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

+ **W.P.(C) 5009/2026**

SAMIKSHA

.....Petitioner

Through: Mr. Subhash Solanki and Mr. Abhay
Bhati, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Ms. Shiva Lakshmi (SPC) With Ms.
Anugya Gupta, Advocate for UOI.
Mr. Amit Jain, Government Pleader
for UOI.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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16.04.2026

CM APPL. 24531/2026 (EXEMPTION)

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

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3. The petitioner seems to have the grievance with respect to interpretation of Section 22(4) of the Assisted Reproductive Technology Act, 2021 (the ART Act). He, therefore, has prayed for reading down of the said provision in so far as it permits the unilateral withdrawal of consent by one member after embryos have already been created through In Vitro



Fertilization (IVF) treatment.

4. The Court finds that the petitioner will have to challenge the constitutional validity of the Section 22(4) of the ART Act. In absence of challenging the constitutional validity of the said provision, the reading down exercise may not be possible.

5. At this stage, the petitioner seeks permission to withdraw the instant petition with liberty to file a properly constituted petition challenging the constitutional validity of Section 22(4) of the ART Act including seeking for reading down of the said provision.

6. Liberty, as prayed, is granted. Accordingly, the petition stands dismissed as withdrawn.

7. All rights and contentions of the parties are left open.

PURUSHAINDRA KUMAR KAURAV, J

APRIL 16, 2026

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