23.01.2026

Present: Sh. S.K. Dubey, Ld. Addl. PP for the State (Respondent No.1).
Sh. Vishal (Respondent No.2).
Sh. Mayank Sharma, Ld. Counsels for the Respondent No.2 through VC.
Ms. Laila, through VC.

ORDER

1. Perusal of the record reveals that the matter is listed for filing of the detailed, comprehensive and sworn Status Report [*interalia* regarding the total number of animals and birds taken into custody by the Revisionist Centre till date, number of animals / birds that died during their custody and compensation, if any provided to the owners; Number of animals/birds sold, adopted, transferred, or otherwise disposed of while in custody; recording-keeping mechanisms, identification protocols (tags/microchips), and veterinary supervision in place for all animals/birds in its custody] and for arguments on the present Revision Petition.

2. Ld. Counsel for the Revisionist has submitted that the present Revision Petition has been filed against the order dated 11.08.2025 passed by the Ld. Judicial Magistrate First Class, Shahdara District, Karkardooma Courts, Delhi in Misc. Crl. No. 1591/2025 titled "Vishal Vs. State" arising out of FIR No. 369/2025, PS Jagat Puri, whereby custody of ten dogs seized during investigation was directed to be released in favour of respondent no. 2. It is further submitted that the impugned order is

allegedly contrary to the object and statutory framework of the Prevention of Cruelty to Animals Act, 1960, as the seized animals were directed to be released to the accused himself, i.e., respondent no. 2.

3. It is further submitted that vide orders dated 11.08.2025 and subsequent orders dated 24.12.2025 and 19.01.2026, the Ld. Trial Court directed that all the ten dogs in the custody of the Revisionist Centre be released forthwith in favour of owner of the dogs (Respondent No.2 Sh. Vishal); that in compliance of orders dated 11.08.2025, 24.12.2025 and 19.01.2026 passed by the Ld. Trial Court and the directions of this court vide order dated 16.01.2026, now, the custody of eight dogs out of the ten dogs has been handed over to the Respondent No.2 Sh. Vishal who is the owner of these dogs.

4. Respondent no 2 Sh. Vishal, owner of the dogs submits that out of these eight dogs returned to him, two of his dogs were returned to him on 19.01.2026 by the Revisionist Animal Centre. However, during the period of six months prior to such return, the Centre had already handed over and/or sold these dogs to third parties, without any lawful authority, or his consent, or any intimation to him or to the Court. Shockingly, the Centre also shared his Mobile number with such third parties; that one such lady, a resident of Ramesh Nagar, Delhi, to whom one of the dogs had been handed over by the Centre during the period of approximately six months (from 23.06.2025 to 19.01.2026), was inconsolable when the dog was taken back and returned to him. She was literally crying and pleading with

him to allow her to keep the dog, stating that during the period the dog remained with her, she had developed a deep emotional attachment and had begun treating the dog as her own child. Such was her emotional distress that she fell seriously ill and was even admitted to the ICU, which itself demonstrates the extent to which the Centre had wrongfully allowed third parties to emotionally bond with dogs that were never theirs to begin with.

5. He further submits that another dog had similarly been handed over to an individual residing in Greater Noida. Both of these dogs were Toy Pomeranians, one male and one female, further establishing a pattern of unauthorized handovers and possible sale of his dogs by the Revisionist Sanjay Gandhi Animal Care Centre; on the very next day, i.e. on 20.01.2026, five more dogs were handed back to him. Upon receiving them, he was horrified to discover that four female dogs had undergone surgical procedures, wherein their ovaries had been removed (sterilization) by the Centre without his permission, consent, or knowledge and without authorization from any competent authority.

6. Respondent has further submitted that one of the operated dogs was a female Toy Pomeranian barely two years old, a young and healthy dog who was subjected to an irreversible surgical procedure while being voiceless, defenceless, and incapable of expressing pain or consent. The remaining three female dogs included two Shih Tzus, both aged about eight years, and one golden-coloured female Toy Pomeranian who had recently delivered a puppy that unfortunately did not survive. Despite her fragile physical and emotional condition, her ovaries were also removed, reflecting extreme

insensitivity, cruelty, and disregard for animal welfare on the part of the Centre, which ironically projects itself as an animal lover and protector.

7. Respondent No.2 Sh. Vishal further submits that during this time, a male individual accompanied by his son also approached him, repeatedly praying and requesting that one of the dogs be returned to him, as the Centre had earlier handed over the dog to him. He, while deeply sympathetic to the emotional plight of the child and the father, was compelled to refuse, stating that the dog was his own child, whom he had personally raised, and that he had already been running from pillar to post before various Courts merely to regain custody of his own dogs.

Additionally, his Bichon dog returned on 20.01.2026, was extremely terrified and traumatised, indicating severe mental stress suffered while in the Revisionist Centre's custody. However, within a few hours of being reunited with him, all the dogs recognized their home environment, regained familiarity and showed signs of emotional relief, clearly demonstrating the strong bond they shared with him and his family.

