



2026:DHC:1725



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 10535/2021**

Date of Decision: **19.02.2026****DRON MISHRA**

.....Petitioner

Through: Appearance not given.

versus

**NATIONAL MEDICAL COMMISSION & ORS.**

.....Respondents

Through: Mr. T. Singhdev, Mr. Abhijit Chakravarty, Ms. Yamini Singh, Mr. Tanishq Srivastava and Mr. Vedant Sood, Advs. for R-1.  
Mr. Nishaank Mattoo, Mr. Naman Kr. Thakur, Ms. Charu Kumar and Mr. Utkarsh, Advocates for R-2.  
Dr. Sunil Khattri, Ms. Priyana Gupta and Ms. Shreya Srivastava, Advs. for R-3.  
Mr. Kunal Kher, Advocate for R-5.

**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. This matter was earlier called out on 12.02.2026, and none had appeared for respondent no.4, therefore the hearing was deferred. The order dated 12.02.2026 is extracted hereunder:-

*1. It appears that against some of the doctors, findings have been*

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*recorded by the National Commission of Disputes Redressal Committee („NCDRC”), which has been affirmed by the Supreme Court.*

*2. In view thereof, coupled with the factum that the petition was not heard by the erstwhile Medical Council of India, the Court is of the opinion that the matter should be remitted back to the appropriate committee of the National Medical Commission for its reconsideration.*

*3. Since, respondent no. 4 is not appearing, in the interest of justice, hearing stands adjourned till 19.02.2026.*

2. Despite sufficient opportunity given, none appears for R-4. However all the other respondents are represented for by their respective counsel.

3. The controversy in the instant case emanates from passing of the impugned order dated 28.05.2021 by the Board of Governor on Medical Counsel of India by the erstwhile Board of Medical Council of India. The sole grievance raised by the petitioner is that the order dated 28.05.2021 has been passed without providing sufficient opportunity of hearing to the petitioner.

4. The case of the petitioner herein is that, his father is a victim of medical negligence, and against the same, the petitioner seems to have filed the complaint against the respondent doctors before the Uttar Pradesh State Medical Council.

5. The petitioner submits that his father, on experiencing a complaint of blood urine, vomiting etc, had visited the OPD of Dr. Sandeep Agarwal on 08.12.2013. Thereupon, certain medication was prescribed by the concerned doctor. It is submitted that he again visited the said doctor on 09.12.2013 and also between 10.12.2013 to 17.12.2013, Dr. Muffazal Ahmed had pointed out certain health complications to the petitioner, and accordingly, dialysis was advised.

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6. In the meantime, the respondent No.3 and 4 prescribed iron injection, more particularly, Encicarb Injections (Ferric Carboxy Maltose) injections to the patient, which were administered to the patient between 11.12.2013 to 22.02.2013. The patient was ultimately discharged on 17.12.2013.

7. It is further submitted that the health condition of the petitioner worsened and therefore, he had to take further medical treatment from various medical institutions. Against the alleged negligence in the treatment done, the father of the petitioner filed a consumer complaint being No. CC/998/2015 before the Consumer Commission on 05.09.2015, and a separate complaint before the Uttar Pradesh State Medical Council on 08.01.2016 against the Respondents 2, 3, 4 and 5.

8. The complaint was dismissed by the Uttar Pradesh Medical Council on 12.04.2019. Against the said dismissal, the petitioner preferred an appeal before the erstwhile Medical Council of India. The said appeal was considered by the ethics Committee of MCI. The impugned order exonerates the doctors.

9. The petitioner therefore is aggrieved by the same, and hence approached this Court. The solitary point raised by the petitioner is with respect to not being afforded an opportunity of hearing before the concerned forum prior to the closing of the appeal.

10. On merits, the petitioner places reliance on the order dated 07.11.2019 passed by the National Consumer Disputes Redressal Commission (NCDRC), wherein, according to him, the NCDRC directed the Opposite Parties No. 2, 3 and 4 therein, i.e., the Respondents No. 3, 4 and 5



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respectively, to pay a compensation of Rs.30 lakhs to the complainant therein, while holding them guilty of negligence. The petitioner submits that the said order was appealed before the Supreme Court, and the same was dismissed.

11. The said submission is opposed by Mr. T.S. Singhdeo, who is representing the Respondent 2 and 5. He has drawn the attention of the Court to the minutes of Ethics Committee to point out that the Appellate Authority *vide* letter dated 26.11.2019, which required the petitioner/complainant to appear before the Ethics Committee on 10.12.2019, and despite the notice, the petitioner failed to appear before the concerned authority. He submits that once the petitioner chooses not to appear in the matter, the matter was proceeded without the complainant/petitioner. Learned counsel for the petitioner submits that letter dated 26.11.2019 was never received by the Petitioner, and the service of the same was never done on him.

12. With respect to the order dated 07.11.2019 passed by the NCDRC, he submits that once the competent authority, i.e., the Medical Council of India has taken a view on the same, the same does not require any further reconsideration, and that there is no negligence attributable to the respondent No. 2 and 5.

13. I have heard learned counsel for the parties and have perused the record.

14. From the record, there is no document to indicate that the letter dated 26.11.2019 was served on the petitioner, and there seems to be no proof of

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service of the said letter on the petitioner herein. Irrespective of the same, it remains uncontroverted by all parties, that the petitioner was neither present nor heard at during the appellate proceedings.

15. Various arguments on facts were made by the parties on the merits of the matter. However, the Court is of the considered opinion that the same can be appreciated by the Committee of the body that is currently constituted, in place of the Medical Council of India, i.e., the National Medical Commission, to examine the matter and hear the appeal while providing a hearing opportunity to the petitioner herein.

16. Therefore, taking into consideration the controversy herein, especially that the principles of natural justice was not adhered to and that the appeal was closed without the complainant therein being heard, the Court deems it appropriate to direct the concerned body of the National Medical Commission to conduct a re-hearing of the parties on the appellate proceedings and to pass appropriate orders.

17. It is pertinent to note that the Court has not made any observations on the merits of the matter and all rights and contentions of the parties are left open.

18. The present petition stands disposed of.

**PURUSHAINDR KUMAR KAURAV, J**

**FEBRUARY 19, 2026**

**JYH/mj**

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