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

+ **W.P.(C) 11124/2025 & CM APPL. 45748/2025**

ASSOCIATION OF HEALTHCARE PROVIDERS (INDIA)

.....Petitioner

Through: Ms. Malvika Trivedi, Sr. Advocate
with Mr. Sanyam Khetrapal, Mr.
Nijesh Goyal, Ms. Sonal Gupta, Ms.
Prakriti Anand, Ms. Lisa Sankrit and
Mr. Animesh Jha, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Rakesh Kumar, CGSC with Mr.
Kamal Deep, GP and Mr. Sunil,
Advocate for UOI.
Mr. T. Singhdev, Ms. Yamini Singh,
Mr. Tanishq Srivastava, Mr. Abhijit
Chakravarty Ms. Anum Hussain, Mr.
Bhanu Gulati and Mr. Sourabh
Kumar, Advocates for R-3/NMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

30.07.2025

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1. Heard the learned counsel for the parties.
2. The issue sought to be raised in this Public Interest Litigation is no more *res integra* as the same stands decided by Hon'ble Supreme Court *vide* its judgment in *Indian Medical Association vs. V.P. Shantha and Ors.* 1995 (6) SCC 651.



3. Our attention has though been drawn by learned senior counsel for the petitioner to certain observations made in paragraph 26 and 29 of the judgment rendered by Hon'ble Supreme Court in ***Bar of Indian Lawyers vs. D.K. Gandhi***, 2024 (8) SCC 430. The said paragraphs are extracted hereunder:-

“26. Of course, we are conscious of the decision in Indian Medical Assn. v. V.P. Shantha, in which a three-Judge Bench of this Court has held inter alia that the wide amplitude of the definition of "service" in the main part of Section 2(1)(o) would cover the services rendered by medical practitioners within the said Section 2(1)(o). However, in our humble opinion, the said decision deserves to be revisited having regard to the history, object, purpose and the scheme of the CP Act and in view of the opinion expressed by us hereinabove to the effect that neither the "Profession" could be treated as "business" or "trade" nor the services provided by the "Professionals" could be treated on a par with the services provided by the businessmen or the traders, so as to bring them within the purview of the CP Act.

29. In view of the above, we are of the opinion that the decision of the three-Judge Bench, in Indian Medical Assn. v. V.P. Shantha deserves to be revisited and considered by a larger bench. We, therefore refer the matter to Hon'ble the Chief Justice of India for his Lordship's consideration.”

4. We have also been taken to an order dated 07.11.2024 passed by Hon'ble Supreme Court in ***Bar of Indian Lawyers vs. D.K. Gandhi & Anr.*** Civil Appeal No. 2646/2009, wherein it has been observed that reference to larger Bench was not necessary however, it has further been observed in the said order by the Hon'ble Supreme Court that the question as to whether the other professionals, excluding the legal professionals, could be covered by the Consumer Protection Act, can be considered in an appropriate case, having a factual foundation for deciding the same. Paragraphs 7 and 8 of the order dated 07.11.2024 are extracted herein below:-

“7. We, therefore, find that since this Court came to the aforesaid conclusion, irrespective of the finding in the case of Indian Medical



Association (Supra), the reference to a larger Bench was not necessary.

8. The question as to whether the other professionals, excluding the legal professionals could be covered by the Consumer Protection Act, can be considered in an appropriate case, having a factual foundation for deciding the same.”

5. In view of the aforesaid, it has been argued by learned senior counsel for the petitioner that the instant petition may be entertained.

6. Having perused the documents available on record on this petition, we are afraid we do not find ourselves in agreement with the submission made by learned senior counsel for the petitioner for entertaining the petition for the simple reason that as on today the judgment rendered by Hon’ble Supreme Court in ***V.P. Shantha*** (supra) is law of land and it will neither be possible nor permissible under law for this Court to take a view other than the view already expressed by Hon’ble Supreme Court in the aforesaid judgment.

7. For the aforesaid reasons, we decline to entertain this writ petition which is hereby dismissed.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

JULY 30, 2025

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