

**IN THE DELHI STATE CONSUMER DISPUTES REDRESSAL  
COMMISSION**

**Date of Institution: 13.10.2014**

**Date of Hearing: 18.03.2025**

**Date of Decision: 26.05.2025**

**FIRST APPEAL NO. 984/2014**

**IN THE MATTER OF**

**DR. LAL PATHLABS PVT. LTD.,**

**SECTOR-18, BLOCK-E,**

**ROHINI, NEW DELHI-110085.**

**(Through: Mr. V. D'Costa, Advocate)**

**...Appellant**

**VERSUS**

**MR. INDER PRAKASH WADHWA**

**R/O J-9, KAILASH COLONY,**

**NEW DELHI-110048**

**(Through: Mr. Aakash Khattar, Advocate)**

**...Respondents**

**CORAM:****HON'BLE JUSTICE SANGITA DHINGRA SEHGAL (PRESIDENT)****HON'BLE MS. PINKI, MEMBER (JUDICIAL)**

Present: Mr. V. D'Costa, along with Mr. Himanshu Sharma,  
Counsel for the appellant.  
(Email: hsharma@luthra.com).  
Mr. Aakash Khattar, counsel for the respondent,  
(aaksh.k@aspartners.co.in)

**PER: HON'BLE JUSTICE SANGITA DHINGRA SEHGAL,**  
**PRESIDENT**

**JUDGMENT**

1. The facts of the case as per the District Commission record are as under:

*"Aggrieved with the wrong report given by OP Pathological Laboratory complainant has filed the present complaint u/s 12 of The Consumer Protection Act, 1986, claiming the following reliefs against the OP laboratory.*

<b><u>Sl. No.</u></b>	<b><u>Particulars</u></b>	<b><u>Amount (Rs.)</u></b>
i.	<i>Payment of claim as detailed at page 10-11 of the Complainant.</i>	<i>10,85,907.33</i>
ii.	<i>Amount paid to Dr. Dang Lab for Investigation</i>	<i>300.00</i>
iii.	<i>Amount paid to Religare SRL Diagnostics for investigation</i>	<i>295.00</i>
iv.	<i>Cost towards litigation expense to be incurred for pursuing the recovery.</i>	<i>55,500.00</i>
	<i>Total</i>	<i>11,42,002.33</i>
v.	<i>Any other relief which the forum may deem fit.</i>	

*The same OP laboratory is impleaded by the complainant in the complaint at the address of branch office as well as of the head office, so the two OPs shown in the complaint are treated as one, and singular language is used for them in this final order.*

*The OP laboratory was put to notice of the complaint, who contested the complaint and filed reply praying for dismissal of the complaint with exemplary costs. In the rejoinder the complainant has denied the averments made in the reply of the OP and has reaffirmed the facts stated in the complaint in support of her case, the complainant has filed her affidavit in evidence and on behalf of the OP laboratory Dr Vandana Lal, Executive Director of the OP laboratory has filed the affidavit in evidence Both parties have also filed written arguments.*

*We have heard the learned counsel for the complainant and have gone through the written arguments filed on behalf of both parties, the documents placed on record, pleadings and evidence of the parties and the relevant provisions of law and citations produced and relied upon on behalf of the parties.*

*The basic facts in the present complaint are not disputed. Admittedly, on the advise dated 16/5/2011 of Dr Neeru Gera of Max Healthcare the complaint got her blood test done at OP lab, Kailash Colony, New Delhi on 17/5/2011. Some of the results as per testing report given by OP laboratory regarding urea, creatinine serum, alkaline phosphate and phosphorus serum were far beyond normal range, as reflected below:*

<u>S.No.</u>	<u>Investigation</u>	<u>Actual Results</u>	<u>Range</u>
	Urea	189mg/dL	(17.00-43.00)
ii.	Creatinine Serum	8.39 mg/dL	(0.51-0.95)
iii.	Alkaline Phosphate	144UL	(30.00-120.00)
iv.	Phosphorus Serum	13.20mg/dL	(2.80-4.00)

