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

% *Date of decision: February 16, 2024*

+ **W.P.(C) 12394/2019 & CM APPL. 50643/2019**

BALAJI MEDICAL AND DIAGNOSTIC

RESEARCH CENTRE

..... Petitioner

Through: Mr. Rohit Puli, Advocate

versus

DELHI MINORITIES COMMISSION GOVERNMENT

OF NATIONAL CAPITAL TERRITORY OF DELHI

AND ANR.

..... Respondents

Through: Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Mr.
Mayank Kamra, Advocates for
R-1

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T (oral)

1. The present writ petition is filed under Article 226 of the Constitution for quashing of proceedings arising out of complaint case bearing no.595/2019 titled as **Mohd. Imran V Max Hospital** and also for quashing of all consequential orders. The petitioner has made the following prayers:-

(a) summon the records of Complaint No. 595/2019 titled as Mohd. Imran Vs. Max Hospital pending before the Respondent No.1;

(b) issue a writ, order Of direction in the nature of writ of Certiorari or any other appropriate writ, for quashing Complaint No. 595/2019 titled as



Mohd. Imran Vs. Max Hospital pending before the Respondent No. 1 and all Orders passed therein by Respondent No. 1;

(c) pass such other and further order/orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

2. The counsel for the petitioner stated that the respondent no.2 was involved in a road accident on 22.07.2019 in Meerut, Uttar Pradesh, wherein the respondent no.2 sustained abdominal injuries and broken bones. The petitioner was taken to Cosmos Hospital on 22.07.2019 in Moradabad for treatment and thereafter he was referred to Anand Hospital in Meerut, Uttar Pradesh. The respondent no.2 was subsequently referred to the petitioner Hospital and was admitted on 28.07.2019. The respondent no.2, after a thorough and proper evaluation was admitted under Dr. Bachan S. Barthwal, General Surgeon, and also transferred to ICU, where the treatment was commenced as per the ICU protocol. The respondent no.2 was diagnosed with Post Road Traffic Accident (RTA), post-degloved injury and a large raw area on the right side anterior abdominal wall and right side inguinal region. The respondent no.2 was to be discharged on 06.08.2019 at about 05:30 P.M. The respondent no.2 was re-admitted to the petitioner Hospital on the request of his family members and was placed under the care of Dr. Manoj Johar on 06.08.2019 at about 06:30 P.M.

3. Salim Ahmed, stated to be uncle of the respondent no.2, filed a complaint dated 13.08.2019 with the respondent, alleging that the petitioner has not provided appropriate treatment to the respondent



no.2 and sought a direction to the petitioner for continued treatment of the respondent no.2.

4. The respondent no.1 on 13.08.2019 passed an ex-parte mandatory injunction directing the petitioner to continue providing treatment to the respondent no.2. The petitioner also filed a reply dated 02.09.2019.

5. The respondent no.2 was ultimately discharged on 23.08.2019 in a stable condition. The petitioner raised the bill amounting to Rs. 16,21,389/- on the respondent no.2 in lieu of the medical services rendered to the respondent no.2 by the petitioner. However, the respondent no.2 was given a discount of Rs. 3,33,389/-. The respondent no.2 had made the last payment towards the medical services availed by him on 17.08.2019. The family members of the respondent no.2 had also written to the respondent no.1 vide letter/application dated 23.08.2019 that the petitioner had waived off the balance amount of Rs.2,80,000/- and also promised the respondent no.2 to extend possible help in the further treatment of the respondent no.2. The complaint filed by uncle of the respondent no.2 was also requested to be withdrawn along with consequential proceedings vide letter dated 23.08.2019.

6. Being aggrieved, the petitioner filed the present petition. The respondent no.1/Delhi Minority Commission filed the counter-affidavit, wherein it stated that the respondent no.1 has acted as per section 10(1)(h) of the Delhi Minorities Commission Act, 1999 ("the DMC Act") read with sub section 10(5) of the said Act. The respondent no.1 had taken action against the petitioner due to the



urgent medical attention required to be given to the respondent no.2 due to the road accident. The respondent no.2 was also stated to be a person from the economically weaker section. The respondent no.1 in the counter-affidavit justified the order dated 13.08.2019. It is also stated that the petitioner had never objected regarding the continuance of the proceedings before the respondent no.1 initiated on behalf of the respondent no.2.

7. The DMC Act was enacted with the preamble to safeguard the right and interest of the minority community in the National Capital Territory of Delhi. Section 10 of the said Act deals with the functions of the Commission. Section 10 (1)(h) casts a duty on the Commission to look into the specific complaint regarding the deprivation of the rights and safeguards of the minority communities.

8. The respondent no.2 stated to have received injuries in a road accident on 22.07.2019 in Meerut, Uttar Pradesh. The respondent no.2 stated that he had sustained abdominal injuries and broken bones. The respondent no.2 was admitted in Cosmos Hospital on 22.07.2019 in Moradabad, Uttar Pradesh and thereafter shifted to Anand Hospital in Meerut, Uttar Pradesh. The respondent no.2 was referred to petitioner Hospital on 28.07.2019 with a history of Post Road Traffic Accident (RTA), post degloved injury and a large raw area on the right side anterior abdominal wall and right side inguinal region. The respondent no.2 was given appropriate medical attention and treatment by the petitioner. The petitioner initially gave a concession/discount on the medical bill and subsequently waived off the remaining medical bill. The respondent no.2 was only admitted to



the petitioner Hospital as a patient and also stated to be treated properly, as reflected from the letter dated 23.08.2019 written on behalf of the respondent no.2 by Mohd. Salim Ahmed, the paternal uncle of the respondent no.2.

9. The present case does not involve any deprivation of the rights of the minority community. The respondent no.2 was treated by the petitioner as a patient who sustained injuries during the road accident. There is no complaint on behalf of the respondent no.2 being a member of minority community that his rights were breached by the petitioner. If the respondent no.2 or his family members were not happy with the treatment given by the petitioner or the medical bill raised by the respondent no.2, it does not involve deprivation of any right of the minority communities within the mandate of the DMC Act. It is also pertinent to mention that a letter dated 23.08.2023, has already been written on behalf of the respondent no.2 requesting for withdrawal of the complaint dated 13.08.2019 and consequential proceedings arising out of complaint dated 13.08.2019.

10. The respondent no.1 did not have the statutory power to pass the order dated 13.08.2019, and the respondent no.1 while passing the order dated 13.08.2019 exceeded the powers given to the minority commission in pursuance of the DMC Act.

11. In view of the above discussion, the present petition is allowed and complaint bearing no.595/2019 dated 13.08.2019 initiated on behalf of the respondent no.2 and stated to be pending before the respondent no.1 is quashed along with consequential proceedings including subsequent orders dated 13.08.2019, 20.08.2019 and



01.11.2019.

12. The present petition along with pending applications stands disposed of.

**DR. SUDHIR KUMAR JAIN
(JUDGE)**

FEBRUARY 16, 2024

j/abk/am

Signature Not Verified

Digitally Signed
By: HARVINDER KAUR
BHATIA
Signing Date: 20/02/2024
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