



\$~ 1(SDB) to 3(SDB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3903/2017 & CM APPL. 18718/2017, CM APPL. 19134/2017, CM APPL. 27526/2018**
COURT ON ITS OWN MOTIONPetitioner

Through: Ms. Ashna Khan, Adv. for Mr. Ashok Agarwal, Amicus Curiae.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr Amit Tiwari, CGSC, with Mr. Ayush Tanwar & Ms. Ayushi Srivastava, Advs. for UOI. (M: 9311487129)

Ms Radhika Bishwajit Dubey, CGSC with Ms Gurleen Kaur Waraich, and Mr Vivek Sharma, Advs for R-1. (M:9810982927)

Mr. Sagar Saxena, Mr. Parmeet Singh, Mr. Sarthak Pandey & Mr. Krishnandu Haldar, Advs. for JACSDO. (M: 9899898423)

Ms. Avnish Ahlawat, Standing Counsel GNCTD along with Mr. N.K. Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam & Mr. Mohnish Sehrawat, Advs. for GNCTD. (M: 9711836350)

Mr Tushar Sannu and Mr. Hardik Saxena, Advs. for GNCTD. (M: 8057516157)

Mr. V.S.R. Krishna and V Shashank Kumar, Advs. for AIIMS. (M: 9910800508)

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WITH

+ **W.P.(C) 8548/2017 & CM APPL. 985/2024, CM APPL. 50101/2024**
COURT ON ITS OWN MOTIONPetitioner

Through: Ms. Ashna Khan, Adv. for Mr. Ashok Agarwal, Amicus Curiae. (M: 9811101923)



versus
UNION OF INDIA AND ORS.

.....Respondents

Through: Ms. Avnish Ahlawat, Standing Counsel GNCTD along with Mr. N.K. Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam & Mr. Mohnish Sehrawat, Advs. for GNCTD.
Mr. Siddharth Panda, Mr. Ritank & Mr. Anil Pandey, Advs. for Dr. Sareen Committee. (M: 9891488088)
Mr Tushar Sannu and Mr. Hardik Saxena, Advs. for GNCTD.
Mr. Ravinder Agarwal and Mr. Manish Kumar Singh, Advs. for R-6. (M:9810056263)
Mr. V.S.R. Krishna and V Shashank Kumar, Advs. for AIIMS.

3

AND

+

W.P.(C) 15743/2024 & CM APPL. 72717/2024, CM APPL. 73111/2024

SHRI HARSH MALHOTRA & ORS.

.....Petitioners

Through: Mr. Tejasvi Gupta, Adv.

versus

GOVERNMENT OF NCT OF DELHI THROUGH ITS CHIEF SECRETARY & ORS.

.....Respondents

Through: Mr Tushar Sannu and Mr. Hardik Saxena, Advs. for GNCTD.
Mr. Ripudaman Bhardwaj, CGSC with Mr. Kushagra Kumar, Mr. Abhinav Bhardwaj and Mr. Rajesh Mishra, Advs. for UOI.
Mr. Vedansh Anand, GP.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **11.02.2025**

1. This hearing has been done through hybrid mode.



W.P.(C) 15743/2024 & CM APPL. 72717/2024, CM APPL. 73111/2024

2. The present petition has been filed by the seven Members of Parliament from Delhi under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *Mandamus* for directing Respondent Nos. 1 and 2 to implement the Ayushman Bharat-Pradhan Mantri Jan Arogya Yojna Scheme ('AB-PMJAY') within the territory of NCT of Delhi.

3. Notice in the present petition was issued on 28th November, 2024. Further, on 12th December, 2024 the Court expressed its concern on the fact that 33 states and Union Territories have already implemented the AB-PMJAY scheme, except the NCT of Delhi. The relevant portion of the order dated 12th December, 2024 is extracted hereinunder:

“3. Notice has already been issued in this petition vide order dated 28th November, 2024. On the said date, the GNCTD was permitted to file their counter affidavit. However, the same has not been filed.

4. It is a matter of concern that 33 states and Union Territories have already implemented the PMJAY scheme, except the NCT of Delhi.”

4. Today, Mr. Tejasvi Gupta, Id. Counsel appearing on behalf of the Petitioners submits that the Petitioners no longer wishes to press the present petition in view of the fact that the newly elected Government of NCT of Delhi has assured that the AB-PMJAY scheme would be implemented, in the first Cabinet meeting itself.