*The complainant got some tests on the advice of medical expert done from Max Healthcare Super Specialty Hospital 1, Press Enclave Road Saket, New Delhi and as per the second report all the results were normal. Thereafter, the complainant took up the matter with the OP laboratory and got issued legal notice dated 26.8.2011 also which was replied by the OP laboratory. Admittedly, the OP laboratory requested the complainant for carrying out the tests at its laboratory to ascertain the diagnosis of problem to the complainant, which request was not acceded to by the complainant alleging loss of faith in the OP laboratory and instead the complainant got the further tests done, from two other independent laboratories namely Dr Dangs Lab and Religare SRL Diagnostic (Shivam Care Centre) according to which reports all these tests were found normal.*

*In the backdrop of the above undisputed position the contention on behalf of the complainant is that if the tests carried by a laboratory are defective and erroneous, then the diagnosis by the Doctor will automatically be not correct and the patient will not get the proper treatment and the medicines prescribed on the basis of wrong test reports and diagnosis may lead to fatal results to the patient. It is argued that having lost faith in the OP laboratory completely, the complainant did not agree to the request made by them for retesting of the blood and urine etc. to give a fresh report and instead the report was obtained by complainant from two independent reputed laboratories, which was not acceptable to the OP laboratory who still insisted upon retesting of the complainant's samples at their laboratory. It is argued that on seeing the report dated 17/5/2011 on 19/5/2011, Dr. Neeru Gera considered the condition of complainant critical and precarious, so she referred the complainant to another expert Dr Alka Bhasin, who advised the complainant for immediate admission in the hospital for carrying out dialysis and*

*further treatments. However, before putting complainant on dialysis, the doctor considered it appropriate to get the tests done again, which tests were got done by the complainant at Max Healthcare Super Specialty Hospital-1, Press Enclave Road, Saket, New Delhi, where the reports of the tests were found normal. The doctor in her report has also opined that the report given by OP laboratory was false/erroneous and the complainant was appropriately reassured.*

*The complainant has also alleged that on account of the false and erroneous report of the OP laboratory her husband who was to go to Mumbai to attend an important meeting had to cancel his air ticket and hotel bookings and these false test reports of O.P. laboratory made the complainant and her family shocked causing great mental agony and fear of death of complainant to them. Therefore, it is argued that the complainant is entitled to the reliefs claimed in the complaint. In support of the arguments reliance is placed upon the following judgments/authorities on behalf of the complainant:*

- 1. Maj (Reto.) Dr. Gaitry Kolley Vs. Dr. Lal Path Labs Pvt. Ltd in case No. CC/1185/05 decided by Consumer Disputes Redressal Forum-VI (Distt. New Delhi)*
- 2. Dr. Lal Path Labs Pvt. Gurgaon-122001 (Haryana) Vs. Sh. Karan Sharma s/o Sh. P.K. Sharma (First Appeal No. 182 of 2003 (State Consumer Disputes Redressal Commission U.T) Chandigarh)*
- 3. M/s Spring Meadows Hospital and Another Vs. Harjol Ahluwalia through K.S Ahluwalia and another (Civil Appeal No 7703 of 1997- decided on 23.03. 1998) (Supreme Court of India)*
- 4. Godrej Shops Ltd. Vs. Dr Vijay Govind Sarpotdar (Revision Petition No. 2058) of 2000-decided on 6.2.2001) (National Consumer Disputes Redressal Commission, New Delhi)*

5. *Dr. Tirthanand Singh in First Appeal No. A/275/2002 (State Consumer Disputes Commission, Bihar, Patna)*
6. *Rajinder Kumar & another Vs. Mohan Dai Oswal Cancer Treatment & Research Foundation in complaint No. 878 of 15.12.2008 (District Consumer Dispute Redressal Forum, Ludhiana).*
7. *Mond Dishad Vs. Plagiostic Centre in Compas pes/2911 (Consumer Disputes Redressal Forum Vidovt of NCT)*

