



2026:DHC:4948



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5434/2024**

Date of Decision: **20.05.2026**

IN THE MATTER OF:

DHRUV GOEL & ORS.

.....Petitioners

Through: Mr. Gaurav Jain, Advocate.

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms Avni Singh (Panel Counsel, GNCTD) and Mr Vaibhav Sharma, Advocate.

Mr. Farman Ali, CGSC with Ms. Usha Jamnal and Ms. Tanya Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

JUDGEMENT

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The petition is for directions to the Government of NCT of Delhi (GNCTD) and the Union of India (Union) to grant compensation to the petitioner-legal heirs under the 'Corona Warriors Matryr Scheme' (CWMS) and 'Pradhan Mantri Garib Kalyan Package' (PMGKP), respectively, on account of the demise of Dr. Ravinder Kumar Goel (deceased).
2. As per the case set up by the petitioners, the deceased was an empanelled doctor in the 'Aam Admi Mohalla Clinic, RZB-149, Nihal Vihar



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(Second Shift)', where he had been rendering his services till 20.04.2021. However, owing to health complications on account of COVID-19, he was unable to join his duty after the said date. Further, he is stated to have passed away on 15.05.2021, while undergoing treatment.

3. Subsequently, in the month of July, 2021, petitioner no. 2- the wife of the deceased, applied for compensation under the PMGKP. Further, in the months of September/October, 2021, the authorities at GNCTD initiated the process for grant of compensation to the petitioners under the CWMS. Further, the Directorate General of Health Services issued a certificate that the deceased may have come in direct contact of COVID-19 and may have contracted the same while on duty. However, at the time of this petition's filing, the 'Death Audit Committee' (DAC) constituted by GNCTD failed to certify that the deceased had passed away due to COVID-19.

4. The Court, on 24.07.2024 and 25.11.2024, directed GNCTD to constitute a DAR to verify the cause of the deceased's death for the purpose of processing the petitioners' claim. Subsequently, GNCTD filed a status report, whereby, it was stated that the DAR had opined that the cause of death was COVID-19 virus, and also that the relevant file had been forwarded to the concerned authorities for processing of the petitioners' claim under the PMGKP as well.

5. On various occasions subsequently, i.e., on 31.01.2025, 27.08.2025, and 17.09.2025, the Court observed that despite a categorical admission by GNCTD that the petitioners were entitled to compensation under the CWMS, the requisite amount had not been released to them. Subsequently, an amount of Rs. 60,00,000/- (Rupees Sixty Lakh only) was released, as



noted in order dated 17.11.2025.

6. The Court was constrained to direct the GNCTD, *vide* order dated 24.11.2025, to release the balance compensation amount to the petitioners, failing which, requisite action was directed to be taken against the officials responsible for the delay.

7. As per the short affidavit filed on behalf of the Union, the petitioners' claim for compensation under the PMGKP was rejected and communicated *vide* letter dated 07.10.2025 on the ground that as per the scheme, a positive COVID-19 RT-PCR test result is mandatory for grant of compensation, and the opinion of the DAC that the deceased passed away due to COVID-19 could not form the basis of the same. Paragraphs no. 11 and 12 of the said affidavit are reproduced as under:

"11.It is submitted that, under the Pradhan Mantri Garib Kalyan Package (PMGKP) Insurance Scheme, submission of a COVID-19 positive test report is a mandatory and non-relaxable requirement for processing any claim. Accordingly, upon re-examination of the case in light of the documents received from the GNCTD, it was observed that the claim of late Shri R.K. Goel does not qualify for compensation under the PMGKP Scheme. It is further submitted that the policy guidelines of the PMGKP Scheme do not provide any scope for relaxation or deviation from the stipulated eligibility conditions.

*12.It is submitted that vide Letter dated 07.10.2025, the answering party rejected the claim of the Petitioner, on the ground that the COVID-19 test report was negative, and the opinion of the Death Audit Committee of the GNCTD, being based solely on secondary records and issued more than three years after the date of death, cannot substitute the mandatory requirement of a laboratory-confirmed positive COVID-19 test report. A True Copy of Letter dated 07.10.2025 issued by the answering party Respondents are annexed herewith and marked as **ANNEXURE R-05.**"*

8. The Court, however, is unable to accept the stand taken by the Union. Although *ex gratia* payments are subject to the discretion of the respondent-authorities, it cannot be arbitrarily denied. The deceased has been certified



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by the DAC as having passed away due to the COVID-19 virus. As such, ought not to be doubted, especially considering that the RT-PCR test, as noted by the Madras High Court in *B.Varalakshmi v. The Secretary to Government of India and Ors.*,¹ may not always accurately detect the infection. The sole purpose of mandating a positive RT-PCR test for grant of compensation is to ensure that the same is extended only in genuine cases. The certificate by the DAC also serves the same purpose. Therefore, in cases such as these, the authorities ought not to stick to technicalities as the same would frustrate the purpose of PMGKP.

