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

+ **W.P.(C) 8209/2025**

**RANJAKAM INDRA VISVANATHAN** .....Petitioner

Through: Mr. Shouryendu Ray, Ms. Istela  
Jameel, Ms. Vatsala Poddar, Ms.  
Neelu Mohan, Advs.

versus

**THE NATIONAL MEDICAL COMMISSION  
AND ORS**

.....Respondents

Through: Mr. Praveen Khattar Adv, Mr. Pritam  
Kumar, Advs for R-4.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

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**15.01.2026**

1. The petition is for the following relief:

*“a. Issue a writ in the nature of Mandamus, or any other appropriate writ, direction or order, for registration of the appeal dated 17.12.2024 before the National Medical Commission and expeditious investigation in the matter; and/or*

*b. Pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”*

2. On 30.05.2025, this Court while noting the grievance of the petitioner has taken into consideration the statement of the Medical Council of India, that the requisite information which were requisitioned from the concerned SHO and awaiting thereto, the complaint/ appeal was not considered.

3. The Court also took into consideration the communication dated



23.03.2025, handed over by the Delhi Medical Council and, accordingly, in paragraph no. 10 and 11, directions were given to comply with the requisite information to the Delhi Medical Council within a period of four weeks from that date. Thereafter, certain developments had taken place and the Delhi Medical Council, in the meantime, has been dissolved.

4. The petition presents a compelling instance of alleged gross medical negligence and systematic regulatory failure. The petitioner is the mother of the deceased (Late Ms. V. Anita) and has filed the present petition following the tragic death of her daughter on 28.09.2021.

5. The death has occurred from a liposuction surgery performed by respondent no.2 at Dezire Clinic operated by respondent nos. 2 and 3. The petitioner alleges gross medical negligence and suspicious conduct.

6. Various submissions have been made to indicate that instead of referring the patient to well renowned hospitals such as the AIIMS or Safdarjung Hospital, the patient was transferred to a hospital situated 27 kilometres away.

7. The petitioner tries to indicate certain inconsistencies in medical documents and highlight from medical legal certificate that the patient was not taken care of with due diligence, and, even a definitive cause of death is not discernible. The *post-mortem*, according to the petitioner, seems to be of someone else.

8. During the course of hearing, attention of the Court has been brought to the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002. Regulations 8.4, 8.5, 8.6, 8.7 and 8.8, are extracted as under:

*“8.4 Decision on complaint against delinquent physician shall be taken*



*within a time limit of 6 months.*

*8.5 During the pendency of the complaint the appropriate Council may restrain the physician from performing the procedure or practice which is under scrutiny.*

*8.6 Professional incompetence shall be judged by peer group as per guidelines prescribed by Medical Council of India.*

*8.7 Where either on a request or otherwise the Medical Council of India is informed that any complaint against a delinquent physician has not been decided by a State Medical Council within a period of six months from the date of receipt of complaint by it and further the MCI has reason to believe that there is no justified reason for not deciding the complaint within the said prescribed period, the Medical Council of India may-*

*(i) Impress upon the concerned State Medical council to conclude and decide the complaint within a time bound schedule;*

*(ii) May decide to withdraw the said complaint pending with the concerned State Medical Council straightaway or after the expiry of the period which had been stipulated by the MCI in accordance with para(i) above, to itself and refer the same to the Ethical Committee of the Council for its expeditious disposal in a period of not more than six months from the receipt of the complaint in the office of the Medical Council of India.*

*8.8 Any person aggrieved by the decision of the State Medical Council on any complaint against a delinquent physician, shall have the right to file an appeal to the MCI within a period of 60 days from the date of receipt of the order passed by the said Medical Council: Provided that the MCI may, if it is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of 60 days, allow it to be presented within a further period of 60 days."*

9. It is, thus, seen that the State Medical Council is at a first instance empowered to deal with such a grievance, however, if it fails to decide the complaint, the complaint can be transferred to erstwhile Medical Council of India which is now National Medical Commission. The decision of such a complaint by the National Medical Commission against delinquent physician has to be taken within a period of six months.

10. Under these circumstances, there is no impediment in directing the National Medical Commission to deal with the petitioner's grievance and to take it to its logical conclusion within a period six months from the date of



receipt of order passed today.

11. Let the petitioner to file a detailed complaint enclosing all earlier communications including the copy of the documents of the instant petition.

12. If such a complaint is received, let the same be decided as observed hereinabove.

13. With the aforesaid directions, the petition stands disposed of.

**PURUSHAINDRA KUMAR KAURAV, J**

**JANUARY 15, 2026**

aks/ksr