*The arguments on behalf of the OP laboratory are that after collecting the test report from the OP laboratory the complainant did not contact the OP Laboratory and thereafter consulted a doctor on 19/5/2011 and got herself admitted in Max Hospital on the same day. There was no indication in the purported discharge summary to suggest that outside test reports was that of the OP. It is contended that for the first time since 17/5/2011, Le, the date of the test report, on 6/6/2011, the complainant wrote a letter to the OP and raised a claim of more than Rs. 10.00 Lacs from the OP. With a view to cause no or minimal discomfort to the complainant, the OP proposed to the complainant to facilitate collection of sample from her home as per her convenience as to date and time. The OP further offered to conduct the said test free of cost. However, vide letter dated 15/8/2011, the complainant refused to give fresh, sample and stated therein that she was fully satisfied with the investigation conducted by Max Hospital and threatened OP with dire consequences if it failed to settle her baseless claims.*

*It is argued that on 21/6/2011, the OP again wrote to the complainant, seeking her cooperation in investigating the matter and sought fresh samples from her which were offered to be collected, free of cost by the OP from the complainant's home, at a day and time convenient to her. But vide letter dated 6/7/2011, the complainant again refused to give fresh samples*

*and strangely sought to rely on to other test reports, both dated 1/7/2011 from two different laboratories. The said conduct of the complainant shows that she avoided giving samples to the OP for reasons best known to her, and resultantly the OP could not verify her allegations. The OP again asked the complainant on 8/7/2011 for providing sample to verify that these allegations of alleged discrepancy on the test reports when the complainant wrote a letter dated 5/12/2011, threatening to file an FIR against the OP and get the matter reported in media with the view of tarnishing the impeccable reputation of the OP, in case it did not pay up the illogical and exorbitant sums demanded by her.*

*It is contended on behalf of the OP that there is no deficiency in service on the part of the OP laboratory and the tests were conducted by OP with due care and caution. The tests were conducted as per strict quality control protocols and only when the results of the test reports were rechecked they were given to the concerned person. Thus, the chances of wrong reporting due to any negligence are almost negligible. So it is also contended that the report issued by the Max Health Care on 19/5/2011, as well as both reports issued by Dr Dang's laboratory and Religare SRL Laboratories Ltd on 1/7/2011 or any other lab cannot be basis of challenging the correctness of the report of the OP laboratory, much less when the OP laboratory was in no position to ascertaining the veracity or correctness of the said reports, and the allegations made in this behalf by the complainant.*

*It is also argued that the alleged tests in the two laboratories were conducted on 1/7/2011, ie, more than 1 1/2 months after the test was conducted by the OP laboratory and the tests at Max Healthcare was admittedly conducted after a gap of approximately 24 hours. Therefore, these tests are not relevant as there can be variation in the lab test reports*

*regarding the test conducted for the same purpose of the same person due to lapse of time. It is also contended that severe dehydration can admittedly cause blood urea nitrogen levels to rise more than creatinine levels, which causes high blood urea nitrogen to creatinine -ratio. This is evident from a well-known website by the name of "Web MD" dealing in the health related issues. The true copy of which is tendered in evidence by OP as Exhibits RW 1/1. Therefore, the contention is that the complaint should be dismissed with costs. Reliance is placed upon the following authorities:*

