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

+ **W.P.(C) 3561/2023**

NANIK ISRANI

..... Petitioner

Through: Mr. Uttam Dutt, Mr. Kr. Bhaskar, Mr. Aman Sharma, Mr. Nawab Singh Jaglan and Ms. Sonakshi Singh, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Yeeshu Jain, ASC for R-1 and 2 with Ms. Jyoti Tyagi and Mr. Hitanshu Mishra, Advocates.
Mr. Arjun Dewan and Mr. Aryan Deol, Advocates for R-3 and 4.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

30.04.2024

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1. On 29.04.2024 this Court passed the following order:

“1. It is stated by the learned Counsel appearing for the Petitioner that the present case is squarely covered by a Judgment passed by the Division Bench of this Court in Sqn. Commander Randeep Kumar Rana vs. Union of India, 2004 SCC OnLine Del 333.

2. The facts of the case reveal that the Petitioner is seeking reimbursement of Rs.17,95,478/- spent for the medical treatment of the wife of the Petitioner who passed away during the COVID-19 pandemic. The reimbursement of the amount is being denied to the Petitioner on the ground that the hospital has charged



over and above the maximum ceiling limit fixed by the Government.

3. Learned Counsel appearing for the Petitioner while relying upon the aforesaid judgment contends that it is for the Government to recover the overcharged amount from the hospital and the person who is claiming the benefit cannot be forced to take steps for recovery of the overcharged amount from the hospital.

4. List on 30.04.2024 for final hearing in the supplementary list.”

2. Mr. Yeeshu Jain, learned ASC for the GNCTD, states that the present case is squarely covered by the Judgment passed by the Coordinate Bench of this Court in Dinesh Kumar vs. Government of National Capital Territory of Delhi & Ors., **2022/DHC/005039**. Paragraph No.9 of the said Judgment reads as under:

“9. In the light of the aforesaid, I have no hesitation in holding that the respondent nos.1 to 3 ought to forthwith reimburse the petitioner by paying him the differential amount of Rs.16,93,880/-, and if permissible, recover the same from the respondent no.5. It is however made clear that this Court has not expressed any opinion on the validity of the circular dated 20.06.2020 and therefore, it will be open for the respondent nos.1 to 3 to pursue its remedy as per law, against respondent no.5, including taking penal action, and recovery of any amount which it perceives has been charged in excess.”

3. In view of the above, the Writ Petition is allowed in terms of the abovementioned judgment.

4. Accordingly, the Writ Petition is disposed of along with the pending



applications, if any.

SUBRAMONIUM PRASAD, J

APRIL 30, 2024

Rahul