

ITEM NO.301

COURT NO.6

REVISED FOR APPEARANCE ONLY

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.369/2022

YASH CHARITABLE TRUST & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[HEARD BY : HON. J.B. PARDIWALA AND HON. R. MAHADEVAN, JJ.]

IA No. 77306/2022 - APPLICATION FOR PERMISSION

IA No. 90102/2026 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 73459/2026 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 8728/2023 - DELETING THE NAME OF PETITIONER/RESPONDENT

IA No. 69302/2026 - EXTENSION OF TIME

IA No. 67852/2026 - INTERVENTION APPLICATION

IA No. 80436/2026 - INTERVENTION/IMPLEADMENT

IA No. 67854/2026 - PERMISSION TO APPEAR AND ARGUE IN PERSON

IA No. 73433/2026 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

WITH

W.P.(C) No. 731/2026 (X)

FOR ADMISSION

IA No. 171710/2026 - GRANT OF INTERIM RELIEF

Date : 30-07-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. Nalin Kohli, Sr. Adv.

Mr. Ankur Khandelwal, Adv.

Mr. Nishit Agrawal, AOR

Mr. Chirag Sharma, Adv.

Mr. Alok Nayak, Adv.

Mr. Yash Jain, Adv.

Mr. Prashant Shivam, Adv.

Mrs. Siddharth Nath, Adv.

Mr. Prateek K Chadha, AOR

Mr. Anunay Chowdhary, Adv.

Mr. Asjad Hussain, Adv.

Mr. Ritik Kanoujia, Adv.

Mr. Sreekar Aechuri, Adv.

Ms. Surbhi Soni, Adv.

Mr. Aniket Chauhaan, Adv.

For Respondent(s) :

Ms. Aishwarya Bhati, A.S.G.
 Ms. Madhulika Upadhyay, AOR
 Mr. Ketan Paul, Adv.
 Mr. Ashok Panigrahi, Adv.
 Mr. Piyush Beriwal, Adv.
 Mr. Pratyush Shrivastava, Adv.
 Ms. Shivika Mehra, Adv.
 Mr. Abdesch Chaudhary, Adv.

Mr. Gauravh Sharrma, Sr. Adv.
 Mr. Prateek Bhatia, AOR
 Mr. Dhawal Mohan, Adv.

Mr. Omkar Deshpande, Adv.
 Mr. Siddharth Dharmadhikari, Adv.
 Mr. Aaditya Aniruddha Pande, AOR
 Mr. Shrirang B. Varma, Adv.

Mr. Anand Sharma, Adv.
 Ms. Shimpy Arman Sharma, Adv.
 Mr. Arman Roop Sharma, Adv.
 Ms. Shivangi Goel, Adv.
 Mr. Pramod Tiwari, Adv.
 Mr. Vivek Tiwari, Adv.
 Mr. Bhoopesh Pandey, Adv.
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 Mr. Nikilesh Ramachandran, AOR

Mr. Shyam Divan, Sr. Adv.
 Mr. Yash S. Vijay, AOR
 Mr. Shikhar Aggarwal, Adv.
 Mr. Ankur Singhal, Adv.
 Mr. Joshua Tom Thomas, Adv.
 Mr. Shaishir Divatia, Adv.

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Mr. Ritesh Patil, AOR

Mr. Anilendra Pandey, AOR
 Mr. Rajeev Kumar Ranjan, Adv.
 Ms. Priya Shukla, Adv.
 Mr. Nadeem Hussain, Adv.

Mr. Mukesh Kumar, AOR
 Mr. Vaibhav Manu Srivastava, AOR
 Mr. Anas Tanwir, AOR

Mr. Pankaj Kumar Singh, Adv.
 Mr. Pawan Kumar Shukla, Adv.
 Mr. Kamal Kumar Pandey, Adv.
 Ms. Kanika, Adv.
 Mr. Raj Singh Rana, AOR

UPON hearing the counsel the Court made the following
 O R D E R

1. The matter has come up today to report compliance of our directions issued in the Judgment titled "*Yash Charitable & Ors. vs. Union of India & Ors.*" (Writ Petition (Civil) No.369/2022 decided on 30-1-2026).
2. We take notice of the fact that a short affidavit has been filed on behalf of the Department of Health Research, Ministry of Health and Family Welfare, duly affirmed by its Director Shri Murari Lal Sharma. This affidavit only talks about the direction and its compliance issued by this Court as contained in Para 153 of the main Judgment.
3. According to Ms. Aishwarya Bhati, the learned Additional Solicitor General, Union in its Ministry of Health needs to file a comprehensive and detailed compliance report insofar as all other directions are concerned.
4. We grant four weeks time to the Ministry of Health to file a detailed Status Report on all aspects of the matter, more particularly, highlighting in what manner Union has looked into the Judgment and in what manner it intends to implement all the

directions issued and what have been done so far.

5. At this stage, we must also take notice of one Interlocutory Application preferred by the Respondent No.9 namely Neurogen Brain and Spine Institute Pvt. Ltd. This Institute has many suggestions to put forward.

6. We request Ms. Bhati to look into the IA filed by the Respondent No.9 along with the materials attached with the IA. Perhaps some of their suggestions may be helpful to the Union in effective and meaningful implementation of the various directions issued by this Court. If the Union has constituted any Expert Body for this purpose, the suggestions put forward along with the other materials in the IA may also be looked into.

7. Mr. Shyam Divan, the learned Senior counsel has also appeared today in one of the Interlocutory Applications preferred by the Parents Forum for Stem Cells in Autism and Cerebral Palsy, the original Respondent No.13.