- 1. Interglobe Aviation Limited Vs N Satchidanand. Civil Appeal No.4925 of 2011-decided on July 4, 2011.*
- 2. Beechins Creation Pvt. Ltd. Vs. TMA International Allies Original Petition No 191 of 1997-decided on 27.05.2005*
- 3. Jacob Mathew Vs. State of Punjab AIR 2005 so 3180 in Criminal Appeal Nos 144-45 of 2004 decided on August, 5, 2005.*
- 4. Ravneet Singh Bagga Vs. KLM Royal Dutch Airlines (2000) 1 SCC 66 in Civ Appeal No. 8701 of 1997 decided on November 2. 1999.*
- 5. N.V Subramanyam Vs.U.B. Air (P) Ltd II (1995) CPJ 297 28.10.1994. decided on 29.10.1994.*
- 6. Billa Mali Vs. The Secretary R.SEB, Jaipur II (1991) CPJ 495 Appeal No. 15/1991-decided on 31.5 1991.*
- 7. Executive Engineer, Operation, HSEB, Hissar versus Dr. Chander Bhan First Appeal No. 17 of 1990-decided on 22.4.1991.*
- 8. Ghaziabad Development Authority versus Union of India and another in Civil Appeal No. 5329 of 1996-decided on 12.5.2000.*
- 9. Premier Climate Controls Pvt. Ltd. versus M.Pais & Sons, General Engineer Works in Appeal No. 211 of 1992-decided on 20.03.1993*



*10. Anil Kumar versus Vipro G.E Medical System Ltd. & Another in Appeal No.37 of 1993-decided on 14.10.1994.”*

2. The District Commission, after taking into consideration the material available on record passed the order dated **04.08.2014**, whereby it held as under:

*“We have carefully considered these arguments raised from both sides. The glaring variance in the reports of different laboratories, with regard to complainant's important urine tests pertaining to urea, Creatinine Serum is reflected in the following table:*

*The comparative chart of the results as shown in Reports of the OP laboratory as well as of the reports given by the Max Care Hospital are as under:*

<u>Sl. No.</u>	<u>Particulars of Test</u>	<u>Results as per Dr. Lal Path Labs</u>	<u>Results as per Max Health Care</u>
1.	Urea	180 mg/6L	17/1 mg/D
2.	Creatinine Serum	8.39 mg/dl	0.4 mg/dL

*The above table shows shockingly different values of the tests given by the OP laboratory in comparison to the other three laboratories. Although there is minor difference between the test reports given by the three laboratories from where the complainant subsequently obtained the test reports on 19/5/2011 and 1/7/2011, but this difference may be due to lapse of time when later these tests were conducted. However, in the absence of any authentic expert medical findings or opinions shown to us*

*we do not find it prudent to accept the argument on behalf of O.P. laboratory that the variance between the test report of the OP laboratory with regard to the complainant and of the other laboratories is on account of the test got conducted by complainant at different point of time since the difference between the values given by the OP laboratory and the other laboratories is astronomically different.*

*The argument on behalf of the OP laboratory that severe dehydration on account vomiting can cause blood urea nitrogen levels to rise more than creatinine levels, which causes high blood urea nitrogen to Creatinine ratio as supported by the documents taken from Internet R1 by the OP, to examine this argument of the OP, it would be apt to look at the hospital discharge summary of the complainant from Max Healthcare Super Specialty Hospital. Under the heading "Hospital Course" so far is relevant is recorded that the complainant was vomiting since four days with abdominal discomfort. The date of admission of the Complainant with the said hospital being in 19/5/2011, so it can be taken that she was vomiting since 15/5/2011 the contention of the OP laboratory is accepted then on 19/5/2011 when the tests were conducted again by laboratory of Max Healthcare Super Specialty Hospital these should also be in line with the laboratory tests of the OP laboratory which certainly is not the case. The medical expert opinion from Internet Connection. Annexure-R1 relied on behalf of the OP only shows that severe dehydration generally causes blood urea nitrogen levels rise more than creatinine levels This does not reflect blood urea nitrogen levels in the blood would rise astronomically, as reflected in the laboratory test report dated 17.5.2011 of the OP. Further, the creatinine levels in the test report of the OP laboratory is also astronomically high figure of 8.39 mg/dl. as against the normal range of 0.51-0.95 Therefore, we do not accept the arguments on behalf of the OP laboratory that it is on account of dehydration caused by the vomiting that*

