



\$~1 TO 3 (SDB)

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

Date of Decision: 3rd July, 2026

Uploaded on: 6th July, 2026

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

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Vishwajeet Singh Bhati, Adv. for
Mr. Siddharth Aggarwal, Sr.Adv.
Mr. Ayush Pratap, Mr. Vikas Pratap
Singh, Mr. Rohan Pratap Singh and
Mr. Devansh Singh, Advocates (M:
7004477516).
Mr. Chirmaya Sywal, Advocate.

versus

UNION OF INDIA & ORS

.....Respondent

Through: Mr. V. S. R. Krishna and Mr. V
Shashank Kumar, Advocates for
AIIMS.
Mrs. Avnish Ahlawat SC GNCTD
Services, Mr. Nitesh Kumar Singh,
Ms. Aliza Alam & Mr. Mohnish
Sehrawat, Advs.
Mr. Ravinder Agarwal, Mr. Manish
Kumar Singh & Mr. Vasu Agarwal,
Advs. for UPSC.
Ms. Arunima Dwivedi CGSC with
Ms. Himanshi Singh, Ms. Monalisha
Pradhan, Advs. for UOI.
Ms. Radhika Bishwajit Dubey, CGSC
with Ms. Gurleen Kaur Waraich, Mr.
Kritarth Upadhyay, Mr. Amulya Dev
Mishra, Advs.
Mr. Rakesh Malhotra, Mr. Bharat
Malhotra and Ms. Gayatri Bhatia,
Advocates for MCD.



2(SDB)

AND

+ **W.P.(C) 8548/2017, CM APPLs. 985/2024, 50101/2024, 840/2026**
COURT ON ITS OWN MOTIONPetitioner

Through: Mr. Ashok Agarwal, Amicus.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. V. S. R. Krishna and Mr. V
Shashank Kumar, Advocates for
AIIMS.

Mrs. Avnish Ahlawat SC GNCTD
Services, Mr. Nitesh Kumar Singh,
Ms. Aliza Alam & Mr. Mohnish
Sehrawat, Advs.

Mr. Ravinder Agarwal, Mr. Manish
Kumar Singh & Mr. Vasu Agarwal,
Advs. for UPSC.

Mr. Amit Tiwari, CGSC with Ms.
Ayushi Srivastava, Mr. Ayush Tanwar
and Mr. Kushagra Malik, Advs. for
UOI.

Ms Harshita Nathrani, Adv. for Mr.
Sameer Vashisht, Standing Counsel
(Civil) GNCTD with Mr. Vinit Saxena
AD IT, Mr. Prasnat Gupta TO IT, Mr.
Akash Kumar TO IT, Ms. Arti Garg
JDIT NIC, Dr Reena Yadav Incharge
ICU Bed, Mr. Harish, SO legal,
H&FW & Mr. Manish Sr. Asst.
H&FW.

3(SDB)

AND

+ **W.P.(C) 15834/2025& CM APPL.64835/2025**
KUTUMB THROUGH ITS TRUSTEEPetitioner

Through: Mr. Rudra Vikram Singh,
Mr.Ashirvad Kumar, Mr. Tarshith
Bhardwaj, Ms. Rashmi, Mr. Avdhesh