8. According to Mr. Divan, he represents all those parents whose children as on date are undergoing the stem cell therapy treatment for autism. However, Mr. Divan would like to wait till the Union files an exhaustive report as referred to above.

9. We shall look into the IA preferred by the Respondent No.13 on the next date of hearing.

10. Post this matter for further hearing on 1-9-2026.

Writ Petition (Civil) No.731/2026:-

1. This matter came up for hearing before the Bench during the partial Court working days.

2. On 12-6-2026, the following Order was passed:-

"Upon hearing learned senior counsel appearing for the petitioner, we find that the impugned letters dated 10.03.2026, 11.03.2026 and the impugned advisory dated 25.03.2026 have been issued in compliance of the order passed by this Court in the matter bearing Writ Petition (C) No. 369 of 2022, titled "Yash Charitable Trust & Ors. Vs. Union of India & Ors." and the said matter is still pending consideration before this Court.

In view of the above, tag this Writ Petition with W.P. (C) No. 369 of 2022.

However, the directions issued by this Court in W.P. (C) No. 369 of 2022 should be complied with."

3. In the Writ Petition preferred by the Society of Regenerative Sciences, the following reliefs have been prayed for:-

i. "Issue a writ of certiorari or a writ in the nature of certiorari, or any other appropriate writ, order direction, quashing and setting aside the Impugned Letter bearing D.O. No. M-11019/5/2026-CG dated 10 March 2026 issued by the Respondent No.4/DG-ICMR

ii. Issue a writ of certiorari or a writ in the nature of certiorari, or any other appropriate writ, order direction, quashing and setting aside the Impugned Letter-II dated 11019/5/2026-CG) 11 March 2026 (File No. M- No.4 issued by Respondent (Department of Health Research) through the NECRBHR;

iii. Issue a writ of certiorari or a writ in the nature of certiorari, or any other appropriate writ, order direction, quashing and setting aside the Impugned Advisory dated 25.03.2026 issued by Respondent No.2 (National Medical Commission);

iv. Issue a writ of mandamus or a writ in the nature of mandamus, or any other appropriate writ, order or direction, declaring that ACP involving minimum manipulation, carried out by Registered Medical Practitioners in a single sitting for the treatment of their own patients and not for commercialisation outside their clinics or hospitals, fall outside the purview of the Drugs and Cosmetics Act, 1940 and it is inappropriate to intervene from regulatory angle on routine practices/ therapies/ surgeries/ transplantations undertaken by Registered Medical Practitioners/ physicians / doctors in their clinics/hospitals involving such cell procedures for the treatment of their patients based on their medical expertise and the New Drugs and Clinical Trials Rules, 2019, in terms of the statutory clarification dated 09 February 2021 under Section 33P of the Drugs and Cosmetics Act, 1940, read with the recommendations of the Drugs Technical Advisory Board in its 84th Meeting dated 27 August 2019;

v. Issue a writ of mandamus or a writ in the nature of mandamus, or any other appropriate writ, order or direction, declaring that Respondent No.s 2, 3 and 4 have no or statutory mandate, legislative competence delegated authority to regulate, restrict, prohibit or declare as "illegal" the clinical practice of ACP by Registered Medical Practitioners in India;

vi Issue a writ of and in the nature of mandamus or other orders or directions to Respondent No.1 to constitute an expert committee to look into and examine the functioning and affairs of Respondent Nos.2-4, with respect to the nexus with private companies manufacturing Stem Cell Derived Products;

vii. To set up an expert committee formed by the Hon'ble Court to evaluate scientific publications in this field with right of

hearing to be granted to the main stakeholders, including patients suffering from incurable conditions who have benefitted from autologous cell procedure as well as representatives of the Petitioner Society who administer such procedures to such patients;

viii. Pending hearing and final disposal of the present Writ Petition, be pleased to stay the operation, implementation and enforcement of the Impugned Letter dated 10 March 2026, the Impugned Letter-II dated 11 March 2026, and the Impugned Advisory dated 25.03.2026, and further direct that no coercive or disciplinary action shall be taken against any Registered Medical Practitioner or any member of the Petitioner society pursuant to the said Impugned Communications;

ix. Pass such further and other orders / directions as this Hon'ble Court may deem just, fit and proper in the facts and circumstances of the case and in the interests of justice."

4. We heard Mr. Nalin Kohli, the learned Senior counsel appearing for the petitioner.

5. What we have been able to understand is that the Medical Council of India has issued some advisories keeping in mind the Judgment delivered by this Court in "Yash Charitable & Ors. vs. Union of India & Ors.". The petitioner seeks to challenge the legality and validity of the advisories. These advisories may be based on the Judgment but as such has no direct connection with the Judgment delivered by us.

6. Although the Bench during the partial Court working days ordered that the petition be tagged with Writ Petition (C) No.369/2022, yet we want the Registry to place this petition before Hon'ble Chief Justice of India and obtain appropriate orders.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)

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For Respondent(s) :

Ms. Aishwarya Bhati, A.S.G.
 Ms. Madhulika Upadhyay, AOR
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vii. To set up an expert committee formed by the Hon'ble Court to evaluate scientific publications in this field with right of hearing to be granted to the main stakeholders, including

patients suffering from incurable conditions who have benefitted from autologous cell procedure as well as representatives of the Petitioner Society who administer such procedures to such patients;

viii. Pending hearing and final disposal of the present Writ Petition, be pleased to stay the operation, implementation and enforcement of the Impugned Letter dated 10 March 2026, the Impugned Letter-II dated 11 March 2026, and the Impugned Advisory dated 25.03.2026, and further direct that no coercive or disciplinary action shall be taken against any Registered Medical Practitioner or any member of the Petitioner society pursuant to the said Impugned Communications;

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