*the test report figures given by OP laboratory, with regard to blood urea nitrogen level or creatinine level is very high.*

*We do not find any force in the argument on behalf of the DP laboratory that since the laboratory tests conducted at the other three laboratories, relied on behalf of the complainant could not be verified by the OP laboratory so these do not show that the test report of the OP laboratory wrong or false in our view the fact that the reputed laboratories of Delhi have given corroborating test reports, with regard to complainant and the admitted test report of the OP laboratory is showing remarkable difference from these test reports of the three laboratories would leads to the inference that the medical test reports of the complainant as given by the OP laboratory is wrong, leading to irresistible conclusion of deficiency in service on the part of OP laboratory. We also do not accept the argument that since the complainant, despite repeated requests of the OP laboratory failed to submit samples of blood etc. for her fresh laboratory tests the laboratory test report of the OP should be believed. We accept the argument on behalf of complainant that due to shockingly different report given by the OP laboratory they lost faith in OP laboratory and refused to agree for the fresh test by the OP laboratory and instead obtained test reports from two other reputed laboratories*

*The authorities cited on behalf of the OP laboratory to our mind are inapplicable. In the Ravneet Singh Bagga's case (supra), the honorable Supreme Court was dealing with the case of service provider airline and claim against it and not against a laboratory like the OP laboratory against allegations of deficiency on account of false test reports In Jacob Matthew's landmark judgement the honorable Supreme Court has laid down the law regarding medical negligence But the question examined was the negligence of doctor and hospital, and not regarding the laboratory tests*

*In Dr. Chander Bhan's case (supra) the question involved was regarding supply of electricity and its bill amount and the legal question involved was whether the Consumer Forum can decide the matter merely on the basis of complaint and the controverting counter version thereto alone. The question of laboratory test was not Involved in that case also In M Pias's case (supra) also relied on behalf of the OP laboratory the complaint was decided by District Forum on material placed on record without evidence. Therefore, it was held that finding recorded by District Forum was erroneous and unsustainable. In the present case, however, not only the admitted OP laboratory's test report is produced in evidence by the complainant, but also the there other laboratories reports are produced and relied upon. The affidavit in evidence are also filed by parties in support of their case. Therefore, M Pias's case (supra) is also distinguishable on facts. N.V. Subramaniam's (supra) case deals with a case in which complainant allegedly suffered shock and was awed on account of aircraft landed on its belly and it was not a case of any wrong alleged laboratory test reports. In Anil Kumar's case (supra) also relied on behalf of the OP laboratory the xray system machine was not supplied despite advance payment, so the complaint was filed for refund of the amount. The facts of this case are also nowhere near the facts of the present complaint Billa Mali's case (supra) deals with the matter in which death of she buffalo was due to electrocution, so this case is also distinguishable on facts Ghaziabad Developments Authority's case (supra) pertains to a case in which there was unreasonable delay by development authority in completing scheme for allotment of plots. This case is also distinguishable with the facts of the present complaint. Inter Global Aviation Limited's Case (supra) deals with the claim of the complainant against the passenger airline regarding delaying flights on account of weather conditions or want of as traffic contra directions/instructions. This case is also distinguishable on facts*

*with the present complaint case. Same is the position of TMA International Airlines case (supra) relied on behalf of the OP where dispute by the complainant was with regard to non-delivery of the consignment by the airline despite payment made for this purpose. Therefore we do not find that any of the authorities relied on behalf of the OP laboratory helps then) in the present case.*