Kumar Varshney & Mr. Kumar
Saurabh Singh, Adv.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Ms. Avshreya Pratap Singh Rudy,
Adv. (CGSC), Ms. Usha Jamnal, Ms.
Nyasa Sharma & Mr. Ankit Khatri,
Adv. for R-3 &4.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. On the last date of hearing *i.e.* 30th June, 2026, the Court had requested the GNCTD to arrange a live demonstration of the NextGen e-Hospital Management Information System and the daily '*ICU Beds Saarthi*' application by a competent official, which is supposed to have been implemented in 38 hospitals across Delhi.
3. However, today, at the outset before the start of the demonstration itself, Mr. Ashok Agarwal, Id. Amicus Curiae has brought to the notice of the Court that one patient- Mrs. Kamar Jahan, aged 70 years, a resident of Seelampur, Delhi, who had breathing difficulty on 30th June, 2026, had initially approached the Jag Pravesh Chandra Hospital, Shastri Park, Delhi and she was referred to GTB Hospital/LNJP Hospital by one Dr. Prakash, Sr. Resident, Department of Medicine at Jag Pravesh Chandra Hospital.
4. The said patient required an ICU bed, however, when the patient approached the LNJP Hospital, she was discharged with some cursory treatment on the ground that no ICU beds were available.
5. The grand-daughter of Mrs. Kamar Jahan, who is also present in Court



today submits that at the time when they went to the LNJP Hospital, two ICU beds were reflected on the website as being available, however, the patient was turned back.

6. This is an unfortunate situation which shows that despite the ICU beds being shown to be available on the website, the patient was not provided the same.

7. In addition, the grand-daughter of the said patient has also informed the Court that despite repeated phone calls being made at the LNJP Hospital on the numbers which were provided on the website, there was no positive response and on one of the phone numbers a security guard answered and he was unable to inform as to whether any ICU bed was available or not. The Court Master had also dialled the numbers which were provided but the lines were either busy or there was no answer. The numbers dialled were as under:

- i. 9873617028
- ii. 9873012241
- iii. 01123235152

8. In addition, the Court has also seen both the prescriptions, one of the Jag Pravesh Chandra Hospital and other of the LNJP Hospital, which would show that in the Jag Pravesh Chandra Hospital, no Unique Health Identification (UHID) has been created for the patient and in LNJP Hospital, a UHID has been created.

9. Ms. Aarti Garg, Joint Director, NIC, who is present with her team which is developing the NextGen e-Hospital Management Information System (HMIS) submits that the UHID number enables the details of the patient to be accessible within the hospital and only when it is transmitted on to the Ayushman Bharat Health Account (ABHA), the patient detail would be



accessible to other hospitals as well.

10. It is, therefore, unclear as to how the HMIS Platform is being used by the hospitals and it is also unclear as to why there is no uniformity in the implementation of the HMIS Platform.

11. Clearly, there is disparity in the manner in which the HMIS Platform is being implemented across the Delhi Government hospitals.

12. Dr. Amit Gupta from LNJP Hospital and Dr. Ashish from Deep Chand Bandhu Hospital have also joined the Court proceedings online and have heard the proceedings today.

13. It is clear that there needs to be consistency and uniformity in using the NextGen e-Hospital Management Information System (HMIS) and it is also necessary to ensure that the persons who are manning the various telephone lines in the hospitals and are present at the hospitals do not turn down patients.

14. In order to ensure that there is effective implementation of these systems which have been put in place, this Court is of the opinion that further directions would be required to be issued. Accordingly, it is directed as under:

- i. Ms. Aarti Garg, Joint Director, NIC along with her team shall conduct surprise inspection/audit in all the 38 hospitals across Delhi on different dates, till 31st July, 2026 and shall place on record an audit report giving the following details:
 - a) Whether the number of available ICU beds in the hospitals are properly reflected and updated on the website or not;
 - b) Whether the phone calls which are being received in emergency situations seeking assistance for ICU beds are being properly attended to or not;
 - c) Whether the NextGen e-Hospital Management Information



System (HMIS) is being uniformly and consistently implemented in all the 38 hospitals or not.

In case there are any gaps noted by the NIC team, the same shall be clearly pointed out to the Court in the audit report.

ii. The GNCTD shall consider setting up a toll free number with at least 10 to 20 lines available at any point for emergency services and ICU bed availability related enquiry, which is properly manned and the proposal in this regard shall be placed before the Court. These toll free numbers ought to be able to provide live data in respect of ICU beds and specialities in different hospitals etc., so that whenever patients or caretakers or ambulance services, call these toll free numbers they get the proper information about the availability of such facilities.

iii. GNCTD shall also place on record a response stating as to whenever there is any reference made from one hospital, for transfer of a patient to another hospital, is there a nodal person who is in charge of giving effect to the said reference and ensuring that the said patient is not turned away. If no such mechanism is in place, GNCTD shall also place on record the necessary steps that ought to be taken to bring such a system into effect.

