



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-16844-2024
Date of Decision: 06.08.2024

RUDHRA KAPOOR

... Petitioner

VERSUS

UNION OF INDIA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Mukul Ahuja, Advocate
for the petitioner.

Mr. Sushant Kareer, Advocate (*through video conferencing*) and
Mr. K.S. Kang, Advocate (**in person**) for respondent No.1.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to allow the petitioner to donate his liver graft to his ailing father who is suffering from advanced liver cirrhosis (Child ‘C’) and has been advised for liver transplant as early as possible.

Learned counsel for respondent No.1–Union of India contend that an Authorization Committee has been constituted under the Transplantation of Human Organs and Tissues Act, 1994 and that no representation has been submitted by the petitioner to the abovesaid Committee under the provisions of the said Act of 1994. They further contend that in case a person is not satisfied with the decision taken by the Authorization Committee, the said person has a remedy to approach the appropriate Authority under the Government of NCT Delhi, Delhi Organ Transplant Cell, New Delhi. They further contend that the



petitioner is required to personally approach the said Authorization Committee for seeking redressal of his grievance, so that a primary report as regards the eligibility and feasibility of the petitioner being a donor can be ascertained.

Learned counsel for the petitioner contends that the petitioner had approached the Authorization Committee of the B.L. Kapur Memorial Hospital, Pusa Road, New Delhi, however, he was orally informed that organ donation cannot be allowed in his case as he is a minor, however, no decision has been taken till date.

Further, as per the office report, notices issued to respondents No.3 to 5 have not been received back either served or otherwise. However, taking into consideration the exigencies and emergent circumstances involved herein and the order which this Court proposes to pass, I am of the opinion that further wait of the said respondents would not be justified.

The present petition is accordingly disposed of at this stage with liberty to the petitioner to appear before the Authorization Committee of B.L. Kapur Memorial Hospital, Pusa Road, New Delhi within a period of one week from today alongwith a written request for seeking permission to donate his liver graft to his ailing father. Upon receipt of such request, the Authorization Committee shall take a prompt and considered decision within a period of one week thereafter.

In the event of the petitioner being not satisfied with the decision so taken by the Authorization Committee, he would be at liberty to prefer an appeal before the Appellate Authority viz. appropriate Authority under the



Government of NCT Delhi, Delhi Organ Transplant Cell – respondent No.2; and in the eventuality of the petitioner preferring such an appeal, the decision thereupon shall be taken affirmatively within a period of three weeks of the receipt of such appeal.

Petition stands disposed of.

AUGUST 06, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No