*The medical experts/doctors base their treatment on the basis of medical test reports so these medical test reports form the basis of proper diagnosis of the disease by the doctors to give treatment to the patient as per medical science norms. We find great force in the argument on behalf of the complainant that if the tests carried by s laboratory are defective and erroneous, then the diagnosis by the doctor will be not correct and the patient will not get the proper treatment and the medicines prescribed on the basis of wrong test report and diagnosis may lead to fatal results to the patient In Maj (Retd) Dr Gaitry Kolley versus Dr. Lal Path Lab private limited, and others in consumer case number CC/1185/2005 decided by Consumer Disputes Redressal Forum-VI on 12/2/2014, the complainant was given a wrong test report by the OP laboratory The complainant was shown HIV positive and the learned Consumer Disputes Redressal Forum-VI granted compensation to the complainant in that case in the sum of Rs. 3,50,000/- In another case of Dr Dat Path Lab private limited, Gurgaon versus Karan Sharma, and another State Consumer 2 Redressal Commission, UT, Chandigarh, the appeal No. 182 of 2013 against the order passed by District Forum to pay compensation by the OP laboratory Gurgaon based on wrong test report, was dismissed on 8.7.2013. These cases pertaining to different laboratories of same Op support the case of the complainant. There is, in our view, no need to go into other authorities relied upon by complainant in the given facts and circumstances of the case.*

*Therefore, although we find that the complainant has claimed the compensation on quite higher side but on account of inconvenience suffered by her and her family due to a wrong test report because of deficiency in service of the OP laboratory the complainant should be adequately compensated.*

*In view of the above complaint is allowed and OP laboratory is directed to pay a sum of Rs. 3,50,000/- (Rs. Three Lakhs Fifty Thousand) to the complainant, which amount is inclusive of payments made by complainant to three different laboratories including OP laboratory, hospitalization of the complainant with Max Healthcare and expenses incurred the, fee of the doctors mental agony and harassment of complainant and her family on account of wrong report of the OP laboratory and also litigation cost and cost of Legal Notice In case the said amount is not paid by O.P. within 30 days from the date of receipt of this order the same shall be recoverable by the complainant along with interest @ 10% p.a. from the date of said amount."*

3. Aggrieved by the aforesaid decision of the District Commission, the Appellant/Opposite Party has preferred the present appeal contending that the District Commission has failed to appreciate that the scope of service availed from a pathological laboratory is restricted to taking sample for a test, conducting the test and delivering the report to the patient and a laboratory does not diagnose any ailment. District Commission erred in not appreciating the fact that Appellant stated that the report showed erroneous value of phosphorus. Respondent was already diagnosed with Hypovitaminosis D along with Hyperparathyroidism. The counsel further submitted that there was no basis for the contention of the Appellant with respect to correctness of the report as well as medical basis of the same is certified by Dr. Vandana Lal (MD Pathology) .District Commission erred in ignoring the evidence of Dr.Vandana Lal. Lastly, the Appellant submitted that there is no deficiency of service exists on the part of Appellant and the District

Commission has erred in granting compensation for the alleged harassment of the family and no evidence has been led to prove that the Respondent had suffered any such damage by the District Commission.

4. The Respondent has filed the Reply to the present Appeal whereby all the allegations raised by the Appellant have been denied. It is submitted that the Appellant's claim of being denied an opportunity for oral hearing is baseless, as the District Commission duly considered the pleadings and written arguments of both parties. The Respondent has further relied on precedents viz *Maj. (Retd.) Dr. Gairry Koltey vs. Dr. Lal Pathlabs Pvt. Ltd. and Dr. Lal Path Labs Pvt. Ltd. vs. Shri Karan Sharma*, where similar acts of negligence in diagnostic services were held actionable, causing mental agony and physical distress to the complainants. The Respondent has contended that the Appellant's failure to provide accurate results led to unnecessary trauma for the complainant and her family, and the intervention of Max Hospital averted irreparable harm. Lastly, it is submitted that a wrong diagnosis constitutes a deficiency in service, warranting compensation. Pressing the aforesaid submissions, the Respondent has prayed that the present Appeal be dismissed with exemplary costs.
5. We have perused the material available on record and heard the counsels for the parties.
6. The *preliminary question* before us is *whether the Appellant was denied an opportunity of being heard in violation of the principles of natural justice*.
7. The Appellant has contended that the District Commission has violated principles of natural justice by not providing the Appellant, an opportunity to present final arguments. It is submitted that while the matter was listed for arguments on 21.04.2014, it was adjourned to 08.08.2014, the Appellant was informed that the Respondent had already concluded the arguments on 26.05.2014 and the matter