15. In the facts of the case that have put forth before the Court today, the patient Mrs. Kamar Jahan is referred to Dr. Amit Gupta, LNJP Hospital today itself for giving her an ICU bed and for providing the proper and necessary treatment.

16. A status report in this regard shall be filed by Dr. Amit Gupta by the next date of hearing.

17. Liberty is granted to Mr. Agarwal, Id. Amicus Curiae to mention the



matter, if so required.

18. All the required facility such as transportation etc., to the NIC team headed by Ms. Aarti Garg, shall be provided by the Department of Health & Family Welfare, GNCTD for the conducting of audit, as provided above.

19. If Ms. Garg wishes to constitute two or three parallel teams for conducting the audit, vehicles shall also be made available by the GNCTD for the same.

20. The invoice for the expense incurred in the conducting of said inspection/special audit shall also be raised by the NIC on the Department of Health and Family Welfare, GNCTD.

21. The Secretary, Department of Health & Family Welfare, GNCTD shall accord the necessary sanction as per this order.

22. Further, on the last date of hearing, the Court had also directed GNCTD to look into a note circulated by the Id. Amicus Curiae and keep their response ready.

23. A senior official who is looking after the administration of the Delhi State Cancer Institute was also directed to join the Court proceedings. Dr. Pragya Shukla, HOD, Clinical Oncology, Delhi State Cancer Institute is present before the Court pursuant to the previous order.

24. She confirms that the PET Cyclotron equipment, which is used for PET scans is presently not operational at Delhi State Cancer Institute, as the concerned faculty was not available in the Delhi Government even after procurement of the machine in 2017 and only in February, 2026 a specialist doctor has been taken on board from the Safdarjung Hospital.

25. She also confirms that even as of today, the said equipment is not functional as certain approvals are pending. With respect to the PET



Cyclotron, Id. Amicus had, in his note, stated as under:

“c. Wastage of Public Resources (PET Cyclotron): A PET Trace-10 Medical Cyclotron installed on September 25, 2017, at a cost of ₹15.42 crore to provide critical nuclear medicine services has been non-operational since April 2022 solely due to a lack of trained manpower. Shockingly, its regulatory license also expired in February 2024 and has not been renewed.”

26. A perusal of the above shows that the PET cyclotron equipment is stated to have been purchased at a cost of Rs. 15.42 crores and has remained non-operational and non-functional for several years despite substantial amount having been spent.

27. It is clear that this is a gross waste of public resources.

28. Accordingly, it is directed that all the hospitals under the GNCTD shall conduct an audit and file a report before this Court as to all the equipment/machinery which have been purchased by them and are lying unused.

29. The said affidavit shall be filed by the Medical Superintendents of all the respective hospitals, at least five days before the next date of hearing.

30. The list of the unused equipment shall be placed in a tabular form in the following manner:

Sr. No.	Nature of equipment and purpose of the equipment:	Cost and year in which it was purchased:	Whether the equipment is used or unused:	If the equipment is unused, reasons thereof:
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31. Let a copy of this order be communicated to all the Medical Superintendents of the GNCTD Hospitals across Delhi by the Office of Mr.



Sameer Vashisht Id. Standing Counsel for GNCTD and if required, through the Secretary, Department of Health & Family Welfare, GNCTD.

32. List these matters for further consideration on 7th August, 2026.

PRATHIBA M. SINGH
JUDGE

MANMEET PRITAM SINGH ARORA
JUDGE

JULY 03, 2026
dj/ss