

ITEM NO.11

COURT NO.13

SECTION XIV-A

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

Miscellaneous Application No. 1187/2019 in C.A. No. 3155/2017

[Arising out of impugned final judgment and order dated 09-07-2018 in C.A. No. 3155/2017 passed by the Supreme Court of India]

UNION OF INDIA

Petitioner(s)

VERSUS

MOOLCHAND KHAIRATI RAM TRUST

Respondent(s)

Mr. Sanjay Jain, Senior Advocate and Mr. Ninad Laud, Advocate are
amicus curiae

IA No. 139051/2026 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 90622/2026 - EXEMPTION FROM FILING O.T.

IA No. 122298/2026 - EXEMPTION FROM FILING O.T.

IA No. 60637/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURESIA No. 142705/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 29-07-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

Amicus Curiae : Mr. Sanjay Jain, Sr. Adv.(AC)*
Mr. Ninad Laud, Adv.(AC)
Mr. Ivo D'Costa, Adv.
Mr. Gokul Krishnan, Adv.
Mr. Aswin Suren, Adv.
Ms. Harshita Sukhija, Adv.
Ms. Rishika Agarwal, adv.
Ms. Ishani Shekhar, Adv.

For Petitioner(s) : By Courts Motion, AOR

Ms. Swati Ghildiyal, AOR
Mr. Nimesh Bhatt, Adv.
Ms. Sonakshi Sinha, Adv.
Ms. Apoorva Anand, Adv.
Mr. Nring Chamwibo Zeliang, Adv.
Mr. Shrisha Chandra, Adv.
Mr. Hritik Pathak, Adv.

For Respondent(s) :

Ms. Nina Gupta, Adv.
Dr. Lalit Bhasin, Adv.
Ms. Mansi Bajaj, Adv.
Ms. Radhika Gupta, AOR
Mr. Aditya Bhasin, Adv.
Ms. Bhumani Tyagi, Adv.

Mr. Nitin Mishra, AOR
Mr. Ishaan Sharma, Adv.
Ms. Mitali Gupta, Adv.

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Rajiv Shakdhar, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Manu Krishnan, Adv.
Ms. Chanan Parwani, Adv.
Mr. E. C. Agrawala, AOR

Mr. Saket Sikri, Adv.
Mr. Vikalp Mudgal, AOR
Mr. Kshitij Mudgal, Adv.
Mr. M H Zahidi, Adv.
Mr. Priyansh Choudhry, Adv.
Mr. Ansh Mittal, Adv.

Mr. Shivendra Singh, AOR
Mr. Udai V.S. Rathore, Adv.
Ms. Aryama Singh Rajput, Adv.
Mr. Vishvajeet Singh Rana, Adv.
Mr. Ashutosh Parasher, Adv.
Ms. Ekta Choudhary, AOR

Mr. Ashok Chhabra, Adv.
Mr. Mohit D. Ram, AOR
Ms. Nayan Gupta, Adv.

Mr. Manoj Chauhan, Adv.
Mr. Vikramaditya Singh, AOR
Ms. Neha Raj Singh, Adv.
Mr. Aniket Kamboj, Adv.
Ms. Yashika Gupta, Adv.
Mr. Nitish Kant Sharma, Adv.

Mr. Anil Kumar, AOR
Mr. Prateek Walia, Adv.
Ms. Gauri Swarup Bansal, Adv.
Mr. Chetan Sharma, Adv.
Mr. T Jayaranan, Adv.

Mr. Avinash Sharma, AOR

Mr. Ankur Chhibber, Sr. Adv.

Mr. Amrit Koul, Adv.
Ms. Sheffy Bhatia, Adv.
Mr. Ashish Pandey, AOR
Ms. Aishwarya Sharma, Adv.

Mr. Rahul Jain, AOR
Ms. Lalit Mohini Bhat, Adv.

Mr. Namit Suri, AOR
Mr. Kapil Midha, Adv.
Ms. Pepakayala Geetanjali, Adv.
Mr. Garv Singh, Adv.
Ms. Vartika Gautam, Adv.
Mr. Preetpal Singh, Adv.
Ms. Yadavi Malhotra, Adv.

Mr. Nitin Garg, Adv.
Mr. Bijendra Kumar Pathak, Adv.
Mr. Ravi Kumar Tomar, AOR

M/s Trust Legal, AOR
Mr. Sridhar Potaraju, Sr. Adv.
Mr. Sudhir Mishra, Adv.
Ms. Petal Chandhok, Adv.
Ms. Ritwika Nanda, Adv.
Mr. Gaichangpou Gangmei, Adv.
Mr. Veer Vikram Singh, Adv.
Ms. Chamundeswari Pemmasaini, Adv.
Ms. Yashika Sharma, Adv.
Ms. Jaslene Ahulwalia, Adv.