was reserved for orders. Upon a careful perusal of the record, we find that notices for the hearing on 26.05.2014 were duly served on both the parties. Here, it is to be noted that even if it is assumed that the Appellant was not heard orally, the written submissions of the Appellant were on record and were given due consideration by the District Commission, as is evident from the references made in the Impugned Order, to the contentions raised by the Appellant. Therefore, the aforesaid contention raised by the Appellant cannot be the sole ground so as to vitiate the entire proceedings, especially when the Appellant had ample opportunity to present its case through written submissions, which were duly considered by the District Commission.

8. The *second issue* that falls for our consideration is *whether the District Commission erred in holding the Appellant liable for "deficiency in service" by misconstruing the scope of a pathological lab's services (testing versus diagnosis) and by overlooking the Respondent's pre-existing medical conditions.*
9. Now, we examine the Appellant's contention that the District Commission fundamentally misconstrued the scope of a pathological laboratory's services by erroneously conflating diagnostic testing with medical diagnosis.
10. The Appellant contends that there was no deficiency in service as the variation in test results could be attributed to the Respondent stopping "Spirex" tablets on 16.05.2011, which could have normalized the parameters by 19.05.2011. Secondly, it is submitted that the variation could be due to the possible dehydration due to vomiting, which could have caused elevated Blood Urea Nitrogen levels and thirdly, variation could be due to the treatment provided at Max Hospital before the second test was conducted.



11.The difference between the Appellant's report and from Max Hospital, Doctor Dang Laboratory and Super Religare Laboratory Ltd. reveals stark anomalies , as is evident from the results reproduced hereunder as :

S.No.	Particular of Test	As per Dr. Lal Pathlab Pvt. Ltd. Dated 17.05.2011	As per Max Hospital dated 19.05.2011	As per Max Hospital dated 20.05.2011
1.	Urea	189.00	17.1	21.4
2.	Creatinine	8.39	0.4	0.5

12.The Max health care tests were conducted within 48 hours of the Appellant's tests. The two additional laboratories subsequently confirmed normal results, and the Clinical Summary by the Max Hospital explicitly mentions "*numerous erroneous values*" in the Appellant's report. The Appellant also failed to provide any quality control evidence or technical explanation for such dramatic discrepancies. The Appellant's contention that stopping "Spirex" tablets could cause such dramatic normalization within 48 hours lacks medical substantiation. While medication changes can affect test results, such extreme variations over a short period appear implausible without concrete supporting medical literature. Furthermore, the discharge summary from Max Hospital categorically states that the tests were conducted before any treatment commenced, which contradicts the Appellant's contention that the treatment might have affected the results.

13.Here, it is pertinent to remark that when multiple test reports from different laboratories show consistent results that differ significantly from one laboratory's findings, it creates a strong presumption of deficiency in service by the outlier laboratory. While the Appellant has provided a scientific explanation for the variation, it is notable that three separate laboratories conducted tests showing normal results contrary to the Appellant's findings. Thus, the District

Commission's conclusion, based on comparative analysis of multiple test reports, cannot be termed as perverse or based on no evidence. The Appellant's grossly erroneous results constitute a failure to perform basic testing accurately, causing undue distress and unnecessary hospitalization. It has been correctly held by the District Commission that the medical experts/doctors base their treatment on medical test reports, so these medical test reports form the basis of proper diagnosis of the disease by the doctors to give treatment to the patient as per medical science norms. If the tests carried out by a laboratory are defective and erroneous, then the diagnosis by the doctor will not be correct, and the patient will not get the proper treatment, and the medicines prescribed based on a wrong test report and diagnosis may lead to fatal results for the patient. When a patient's urea levels are reported at more than ten times the normal range, triggering emergency hospitalization and profound distress, the laboratory cannot retreat behind semantic arguments about its limited role in the diagnostic chain. Moreover, the Appellant's attempt to shift blame onto prescribing physicians or the Respondent's medical history holds no ground. Patients reasonably rely on the reports of laboratories as definitive inputs for treatment.