9. In view of the aforesaid, let the Union to reconsider the petitioners' case and grant them compensation under PMGKP.

10. Insofar as the aspect of grant of interest is concerned, GNCTD, in its short reply has taken the stand that under the CWMS, there is no provision for payment of interest on the compensation amount. Further, without prejudice to the said position, it is also stated that the petitioners only became entitled to the compensation amount upon fulfilment of the requirements under CWMS, and the application for the same is approved by the authorities. Therefore, according to GNCTD, in any case, interest cannot be granted from the date of the petitioners' application for compensation. Reliance is placed on the decision of the Supreme Court in *Union of India v. R. Padmanabhan*,² wherein, while considering whether the petitioner therein was entitled to 'reward' as per the applicable Government Order for providing information leading to seizure of smuggled gold. The Court

¹ Order dated 15.06.2021 Of the Madras High Court at the Madurai Bench in WP (MD) No..7997 of 2021 dated 15.06.2021.

² (2003) 7 SCC 270



considered that the nature of the ‘reward’ was ‘*ex-gratia*’ and, therefore, at the discretion of the Government. As such, it held that a right to the reward would accrue on the informant only when his entitlement to the same is determined by the authorities.

11. The provision under Section 3(b) of the Interest Act, 1978 (**Interest Act**) provides that interest may be granted in proceedings for recovery of any debt or damages, at the discretion of the Court, from the date from which the claimant/petitioner seeks interest to the date of institution of the proceedings. The said provision is extracted below, for reference:

“3. Power of court to allow interest.—(1) In any proceedings for the recovery of any debt or damages or in any proceedings in which a claim for interest in respect of any debt or damages already paid is made, the court may, if it thinks fit, allow interest to the person entitled to the debt or damages or to the person making such claim, as the case may be, at a rate not exceeding the current rate of interest, for the whole or part of the following period, that is to say,—

(a) if the proceedings relate to a debt payable by virtue of a written instrument at a certain time, then, from the date when the debt is payable to the date of institution of the proceedings;

(b) if the proceedings do not relate to any such debt, then, from the date mentioned in this regard in a written notice given by the person entitled or the person making the claim to the person liable that interest will be claimed, to the date of institution of the proceedings:

Provided that where the amount of the debt or damages has been repaid before the institution of the proceedings, interest shall not be allowed under this section for the period after such repayment.

(2) Where, in any such proceedings as are mentioned in sub-section (1),—

(a) judgment, order or award is given for a sum which, apart from interest on damages, exceeds four thousand rupees, and

(b) the sum represents or includes damages in respect of personal injuries to the plaintiff or any other person, or in respect of a person’s death,

then, the power conferred by that sub-section shall be exercised so as to include in that sum interest on those damages or on such part of them as the court considers appropriate for the whole or part of the period from the date mentioned in the notice to the date of institution of the



proceedings, unless the court is satisfied that there are special reasons why no interest should be given in respect of those damages.”

12. The decision of the Supreme Court in **R. Padmanabhan** squarely applies to the present case as well. The *ex-gratia* compensation sought by the petitioners herein, is also at the discretion of the respondent authorities, and therefore, they became entitled for the same only upon the respondents’ approval of their application. A perusal of the provision under Section 3(b) of the Interest Act makes it clear that interest may be granted to the claimant/petitioner from the date on which he becomes entitled to the principal amount.

13. However, at this stage, the provision under Section 34 of the Code of Civil Procedure, 1908 (CPC), which is extracted below, for reference, would require consideration.

“34. Interest.— (1) Where and in so far as a decree is for the payment of money, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, with further interest at such rate not exceeding six per cent. per annum as the Court deems reasonable on such principal sum, from the date of the decree to the date of payment, or to such earlier date as the Court thinks fit:

Provided that where the liability in relation to the sum so adjudged had arisen out of a commercial transaction, the rate of such further interest may exceed six per cent. per annum, but shall not exceed the contractual rate of interest or where there is no contractual rate, the rate at which moneys are lent or advanced by nationalised banks in relation to commercial transactions.

Explanation I.—In this sub-section, “nationalised bank” means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).

Explanation II.—For the purposes of this section, a transaction is a commercial transaction, if it is connected with the industry, trade or business of the party incurring the liability.

(2) Where such a decree is silent with respect to the payment of further



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interest on such principal sum from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie.”

14. Although the provisions of the CPC do not strictly apply to proceedings under Article 226 of the Constitution of India, the underlying principles may be considered by the Court for guidance in the exercise of its discretion. It is seen that under Section 34 of the CPC, Courts are empowered to grant interest, at a reasonable rate, on the decretal amount from the date of institution of the suit till the date of the decree. Further, Courts may also grant interest at a rate not exceeding six per cent per annum from the date of the decree till the date of actual payment to the decree holder.

15. Further, it is trite law that, when the petitioners are legally entitled to a certain amount, and the same has not been paid, the party responsible for withholding the same must pay interest at a reasonable rate as determined by the Court. Reference, in this regard, may be made to the decision of the Supreme Court in *Union of India v. Justice S.S. Sandhawalia*.³

16. In view thereof, the respondents are directed to pay to the petitioners interest at the rate of six per cent per annum from the date on which the petitioners' application for compensation is approved by the respondent authorities, till the date of actual payment.

17. List for compliance on 17.08.2026.

PURUSHAINDRA KUMAR KAURAV, J

MAY 20, 2026/p/amg

³ 1994 (2) SCC 240