal development or damage to the parts of the brain
2.	7551/2019	Pallavika Adeshra	Uncontrolled Diabetes Mellitus Type II
3.	7553/2019	Jagdish Makhija	Retinitis Pigmentosa
4.	7593/2019	Ashutosh Kalia	Traumatic Quadriplegia at C4, C5, C6 – spinal

			cord injury
5.	7594/2019	Mohammad Mushtafa	Duchenne's Muscular Dystrophy (DMD)

Counsel for the petitioners submits that their sole purpose in filing of the present petitions is that the petitioners may be permitted to receive Human Embryonic Stem Cell Therapy in terms of the various earlier orders passed from time-to-time, with a direction to respondent No.3/Nuteck Medi World Clinic to continue to provide such treatment, till there is some finality as to the application of the Rule 2 (w) and (v) of the New Drugs and Clinical Trial Rules, 2019.

While it is the stand of respondent No.1/Union of India and respondent No.2/Government of NCT of Delhi that the effect of notification of the neew clinical trial rules would be that the medicine/treatment being administered to the petitioners would fall within the definition of 'new drug' and would require approval from the concerned authority, the stand of respondent no.3/Nuteck Medi World Clinic is that the treatment does not fall within the definition of 'new drug'. However, counsel states that respondent No.3 is yet to decide the future course of action after passing of order dated 24.09.2019 by the Drug Controller General (India).

We are of the considered view that the present petitions are essentially covered by the decision rendered by Division Bench-I of this Court and also the decisions rendered by this Court in W.P.(C) Nos.5148/2019, 6753/2019, 6759/2019 & 6760/2019. However, we deem it appropriate to modify our order dated 16.07.2019 to the extent that since the Drugs Controller General (India) has taken a view in the matter, respondent No.3 must either assail or comply with the order; but for the next three months, the treatment being provided to the petitioners would be permitted to be continued.

The present writ petitions stand disposed of in the above terms.

All questions, legal and factual, with respect to the rights and contentions of respondent No.3 are kept open; and this order is entirely without prejudice to all rights of the parties.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

OCTOBER 31, 2019/rb