

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION  
CHANDIGARH DISTRICT COMMISSION  
CONSUMER COMPLAINT NO. DC/AB1/44/CC/229/2021**

Ms. Rajni Thareja

PRESENT ADDRESS - w/o Sh. Sanjay Thareja, R/o Flat No. 403, GH-62, Sector 20, Panchkula  
(Haryana)CHANDIGARH,CHANDIGARH.

.....Complainant(s)

Versus

Atulaya Healthcare

PRESENT ADDRESS - Atulaya Healthcare, H.No.11, Sector 11/A,  
Chandigarh.CHANDIGARH,CHANDIGARH.

Shri Pankaj Kansil (MD)

PRESENT ADDRESS - Atulaya Healthcare, H.No.11, Sector 11/A,  
Chandigarh.CHANDIGARH,CHANDIGARH.

Shri Sukant Kansil (Director)

PRESENT ADDRESS - Atulaya Healthcare, H.No.11, Sector 11/A,  
Chandigarh.CHANDIGARH,CHANDIGARH.

Shri Vijay Gupta (Director)

PRESENT ADDRESS - Atulaya Healthcare, H.No.11, Sector 11/A,  
Chandigarh.CHANDIGARH,CHANDIGARH.

The CEO of Atulaya Healthcare

PRESENT ADDRESS - Atulaya Healthcare, H.No.11, Sector 11/A,  
Chandigarh.CHANDIGARH,CHANDIGARH.

.....Opposite Party(s)

**BEFORE:**

**AMRINDER SINGH SIDHU , PRESIDENT  
BRIJ MOHAN SHARMA , MEMBER**

**FOR THE COMPLAINANT:**

**FOR THE OPPOSITE PARTY:**

**DATED: 10/11/2025**

**ORDER**

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-II, U.T. CHANDIGARH

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Consumer Complaint No : 229 of 2021

Date of Institution : 05.04.2021

Date of Decision : 10.11.2025

Ms.Rajni Thareja wife of Sh.Sanjay Thareja, r/o Flat No.403, GH-62, Sector  
20, Panchkula (Haryana).

... .. Complainant

Versus

1. Atulaya Healthcare, House No.11, Sector 11/A, Chandigarh.
2. Shri Pankaj Kansil (MD)
3. Shri Sukant Kansil (Director)
4. Shri Vijay Gupta (Director)
5. The CEO of Atulaya Healthcare

The address of respondents No.2 to 5 are Atulaya Healthcare, SCO No.112-  
113, Madhya Marg, Sector 8-C, Chandigarh.

Second Address: House No.11, Sector 11/A, Chandigarh.

... .. Opposite Parties

**BEFORE: MR.AMRINDER SINGH SIDHU,      PRESIDENT**

**MR.B.M.SHARMA,                      MEMBER**

**Argued by:** Sh.Mahendra Pal, Counsel for Complainant.

Ms.Niharika Goel, Counsel for OPs (on VC).

**ORDER BY AMRINDER SINGH SIDHU, M.A.(Eng.),LLM,PRESIDENT**

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1] The present complaint has been filed by the complainant pleading that she had undergone Covid-19 Test from OP No.1 Atulaya Healthcare Laboratory by paying Rs.900/- in cash on 13.12.2020 (Annexure-1) prior to her journey to Tehri/JW Merriot Village Siya Mussoorie. The operative result for SARS Coronavirus-2/Covid-19 (RT PCR) was carried out and the complainant was declared Negative on 14.12.2020 (Report Annexure-2).

It is pleaded that the complainant alongwith her family members including other group members undertook journey on 15.12.2020 at around 7.00 am for participating in the group of Tehri/JW Merriot Village Siya at Mussoorie (Uttarakand). Suddenly on 15.12.2020 at around 8.00 pm, the husband of complainant was in receipt of regular mobile calls from DC Office Panckula/Chandigarh that Rajni Thareja has been declared Covid-19 Positive by Atulaya Healthcare Lab which was absolutely unbearable and shocking for the complainant as she was declared Covid-19 Negative vide test report dated 14.12.2020. The report was submitted to DC Office Panchkula/Chandigarh for initiating official action against the patient (Annexure-3). It was beyond the circumstances that how the complainant was declared Covid-19 Positive at later stage. The complainant has suffered total mental harassment, physical torture, which had tarnished her image in the group and society. The complainant was isolated by the other group members and the stay at the hotel was not allowed by the hotel management. The

complainant had been stopped from her working and meeting at Mussoorie and had suffered a business loss who is running the educational institutions. The complainant alleged gross negligence by the OPs which caused lot of suffering both mental & physical and financial. Lastly, the complainant prayed for acceptance of complaint against the OPs and requested for a direction to OPs to pay the compensation of Rs.19,50,000/-.

