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

+ W.P.(C) 7588/2016 & CM APPL. 34523/2023

HAIDER KHALID AND ORS Petitioners

Through: Ms. Tanya Agarwal, Advocate.

versus

UNION OF INDIA AND ANR Respondents

Through: Ms. Monika Arora, CGSC with
Mr. Yash Tyagi and Mr. Subhrodeep,
Advocates for respondent/UOI.

+ W.P.(C) 8322/2017 & CM APPL. 41667/2017

THE INDIAN ASSOCIATION OF PHYSIOTHERAPISTS

(IAP) Petitioner

Through: Mr. Hitendra Nath Rath, Advocate.

versus

UNION OF INDIA Respondent

Through: Mr. Bhagwan Swarup Shukla, CGSC
with Ms. Sunita Shukla and
Mr. Sawan Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

11.07.2023

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CM APPL. 34523/2023 in W.P.(C) 7588/2016

1. Keeping in view the averments in the application, the same is allowed and delay in filing additional affidavit is condoned.



2. Accordingly, the application stands disposed of.

W.P.(C) 7588/2016 & W.P.(C) 8322/2017

3. After the last date of hearing, an additional affidavit has been filed on 10th May, 2023 on behalf of the Union of India. In the said affidavit, it has been averred as under:-

“2. That as far as the issue related to the concern raised by this Hon’ble Court, vide its Order dated 24.01.2023, that two or more physiotherapists can form a society/trust which can own/control/manage a clinical establishment, but a single physiotherapist cannot own/control/manage a clinical establishment in his/her own name, is concerned, the following is to submit:

i. A meeting of the National Council for Clinical Establishments {a statutory body under the Clinical Establishments (Registration and Regulation) Act, 2010 was held on 16.03.2023, in which Representatives of all the State Councils and other stakeholders were members. In that meeting, this issue was discussed, and the council is of the view that an amendment in this regard is necessary in the Clinical Establishments (Registration and Regulation) Act, 2010.

*ii. It is further to submit that there is a provision for the ‘Individual Proprietorship’ in the head of the Ownership of the clinical establishments, in the form of registration, which is available in the public domain on the website of the Clinical Establishments Act, 2010 (www.clinicalestablishments.gov.in). The application form for provisional registration of the clinical establishments is annexed herewith as **ANNEXURE R-1/1A**”*

4. Since a decision has been taken to amend the Clinical Establishments (Registration and Regulation) Act, 2010, this Court is of the view that the same needs to be expedited.



5. Learned counsel for the Union of India prays for and is permitted to file a supplementary affidavit within eight weeks.
6. List on 17th October, 2023.

MANMOHAN, J

MINI PUSHKARNA, J

JULY 11, 2023

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