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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11539/2024 & CM APPL. 47860/2024**
SHRINE HOSPITALPetitioner

Through: Mr. Rahul Yadav, Mr. Shahil Rao,
Mr. Sharukh Sharma, Ms. Divya
Sharma, Mr. Shiv Rattan Yadav and
Mr. Rajinder Singh, Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.Respondents
Through: Mr. Anuj Aggarwal, GNCTD with
Mr. Yash Upadhyay and Mr. Siddhant
Dutt, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
21.08.2024

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1. The present petition assails order dated 21st December, 2023,¹ passed by Respondent No. 2/ Directorate General of Health Services cancelling the registration of Petitioner without issuance of a show cause notice as mandated under the Delhi Nursing Homes Registration Act, 1953.²
2. Counsel for Petitioner presents the following facts and contentions:
 - 2.1. The Petitioner, a Limited Liability Partnership,³ entered into a revenue sharing agreement dated 18th June 2019, with Mr. Yogesh Kansal whereby Petitioner was provided property bearing No. 13B, Shahbad Extension, Bawana Road, Sector 17, Rohini, Delhi- 110042,⁴ to carry out their operations.

¹ "the impugned order"

² "the Act"

³ "LLP"

⁴ "the subject premises"



2.2. On 16th April, 2021, Petitioner was granted registration as a nursing home under Section 5 of the Act for the period 2021-2024 which was valid upto 31st March, 2024.

2.3. Due to certain miscommunications, Mr. Yogesh Kansal locked the subject premises in order to restrict the Petitioner to access the same. Subsequently, on 05th December, 2023, Mr. Kansal requested Respondent No. 2 to surrender the registration of the Petitioner as the rent of the subject premises has not been paid and the owner of the hospital has lost interest in operating the hospital. In such circumstances, on 21st December, 2023, Respondent No. 2 passed the impugned order and cancelled Petitioner's registration on the ground that no nursing home activities were being carried out as the subject premises were locked.

2.4. The impugned order is now challenged on the ground that the same in violation of Section 8(1) of the Act as no show cause notice or opportunity of hearing was provided to the Petitioner before cancelling their registration. Hence, the present petition.

3. *Per contra*, counsel for Respondents, challenges the maintainability of the present petition on the ground of alternate remedy of appeal before the Chief Commissioner of Delhi as provided under Section 8(3) of the Act.

4. Court has noted the facts and contentions of the parties.

5. The Petitioner had obtained a valid registration under the Act upto 31st March, 2024, however, prior to the date of renewal, their registration has been cancelled through the impugned order without the issuance of a show cause notice as mandated by Section 8(1) of the Act.

6. On the question of maintainability, counsel for Petitioner submits that the time period of one month for preferring an appeal to Chief



Commissioner has expired, however, if such a delay is condoned the Petitioner shall be amenable to approach the Chief Commissioner for the redressal of their grievance. Further, he asserts that the impugned order was never served on the Petitioner, which is denied by counsel for Respondents. It is also pointed out that, a dispute relating to the subject premises is being taken up in pre-litigation mediation proceedings at Rohini District Court, wherein the landlord, Mr. Yogesh Kansal, is participating.

7. It is noted that the Petitioner's request for cancellation has been entertained on behalf of Mr. Yogesh Kansal, who is not partner of the Petitioner LLP but only the landlord of the premises where the Petitioner's nursing home was operating. Therefore, in the opinion of the Court, the limitation period provided under Section 8(3) of the Act should not apply to the Petitioner.

8. In light of the foregoing, the present petition is disposed of with a direction that if the Petitioner were to file an appeal against the impugned order dated 21st December, 2023, before the Chief Commissioner of Delhi, within two weeks from today, the same shall be examined on merits and not rejected on the ground of delay.

9. The Court has not expressed its opinion on the merits of the case. All rights and contentions of the parties are left open.

10. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

AUGUST 21, 2024/as