5. Accordingly, the said petition is disposed of as not pressed. All pending applications are also disposed of.

W.P.(C) 3903/2017 & CM APPL. 18718/2017, CM APPL. 19134/2017, CM APPL. 27526/2018

W.P.(C) 8548/2017 & CM APPL. 985/2024, CM APPL. 50101/2024

6. On 24th December, 2024, with respect to the implementation of the



Pradhan Mantri Ayushman Bharat Health Infrastructure Mission ('PM-ABHIM scheme'), the Court *inter alia* directed that the Memorandum of Understanding (*hereinafter*, 'MoU') for implementation of the said scheme ought to be signed between the Ministry of Health and Family Welfare, Government of India and the Government of the National Capital Territory of Delhi (*hereinafter*, 'GNCTD'). The relevant portion of the order dated 24th December, 2024 is extracted hereunder:

"7. The clear position that emerges from the above minutes is that the PM-ABHIM scheme would have to be implemented in its entirety in order to ensure that the residents of Delhi are not deprived of the funds and all the facilities under the said scheme. Clearly, the funds of one Scheme cannot be sought to be released for some other projects, as is being sought to be asserted. The non-implementation of the PM-ABHIM Scheme in Delhi, when 33 States and UTs have already implemented the same, would not be justified. For the said purpose, therefore, since the Memorandum of Understanding ('MoU') has to be signed between the Ministry of Health and Family Welfare, Government of India and the GNCTD, let the said MoU be signed by 5th January, 2025.

8. This MoU shall be signed irrespective of a Model code of conduct, if any, as the same has been monitored by this Court and is for the benefit of citizens of Delhi. The said MoU be placed before this Court on the next date of hearing."

7. The said directions were challenged in the Supreme Court and vide order dated 17th January, 2025 in **SLP(Civil) Diary No.921/2025** the Supreme Court stayed the directions passed in paragraph nos. 7 and 8 of the order dated 24th December, 2024. The said order passed by the Supreme Court reads as under:



*“1. Permission to file special leave petition is granted.
2. Issue notice, returnable in four weeks.
3. Dasti, in addition, is permitted.
4. In addition to the usual mode, liberty is granted to the petitioner to serve notice through the Standing Counsel for the respondent(s).
5. Until further order(s), there shall be stay of the directions contained in paragraph Nos.7 and 8 of the impugned judgment and order.”*

8. Insofar as the paragraph nos. 7 and 8 of the order dated 24th December, 2024 are concerned, the same relate to the implementation of PM-ABHIM scheme in Delhi and have been stayed.

9. In addition to the directions related to the PM-ABHIM scheme, the other aspect in the order dated 24th December, 2024 is regarding the directions passed for creation of the Health Management Information System (*‘HMIS’*).

The same have been extracted below for a ready reference:

“Health Management Information System (HMIS)

9. The Dr. Sarin Committee and the AIIMS’s minutes of meeting dated 9th December, 2024 has recommended creation of a Health Management Information System (HMIS) for Delhi.

10. However, the Court observes that in respect of setting up of the said system, there is a two-way opinion being expressed before the Court. One by the Health Department of GNCTD and secondly, by the office of the concerned Minister. The Director, AIIMS has already preferred engaging the National Informatics Centre (‘NIC’) for setting up the HMIS.

11. Mr. Rahul Mehra, ld. Senior Counsel submits that he may be heard in this regard, before any order is passed.

12. For the said purpose, list on 13th January, 2025.

13. In any event, by the said date, both the NIC and C-DAC shall place their respective representations in



respect of HMIS for consideration. The representations shall be handed over in a Power Point Presentation format in one pen drive to the Court Master by 10th January, 2025.”

10. Pursuant to the said order, on 13th January, 2025 both the teams of National Informatics Centre (‘NIC’) and C-DAC brought their respective power point presentations to the Court. The Court on the said date, directed as under:

“12. The power point presentation (‘PPT’) submitted by the NIC has been handed over to the Court. Mr. Sameer Vashisht, ld. Counsel submits that he has also filed the PPT which is submitted by CDAC.

13. Both the teams of NIC and C-DAC have brought the PPTs to the Court showing suggested architecture for the HMIS. Let both the PPT’s be submitted on a pendrive and be circulated.

14. The said presentations be sent to the Director, AIIMS who shall submit a report as to the status of both the presentations and his recommendations.

15. It is made clear that if any flexibilities/changes are required to make the schemes more efficient, both the organisations shall be open for the same.

16. Let the presentations be made by 25th January, 2025 and the report of Director, AIIMS be presented before the Court on the next date of hearing.

17. All India Institute of Medical Sciences, New Delhi (‘AIIMS’) is also stated to have filed certain minutes and other documents. Let all these documents be brought on record.

18. List on 11th February, 2025.”

11. Today, Mr. V.S.R. Krishna, ld. Counsel appearing for AIIMS submits that pursuant to the directions issued by the Court on 13th January, 2025 a report is stated to have been filed by the AIIMS recently.



12. It is seen that the report stated to be filed on behalf of AIIMS is not on record and has been returned under objections. Let the same be brought on record.

13. List on 17th March, 2025.

14. The Director, AIIMS shall continue to supervise the implementation of the various directions given by this Court during hearing of the present case and file a status report.

15. The said status report shall not be filed merely electronically but the copy of the same shall be handed over to the Court Master at least two days before the next date of hearing so that unnecessary adjournments are avoided.

PRATHIBA M. SINGH, J.

MANMEET PRITAM SINGH ARORA, J.

FEBRUARY 11, 2025/dk/rks