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

+ W.P.(C) 3031/2020 and C.M. Nos.10549/2020, 10550/2020

RAKESH MALHOTRA Petitioner

Through: In person.

Versus

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI &
ORS. Respondents

Through: Mr. Satyakam, ASC for R-1&R-2.

Ms. Maninder Acharya, ASG with Mr. Anurag
Ahluwalia, CGSC for R-3/UOI

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **04.05.2020**

1. The matter has been heard through Video Conferencing.
2. The present PIL has been filed by Mr. Rakesh Malhotra, learned Advocate appearing as a petitioner in person. The petitioner has raised a grievance that the respondent No.1 and 2/GNCTD are not taking expeditious steps to furnish reports after conducting tests for COVID-19 on suspected people, within a reasonable time of 48 hours or even earlier and as a result of the said delay, the contact tracing is also getting delayed and the infection is multiplying rapidly in Delhi.
3. The petitioner draws our attention to Annexure P-5 enclosed with the petition, which is a copy of the Twitter account handle of the Chief

Medical Officer, Delhi that reflects the COVID-19 testing status in Delhi as on 28.4.2020. He submits that as on 28.04.2020, 3295 results were pending which has mounted to 3793 as on 30.4.2020. He complains that the aforesaid Twitter account is not being updated thereafter and in the meantime, there have been several cases reported by the daily newspaper, Time of India wherein it has been stated that over the past one month, the number of swab samples pending for tests in Delhi, which started with 470 on 01.4.2020, has gone up by 7 times and mounted to 3295, on 29.4.2020.

4. Ms. Maninder Acharya, learned ASG enters appearance with Mr. Anurag Ahluwalia, CGSC for the respondent No.3/UOI and states that the main relief in the present petition is directed against the respondents No.1 and 2/GNCTD.

5. Mr. Satyakam, learned ASC appearing for the respondents No.1 and 2/GNCTD states that he has obtained instructions and has sent some documents by Whatsapp to the Court Masters who have in turn forwarded the same to us. He has also furnished the information received from the concerned Department to Mr. Anurag Ahluwalia, CGSC and the petitioner.

6. We have perused the documents forwarded by Mr. Satyakam, learned ASC. The first document is an order dated 29.4.2020, issued by the Secretary, Health and Family Welfare, GNCTD which reflects a decision taken by GNCTD vide order dated 22.4.2020 that till 03.05.2020, no sample shall be sent to NIB, Noida due to the delay in forwarding the reports, spreading over 15 days. The order further states that samples shall be distributed among other government and private

labs to ensure that the reports are received within one day from the date of submission to the respective labs.

7. The petitioner intervenes to state that the order dated 29.4.2020 referred to hereinabove only directs that samples shall not be sent to NIB, Noida till 03.5.2020, i.e., till yesterday but does not indicate the stand of the Govt. thereafter.

8. In response, Mr. Satyakam, learned ASC for the respondents No.1 and 2/GNCTD clarifies that the aforesaid order shall continue to operate for atleast two more weeks. He also draws our attention to the instructions received from the Department and states that as on date, there are 23 accredited labs that undertake COVID -19 testing in Delhi. Out of the said 23 accredited labs, 10 are in the public sector and 13 are in the private sector. The collective capacity of the aforesaid labs is 3000-3500 tests per day. He further states that henceforth, reports of testing will be received within 1-2 days from the date the sample is received by the concerned lab.

9. Learned ASC also clarifies that as on 29.4.2020, 7,794 reports were pending, out of which 5,944 reports were pending at the end of NIB, Noida. After finding that the reports were not being received within a reasonable time from NIB, Noida, GNCTD has stopped sending any further samples to NIB, Noida. Till the night of 03.05.2020, 3,790 reports are stated to be pending with the accredited labs and the said reports shall be received by today or maximum, by tomorrow. He further submits that as on 02.5.2020, 9,226 reports were pending, but the said figure has considerably reduced to 3790, as on 03.5.2020 which itself reflects that

the State Government is cognizant of the delay in receiving reports and has dealt with the said situation without losing time.

10. In view of the submission made by learned ASC appearing for the respondent No.1 and 2/GNCTD as recorded above, we are satisfied that adequate remedial measures have been taken by the Delhi Government to expedite receipt of reports for testing patients for COVID-19 infection. Delhi Government is directed to ensure that the samples that are furnished to the accredited labs, details whereof have been furnished in the documents forwarded by learned ASC by Whatsapp shall be processed and reports forwarded within a period of 24/48 hours. It is further directed that the Delhi Government shall continue updating its website on a regular basis to reflect the correct number of tests that are being conducted for COVID-19 in Delhi, mention the number of cases that are positive or negative and state the number of results that are pending after the tests are conducted.

11. The petition is disposed of alongwith the pending applications.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

MAY 04, 2020

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