14. Therefore, we concur with the District Commission's finding that the Appellant failed to maintain the standard of reasonable care expected in pathological testing, thus amounting to a deficiency in service.
15. Furthermore, we deem it pertinent to mention here that the Appellant has completely changed its course of arguments and has introduced an entirely new line of arguments at this appellate stage with regard to the intake of Spirex tablets. A perusal of the record makes it clear that the Appellant did not ever raise a contention before the District Commission pertaining to the intake of Spirex tablets. It is further pertinent to mention that even if it is assumed that the

Respondent was taking Spirex tablets, we find it implausible that there could be such astronomical difference in patient's test reports pertaining to creatine and urea. The test reports generated by the Appellant show Creatine levels at 8.39 nig/dl and urea at 189 mg/dl which is an exponentially aspirated indicator given the reference range of Creatine being 0.6-1.3mg/dl and urea at 6-21 mg/dl. In our opinion stopping the intake of any drug whatsoever cannot cause such drastic decline in the health indicators that the Respondent's blood indicators come to normal within 2-3 days. Therefore, we do not find any merit in the contention of the Appellant.

16. It is the next contention of the Appellant that *the Respondent did not accede to the request for collecting the sample again and such, the values of the test report could not be verified.*
17. Here, it is pertinent to mention that the test reports depicted the values of various important health indicators to be so high, that any person having ordinary prudence shall become perturbed on looking at such results. It is further pertinent to remark here that the Respondent was under no obligation to get the tests redone. The Respondent got another test done from 3 labs viz. Max Health Care, Dr. Dangs Laboratory and Super Religare Laboratories Ltd, all of which depicted the Respondent's parameters to be within the normal range. Therefore, we do not find any merit in this argument of the Appellant
18. The *final issue* that falls for our consideration is *whether the compensation awarded by the District Commission is arbitrary.*
19. The Appellant has contended that the compensation of Rs. 3,50,000 awarded by the District Commission is arbitrary and without an evidentiary basis. In this regard it is to be noted that the medical expenses incurred by the Respondent were directly attributable to the Appellant's erroneous report, which falsely indicated life-

threatening conditions and necessitated emergency hospitalization. The discharge summary from Max Hospital explicitly links the admission to the "erroneous outside lab report," establishing a clear causal connection between the Appellant's deficiency and the Respondent's expenses. Being misdiagnosed with life-threatening conditions and undergoing unnecessary hospitalization constitutes severe psychological trauma. The mental agony and physical suffering cannot be understated. Also, the prolonged litigation justifies litigation costs as a component of compensation. Considering the facts and circumstances of this case, we find the compensation awarded by the District Commission to be just and reasonable.

20. In view of the foregoing, we do not find any cause or reason to reverse the findings of the District Commission. ***Consequently, we uphold the order dated 04.08.2014 passed by the District Consumer Disputes Redressal Commission (South West), Govt. of N.C.T of Delhi, Local Shopping Complex, Sheikh Sarai, New Delhi-110002 and the present Appeal stands dismissed with no order as to cost.***
21. Application(s) pending, if any, stand disposed of in terms of the aforesaid judgment.
22. The Judgment be uploaded forthwith on the website of the Commission for the perusal of the parties.
23. File be consigned to record room along with a copy of this Judgment.

(JUSTICE SANGITA DHINGRA SEHGAL)  
PRESIDENT

(PINKI)  
MEMBER (JUDICIAL)

Pronounced On:  
26.05.2025

L.R.-G.P.K