2] The OPs in their written version have stated that the complainant sought an appointment with the OP No.1 on 13.12.2020 for taking a sample for RTPCR Test. The OPs gave the report on 14.12.2020 to the complainant as Covid Negative. The OPs uploaded the data in ICMR Portal on 15.12.2020 but due to clerical mistake from the staff of OPs, the test report which was Negative but on ICMR Portal it has been uploaded Positive. The OPs then and there made an amendment and sent the mail dated 16.12.2020 to ICMR with regard to incorrect report. It is stated that no harm was ever caused to the complainant as the correction was made immediately and there was no consequences or any loss caused. Lastly, a prayer for dismissal of the complaint has been made by the OPs.

3] Replication has also been filed by the complainant controverting the assertions of OPs as made in their written versions.

4] Parties led evidence in support of their contention.

5] We have heard the learned counsels for the parties and gone through the entire documents on record.

6] It is an admitted case of the parties that the complainant had

undergone Covid-19 Test with OP No.1 Laboratory on 13.12.2020 by paying Rs.900/- in cash (Annexure-1) and the OPs gave the Covid-19 Report on 14.12.2020 as Negative which is evident from Annexure-2/Annexure OP-1. The case of the complainant is that on 15.12.2020, her husband received a call from DC Office, Panchkula/Chandigarh that "Rajni Thareja" has been declared Covid-19 Positive by Atulaya Healthcare Laboratory which was shocking to the complainant as she was reported Covid-19 Negative on 14.12.2020 in the report issued by the OPs Atulaya Healthcare Laboratory and due to the said act of the OPs, she suffered mental and physical harassment and also stigma in the society.

7] The defence of the OPs is that they uploaded the data in ICMR Portal on 15.12.2020 but due to clerical mistake from their staff, the test report was uploaded as Positive instead of Negative and they immediately on 16.12.2020 sent mail to ICMR regarding incorrect report of Mrs.Rajni Thareja ICMR No.145912110 entered in ICMR that the result of this report was Negative but due to clerical mistake it was entered as Positive.

8] We do not find any merit in the defence of the OPs as they have not placed on record any mail or communication sent to the ICMR regarding incorrect report of complainant Mrs.Rajni Thareja. It is also not the case of the OPs that they ever communicated to the complainant regarding the aforesaid clerical mistake.

9] The deficiency in service on the part of OPs is well proved on record as they themselves admitted that due to clerical mistake, the test report of complainant Mrs.Rajni Thareja which was Negative but on ICMR Portal it has

been uploaded Positive. As a result thereof, the complainant remained in great mental shock and she has to suffer mental agony, harassment and ambiguous state of health affairs which had developed threat to her life. It is common knowledge that as per Govt. instructions during Covid-19 period the infected person had to be isolated. In the present case, the complainant was isolated by the other group members. The OPs have failed to perform their duty to take due care while reporting, which amounts to deficiency in rendering service. Surely the complainant had suffered harassment due to deficient act of the OPs and she has been forced to enter into present litigation. The burden and harassment so caused to the complainant was due to the deficiency in service on the part of OPs, so the complainant deserves to be compensated.

10] In view of the above discussions, the present consumer complaint succeeds and the same is accordingly partly allowed. The OPs are directed to pay Rs.25,000/- to the complainant as compensation for the harassment caused as well as litigation expenses within 45 days from the date of receipt of certified copy of this order, failing which the OPs shall be liable to pay the said amount alongwith interest @ 9% per annum from the date of filing of this consumer complaint i.e. 05.04.2021 till the date of its actual realization to the complainant.

11] The pending application(s) if any, stands disposed of accordingly.

The Office is directed to send certified copy of this order to the parties, free of cost, as per Rules under The Consumer Protection Rules, 2020. After compliance file be consigned to record room.

**Announced**

10.11.2025

**Sd/-**

**(AMRINDER SINGH SIDHU)**

**PRESIDENT**

**Sd/-**

**(B.M.SHARMA)**

**MEMBER**

as

.....  
**AMRINDER SINGH SIDHU**  
**PRESIDENT**

.....  
**BRIJ MOHAN SHARMA**  
**MEMBER**