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

+ W.P.(C) 4316/2025

DR PRIYA DARSHAN GUPTA

.....Petitioner

Through: Mr. Sandeep Kapoor, Adv.
versus

DELHI MEDICAL COUNCIL AND ANR

.....Respondents

Through: Mr. Praveen Khattar and Mr. Pritam
Kumar, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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04.04.2025

CM APPL.19984/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 4316/2025 and CM APPL.19983/2025 (Stay)

3. The present petition seeks to assail an order dated 03.02.2025 passed by the disciplinary committee of Delhi Medical Council/respondent no.1, whereby, it was directed that the name of the petitioner shall be removed from the State Medical Register of the Delhi Medical Council for a period of 15 days. It was also directed that the petitioner shall undergo 15 hours of Continuing Medical Education (C.M.E.), on the subject "Targeted scan for foetal anomalies" and submit a compliance report to this effect to the respondent no.1. In terms of the impugned order, the aforesaid direction/order is to come into effect within a period of three months from the date of the order (i.e., 03.04.2025).
4. It is stated that the petitioner is a Radiologist (MD) having more than



30 years of experience and has been running P.D Gupta Mediscan Centre (P) Ltd, a NABL and NABH accredited diagnostic Centre.

5. A complaint came to be filed against the petitioner alleging medical negligence by one Mr. Shahnuma. In the said complaint it was alleged that the complainant went to the petitioner's clinic on 25.09.2020 for an anomaly scan/ultrasound of her foetus. The report prepared by the petitioner observed that the pregnancy of complainant had no abnormality/complication, however, the child of complainant was born underdeveloped. The complainant alleged that due to the wrong ultrasound report, right treatment could not be provided to the complainant and her unborn child, and the same amounts to medical negligence. The said complaint was disposed of by the respondent no.1 *vide* impugned order dated 03.02.2025.

6. Learned Counsel on behalf of the petitioner submits that against the impugned order passed by the respondent no.1, on 18.03.2025 the petitioner has filed an appeal before the Ethics and Medical Registration Board of the National Medical Commission which is pending adjudication. However, the appellate authority is yet to consider the matter. It is submitted that if the impugned order is not stayed, the appeal would be rendered infructuous.

7. Learned counsel on behalf of the respondent no.1 accedes that the impugned order is appealable before the Ethics and Medical Registration Board of the National Medical Commission under Section 30(3) of the National Medical Commission Act, 2019.

8. During the course of proceedings, it has been also brought out by learned counsel on behalf of the respondent no.1 that this Court had issued directions in WP(C) 17221/2024, which arose in a similar factual matrix. The direction in order dated 13.12.2024 passed by this Court in the aforesaid



writ petition, reads as under:

“5. The Court has noted the facts and grounds raised by the parties. This Court in Dr. D.C. Agarwal and Another v. National Medical Commission and Another while examining the decision of the High Court of Judicature of Bombay, Nagpur Bench, in Dr. Ashok s/o Shrawan Bawaskar v. The National Medical Commission and Ors had observed that EMRB has the power to grant interim relief, pending consideration of appeal under Section 30(3) of the National Medical Commission Act, 2019.

6. In light of the foregoing, since there exists an adequate alternate remedy to urge the interim relief before the EMRB, the Court finds no ground to entertain the present petition and the Petitioners must pursue their remedy for interim relief before the EMRB. However, considering that the impugned order is likely to come into effect on 14th December, 2024, as urged by the counsel for the Delhi Medical Council, it is directed that the impugned order shall be kept in abeyance for a period of two weeks from today.

7. The Petitioner shall be at liberty to file an application seeking interim relief before the EMRB within a period of three days from today. However, in the event, the EMRB is unable to consider Petitioners’ application within the afore-noted period, then the direction for keeping the impugned order in abeyance shall be extended till such time the application for interim relief is considered and decided.

8. With the above directions, the present petition, along with pending applications, is disposed of.

9. It is clarified that the Court has not examined the merits of the case. All rights and contentions of the parties are reserved.”

9. In the circumstances, this Court finds it apposite to dispose of the present writ petition on similar lines. Since the impugned order is likely to come into effect from 03.04.2025, it is directed that the impugned order shall be kept in abeyance for a period of two weeks from today.

10. The petitioner is at a liberty to file an application seeking interim



relief before the appellate authority within a period of five days from today. If the appellate authority is unable to consider the aforesaid application for interim relief within a period of 2 weeks from today, the direction for keeping the impugned order in abeyance shall be extended till the said application is adjudicated and decided upon.

11. Needless to say, nothing in this order shall be construed as an expression of opinion of this Court on the merits of the case.
12. The petition is disposed in the aforesaid terms.
13. *Dasti* under the signatures of Court Master.

SACHIN DATTA, J

APRIL 4, 2025/sl