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

+ **W.P.(C) 15350/2024**

NEERAJ AGARWAL

.....Petitioner

Through: Mr. Prateek Bhalla and Ms. Mallika
Chadha, Advocates with Petitioner
(in-Person).

versus

DIRECTORATE GENERAL OF HEALTH SERVICES

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.11.2024

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1. The Petitioner has filed the present petition, being aggrieved by order dated 22nd December, 2023 passed by the Respondent/ Directorate General of Health Services.¹ Through the said order, the DGHS denied the registration of the Petitioner's nursing home, Agarwal Medical Centre, E-234, Greater Kailash Part-1, New Delhi.

2. The Petitioner assailed the said order before the Court of Financial Commissioner, Delhi in appeal under Sections 8(3) and 8(4) of the Delhi Nursing Homes Registration Act, 1953. The said appeal was decided through order dated 11th July, 2024. The operative portion of the said order reads as follows:

"11. It would be in the fitness of things if the Director General Health

¹ DGHS"



Services re-visits the matter, take into consideration the reply of the Appellant herein file before the DGHS in the impugned matter and after giving opportunity of hearing to the Appellant via speaking and reasoned order in the next 60 days. The DGHS should also consider registration of the Nursing Home in the light of above observations.

*12. With the above directions, the appeal bearing No.06/2024 titled **Agarwal Medical Centre Vs. DGHS** is disposed of. No order as to costs.”*

3. In terms of the aforementioned order, the Financial Commissioner directed the DGHS to re-visit the matter, after providing an opportunity of hearing to the Petitioner and taking into consideration their reply.

4. In the above background, the Petitioner has now invoked the jurisdiction of this Court, urging that despite the passage of more than 100 days since the issuance of the Financial Commissioner’s order, the Respondent has not re-considered the matter. Additionally, it is urged that despite specific directions by the Financial Commissioner, the Respondent has not provided the Petitioner with an opportunity of hearing, which amounts to violation of principles of natural justice.

5. In the above background, the Petitioner seeks the following reliefs:

“A. *Issue a writ, order or direction in the nature of a Writ of Certiorari or any other appropriate writ to direct the Respondent herein to comply with the order dated 11.07.2024 passed by the Financial Commissioner, New Delhi within a stipulated period;*

B. *Issue a writ, order or direction in the nature of a Writ of Certiorari or any other appropriate writ directing the Respondent herein to stay the cancellation order dated 22.12.2023 till the pendency of the adjudication of the matter before it;*

C. *Pass such order/direction in favour of the Petitioner as this Hon’ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity.”*

6. At the outset, counsel for the Petitioner, has apprised the Court that on 30th October, 2024, the Directorate General of Health Services passed an



order reiterating their earlier decision of cancellation through order dated 22nd December, 2023. The copy of the said order has been handed over across the board and is taken on record.

7. In light of the above, in the opinion of the Court, the relief sought by the Petitioner for seeking directions to the Respondent to comply with the order of the Financial Commissioner dated 11th July, 2024, stands redressed.

8. Accordingly, no further directions are required to be passed in the present matter. It is, however, clarified that the Petitioner shall be at liberty to impugn the aforementioned order dated 30th October, 2024 in accordance with law. The Petitioner shall also be permitted to raise all such grounds as urged in the present petition in respect of non-compliance of the directions of the Financial Commissioner in order dated 11th July, 2024.

9. The Court has not examined the merits of the case and all rights and contentions of the parties are accordingly reserved.

10. The petition is disposed of along with pending application(s), if any.

SANJEEV NARULA, J

NOVEMBER 4, 2024

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