Ms. Pragya Parijat Singh, AOR

Ms. Savita Singh, AOR
Mr. Kushal Malhotra, Adv.
Mr. Rakesh Malhotra, Adv.

Mr. Jacob Benny, Adv.
Mr. S. K. Roy, Adv.
Mr. Mohnish Nirwan, Adv.
Mr. Ashok Kumar, Adv.
Ms. Ritika Gaur, Adv.
Mr. Umesh Dubey, AOR

Mr. Raghenth Basant, Sr. Adv.
Ms. Aanchal Tikmani, AOR
Mr. Mujadid Gilani, Adv.
Ms. Kaushitaki Sharma, Adv.

Mr. Gaurav Sarin, Sr. Adv.
Ms. Supriya Juneja, AOR
Mr. Aditya Singla, Adv.

Mr. Harish Kumar, Adv.

Mr. Mrigank Prabhakar, AOR

Mr. Tarang Agarwal, Adv.

Mr. Mrigank Kumar, Adv.

Mr. Ayush Khare, Adv.

Ms. Sakshi Banga, Adv.

Ms. Astha Singh, Adv.

Mr. Rajeev Sharma, Sr. Adv.

Mr. Uddyam Mukherjee, AOR

Ms. Shruti Sharma, Adv.

Ms. Shreya Sharma, Adv.

Mr. Swapnil Pattanayak, Adv.

Ms. Kratika Kushwaha, Adv.

Mr. Nishant Kandpal, Adv.

Ms. Arunima Singh, Adv.

Ms. Chitrangda Rastravara, AOR

Mr. Anirudh Singh, Adv.

Mr. Abhijeet Singh, Adv.

Mr. Aishwary Mishra, Adv.

Mr. Dhananjai Shekhawat, Adv.

Mr. Yuvraj Singh, Adv.

Ms. Pearl Pundir, Adv.

Ms. Anushikha Rathore, Adv.

Mr. Dashrath Singh, Adv.

Mr. Anoop Prakash Awasthi, AOR

Mr. Shubham Dubey, Adv.

Mr. Rushikanta Dash, Adv.

Ms. Jasleen Kaur, Adv.

Mr. Sandeep Agarwal, Sr. Adv.

Mr. Rajesh Pathak, Adv.

Mr. Kumar Ajit Singh, Adv.

Ms. Tanya Chanda, Adv.

Ms. Manjeet Kirpal, AOR

Mr. Vikas Mehta, AOR

Mr. Manish Aggarwal, Adv.

Mr. Vaishak Omanakuttan, Adv.

Mr. Piyush Kant Roy, AOR

Mr. Bipul Kumar Mishra, Adv.

Ms. Ankita Dwivedi, Adv.

Ms. Sakshi Mishra, Adv.

Mr. Ashok Kumar Sharma, Adv.

Ms. Archana Sharma, Adv.

Mr. Abhishek Malohtra, Sr. Adv.

Mr. Deepak Biswas, Adv.

Ms. Ruchika Rathi, AOR
 Mr. Mayank Rai, Adv.
 Mr. Siddharth Swain, Adv.
 Ms. Anukriti Trivedi, Adv.

Mr. Anil Bhat, Adv.
 Ms. Preeti Gupta, AOR
 Mr. Vivek Gupta, Adv.
 Mr. Ballantine Chaubey, Adv.
 Mr. Ashish Kumar Ojha, Adv.
 Mr. Dr Amit Anand Deshpande Anand, Adv.

Mr. Manu Nair, Adv.
 Mr. Manik Singh, Adv.
 Mr. Saurabh Gupta, Adv.
 Mr. S. S. Shroff, AOR

Mr. Rajiv Bahl, Adv.
 Mr. Arun K. Sinha, AOR

Mr. Dhruv Mehta, Sr. Adv.
 Mr. Neeraj Yadav, Adv.
 Mr. Davesb Bhatia, AOR

Mr. Anuj Tiwari, AOR

Mr. Siddharth Dave, Sr. Adv.
 Mr. Sameer Rohatgi, Adv.
 Ms. Anuradha Dutt, Adv.
 Mr. Anish Kapur, Adv.
 Mr. Haaris Fazili, Adv.
 Ms. Nikhita Suri, Adv.
 Ms. Prachi Pandey, Adv.
 Mr. Raghav Dutt, Adv.
 Mr. Naman Grover, Adv.
 Ms. B. Vijayalakshmi Menon, AOR

Mr. Ribhav Pande, Adv.
 Mr. Aayush Shukla, Adv.
 Mr. Karan Khetani, Adv.
 Mr. Yadav Narendra Singh, AOR

Mr. Amitt Mehta, Adv.
 Ms. Shruti Munjal, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Pursuant to our judgment dated 09.07.2018, the Government of NCTE of Delhi

filed the compliance reports. Thereafter, on 21.01.2006, we directed the Government of NCTE of Delhi to take action against the erring hospitals who have failed to comply with our order dated 09.07.2018.

