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

+ **W.P.(C) 14011/2024**

**DR DINESH CHANDRA AGARWAL & ANR. ....Petitioners**

Through: **Mr. Prateek Bhalla and Ms. Mallika  
Chadha, Advocates.**

versus

**NATIONAL MEDICAL COMMISSION .....Respondent**

Through: **Mr. T. Singhdev, Mr. Aabhaas  
Sukhramani, Mr. Abhijit Chakravarty,  
Mr. Bhanu Gulati, Ms. Anum  
Hussain, Mr. Tanishq Srivastava and  
Mr. Sourabh Kumar, Advocates for  
NMC.**

**CORAM:  
HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**  
**04.10.2024**

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1. The Petitioners are doctors working at Agarwal Medical Centre, Greater Kailash Part-I, New Delhi. They have filed the present petition, praying for stay of the impugned order dated 8<sup>th</sup> August, 2024, passed by the Ethics and Medical Registration Board ('EMRB'), till the disposal of their appeals pending before the National Medical Commission ('NMC'). Through the impugned order, the EMRB has upheld the order of the Delhi Medical Commission dated 7<sup>th</sup> September, 2022 and directed the removal of the Petitioners' names from the State Medical Register of the Delhi Medical Council for a period of seven days, on account of medical negligence.
2. The Petitioners have filed separate appeals dated 13<sup>th</sup> September,



2024 and 23<sup>rd</sup> September, 2024 against the impugned order under Section 30(4) of the National Medical Commission Act, 2019 ('NMC Act'). In the said appeals, the Petitioners have also sought an interim relief for stay of the impugned order until the disposal of the appeals. The said appeals and the application for interim relief are likely to be taken up shortly by the NMC.

3. In the present petition, the Petitioners have sought a limited relief of grant of stay of the order of the EMRB dated 8<sup>th</sup> August, 2024, till such time, the interim application is heard by the NMC.

4. Mr. T. Singhdev, counsel for the Respondent, has apprised the Court of other cases adjudicated by the NMC, finding Dr. D.C. Agarwal and other doctors of Agarwal Medical Centre to be guilty under the NMC Act. The details of such cases are noted as follows:

- i. W.P.(C) 13392/2024 dated 23<sup>rd</sup> September, 2024 titled as Dr. D.C. Agarwal and Anr. v. National Medical Commission and Anr.
- ii. W.P.(C) 13657/2024 dated 27<sup>th</sup> September, 2024 titled as Dr. Neeraj Agarwal v. National Medical Commission and Anr

5. The Court has considered the submissions of the parties as well as perused the impugned order. It is noted that in absence of a stay order, the decision of the EMRB would take effect from 7<sup>th</sup> October, 2024. Considering that the order of the EMRB has directed the removal of the Petitioners for a short duration of seven days, the Court is of the opinion that if the impugned order is not stayed today, by the time the appeals are heard by the NMC, no tangible relief would be available to the Petitioner except for clearing the finding of misconduct against them.

6. In light of the foregoing, it is directed that the impugned order dated 8<sup>th</sup> August, 2024 be kept in abeyance until the appeals preferred by the



Petitioners under Section 30(4) of the NMC Act are taken up for hearing by the NMC.

7. The Court has not examined the merits of the case. All rights and contentions of the parties are left open. The relief granted above is only to enable the Petitioners to avail the benefit of statutory remedies under the law, and to ensure that the relief claimed by them is not rendered meaningless or infructuous by the time it is taken up for hearing by the NMC.

8. Accordingly, the present petition is disposed of.

**SANJEEV NARULA, J**

**OCTOBER 4, 2024**

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