

RA-CW-279-2021(O&M) in
CWP-10434-2021;

RA-CW-278-2021(O&M) in
CWP-10435-2021; and

RA-CW-283-2021 in
CWP-9382-2021

-1-

LIFE CARE HOSPITAL

VERSUS

UNION OF INDIA AND OTHERS

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate
for the applicant/petitioner in
RA-CW-279-2021(O&M) in
CWP-10434-2021 and
RA-CW-278-2021(O&M) in
CWP-10435-2021.

Mr. Sandeep Wadhawan, Advocate
for the applicant/petitioner in
RA-CW-283-2021 in
CWP-9382-2021.

Mr. Ashok Kumar Arora, Senior Panel Counsel
for the respondents-UOI.

CM-16510-CWP-2021 in
RA-CW-279-2021 and
CM-16489-CWP-2021 in
RA-CW-278-2021

Both the applications are allowed, as prayed for and documents
are taken on record, subject to all just exceptions.

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By way of moving the present applications for review of order

-2-

dated 13.10.2021, the prayer is twofold; firstly that Standard Operating Procedure dated 4.12.2019 (Annexure P4) issued by Government of India be also kept in view besides the memoranda of agreements and observing Rules of Natural Justice while proceeding against petitioners/hospitals and secondly giving clarification to the observation that nothing discussed above shall be taken as any opinion on the merits of the case and shall not have any effect on the criminal proceedings initiated by the respondents against the petitioners/hospitals in this regard because according to the applicants/petitioners, the non-compliance of Standard Operative Procedure is a legal ground, which is available to them to challenge the FIR, which could not have been registered in absence of de-empanelment order and without following the Standard Operating Procedure guidelines thereby making the registration of the FIR, perse illegal.

I have heard learned counsel for the parties besides going through the record.

As far as first limb of the prayer, since the same is not opposed by learned Senior Panel Counsel for respondent – Union of India, as such it is observed that the respondents while taking decision in the matter may take into view, the Standard Operating Procedure dated 4.12.2019 (Annexure P4).

With regard to the second limb of the prayer, no such clarification can be given by this Court. However, the applicants/petitioners

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-3-

can take up all the pleas available to them and raised in the writ petitions before criminal Court as well in accordance with law.

The review applications are disposed of accordingly.

A photocopy of this order be placed on the connected case files.

**15.11.2021
Brij**

**(H.S. MADAAN)
JUDGE**