2. Thereafter, fresh compliance affidavit(s) was filed by the Government of NCTE of Delhi enlisting the hospitals who fall short in complying with this Court's order dated 09.07.2018.

3. On 24.02.2026, we issued notice to the hospitals mentioned in paragraph-6 of our order as to why proceedings should not be taken against them for committing contempt of Court for violating this Court's order; and why the concessions granted to them by the Government shall not be withdrawn.

4. The hospitals, to which notices were issued by this Court, submitted their compliance affidavits upon which, we appointed Mr. Sanjay Jain, learned senior counsel and Mr. Ninad Laud, learned counsel as *Amicus Curiae* to compile and prepare a chart on the basis of the compliance affidavits filed by the hospitals.

5. A report was filed by the learned *Amici* on 10.05.2026. In view of the report of the

learned *Amici*, this Court, vide order dated 13.05.2026, requested the learned *Amici*, to convene a joint meeting of the following stakeholders/ officers;

a. The amici, Shri Sanjay Jain, Senior Advocate and Shri Ninad Laud, Advocate.

b. Dr. Kusum Arora, Superintendent Nursing Home and EWS (Economically Weaker Section) In-charge, GNCTD.

c. Noticee hospitals through their medical superintendent/authorised officers.

d. Secretary of the Department of Health & Family Welfare (MoHFW), GNCTD.

e. Director, Land and Development Office, Government of India.

f. Senior Officers from the land owning agencies.

g. Deputy Commissioner level officer from Municipal Corporation of Delhi, New Delhi Municipal Council and Delhi Cantonment Board. h. Director level officer from Delhi Development Authority.

i. Joint Secretary, Ministry of Health, Central Government.

6. After holding a meeting on 23.05.2026, as ordered by this Court, the learned *Amici* has filed an SOP titled as "Delhi EWS Free Treatment Standard Operating Procedure, 2026".

7. Learned senior counsel and learned counsel appearing for the noticee hospitals would submit that the copy of the said SOP has been supplied to them only a day before i.e. on 27.07.2026 and therefore, they need time to peruse the SOP and suggest improvements, if required, so that after this Court adopts the SOP, it should be properly implemented.

8. Having heard learned amici; learned senior counsels and learned counsel appearing for the parties, we feel that the SOP should also dwell on the provisions/ procedures to be taken for admitting emergency patients as soon as any such patient is brought to the hospital.

9. At this stage, learned *Amici*, would refer to Clause-7 of the SOP which speaks about "*verification at the hospitals and emergencies*". Clauses 7.2 and 7.3 of the SOP in particular, deal with the procedure to be adopted by the hospitals when emergency EWS patients are brought to the hospitals. Clause-20 of the SOP which deals with the denial protocol and Clause-20.5 thereof, provides that a hospital shall not be permitted to deny treatment to an EWS patient requiring an

emergency treatment only on the ground that he/ she has exhausted the EWS quota for the Month.

10. Let a revised SOP be filed, especially dealing with the procedure to be followed or is followed as to the emergency treatment required by the EWS patients. Suggestions on this particular aspect, as also on the SOP already filed by the learned *Amici*, by the noticee hospitals shall be submitted to the learned *Amici* within two weeks from today. Thereafter, revised SOP to the above effect shall be filed by the learned *Amici* within the next one week.

11. Learned *Amici*, would state that *Yatharth Hospital, Dwarka (Noticee no.32)* has neither attended the meeting on 23.05.2026 nor responded to the notice issued by this Court.

12. Let notice be issued to the *Yatharth Hospital, Dwarka* explaining as to why proceedings for committing contempt of Court may not be initiated against it and the responsible representative/ medical superintendent of the said hospital may not be sent behind bars. The medical superintendent of the *Yatharth Hospital, Dwarka*, shall remain in attendance before the Court on the next

date of hearing. Notice to this effect be served on the Medical Superintendent of the *Yatharth Hospital, Dwarka* through the concerned Station House Officer.

13. Post the matter on 09.09.2026.

(NISHA KHULBEY)
COURT MASTER(SH)

(AKSHAY KUMAR BHORIA)
COURT MASTER(NSH)