8. Thereafter, on 21.01.2026, two more dogs were handed over to him by the Centre. Out of these, only one Toy Pomeranian belonged to him, whereas the other dog, claimed to be his Poodle, was clearly not his dog; that he is almost certain that the Centre, after having sold or disposed of his actual Poodle, attempted to substitute it with another dog either procured later or taken from its shelter; that the original Poodle was hale, healthy, and pregnant, whereas the Poodle produced by the Centre was visibly old and not pregnant. Respondent Vishal further submits that the Centre

SGACC attempted to return what it claimed was his Poodle, she was physically mutilated; that this Poodle dog presented to him had her tail brutally cut.

9. Further, the Revisionist Animal Centre falsely claimed that an ultrasound examination had been conducted on the Poodle, showing no pregnancy. However, no ultrasound report, videography, or medical documentation was ever shown to him. It is further submitted that the Centre could easily produce an ultrasound of any other Poodle to fabricate such a claim; that he had already brought to the notice of this Court in earlier hearings that he possessed credible information that two of his dogs had been sold by the Centre. Given that his Poodle was a highly valuable and expensive exotic breed, it is now crystal clear that the Centre sold or gave his dogs in adoption for a substantial monetary gain; that he refused to accept the substituted Poodle, as it was not his dog. Further, his another dog, a Maltese, has also not been returned till date, and the Centre has failed to provide any explanation regarding its whereabouts. Thus, it is now beyond doubt and clearly discernible that the Centre has illegally sold or disposed of his remaining two dogs, namely the Poodle and the Maltese.

10. It is further submitted that due to the aforesaid acts and conduct of the Sanjay Gandhi Animal Care Centre, he and his entire family have suffered immense mental agony, emotional trauma, and harassment.

11. Ld. Counsel for the Respondent No.2 submits that the manner in which respondent's dogs, whom the Respondent Vishal considers his

children, were treated, unlawfully handed over to the third parties; operated upon, substituted, and possibly sold or given in adoption for profit, exposes the true conduct and intentions of the Centre, which falsely claims to be an Institution dedicated to animal protection and welfare.

12. It is further argued by the Ld. Counsel for the Respondent that the custody of the animals with the Revisionist facility is itself illegal, unauthorized, and without any sanctity in law. In the absence of any judicial mandate or statutory authorization, the Revisionist's continued possession of the animals amounts to unlawful detention of living beings under the colour of animal welfare. The Revisionist facility has, therefore, acted as a self-appointed custodian, arrogating to itself powers it never lawfully possessed.

13. Ld. Counsel for Revisionist submits that the custody of the dogs in question was taken by the Sanjay Gandhi Animal Centre solely because it was given to them by the IO. It is argued on behalf of the Revisionist that during the trial of an offense of cruelty upon animals by the owner of the animals, the custody of the very same animals should not be given to the alleged person who is accused of inflicting cruelty upon them and as such, any Superdari order directed to release the animals in question to the alleged accused is an illegal order. To support his arguments, Ld. Counsel has relied upon a Judgment of Hon'ble High Court of Delhi titled as ***"People for Animals and Anr. Vs. Md. Mohazzim and Anr."*** and an Apex Court judgment titled as ***"Animal Welfare Board of India Vs. A. Nagaraja".***

14. *Per contra,* it is submitted by the Ld. Counsel for the respondent that the present case was registered against the alleged accused Sh. Vishal on 07.07.2025 and as per the very F.I.R. on record, the complainant arrived at the police station on 23.06.2025 accompanied by members and representatives of the said NGO/ Centre. This fact, in itself, unequivocally demonstrates that the NGO/ Centre was not a neutral or independent entity. The complainant in the present matter was nothing more than a proxy and instrumentality of the revisionist centre, acting entirely at its behest, thereby, rendering the Centre the real author and beneficiary of the complainant; that the Centre orchestrate and engineer the complaints through its own agents, thereby manufacturing artificial legal disputes and creating circumstances that enabled it to unlawfully take custody of the animals without any order or authorization from any competent authority.

15. It is further alleged that the overall conduct of the Centre raises grave and alarming concerns pointing towards the existence of a systematic and organized racket operating under the guise of animal welfare. The repeated and unexplained delay in complying with binding orders, the selective retention of exotic and high-value breeds, the complete lack of transparency, and the deliberate non-filing of any authentic or verifiable data relating to the animals in its custody, cumulatively reflect mala fide intent.

16. Taken together, these acts and omissions unmistakably indicate that the Centre is functioning with a commercial motive, exploiting the facade

of animal protection to unlawfully seize, retain, and possibly profit from animals, particularly exotic breeds.

17. In rebuttal, Ld. Counsel for the Revisionist submits that the Revisionist Sanjay Gandhi Animal Care Centre is solely dedicated to the care, treatment and protection of animals and all the allegations leveled by the respondent or his counsel are absolutely false, frivolous and baseless. Further, it is averred that the Revisionist organisation is a NGO that operates selflessly for the welfare of animals.

18. On the contrary, it is submitted by Ld. Counsel for the respondent that despite projecting itself as a welfare institution, the Revisionist Centre has conspicuously failed to ever assume custody of stray dogs or animals, nor has it spent any discernible funds towards their care, upkeep, treatment, or rehabilitation, notwithstanding the fact that it operates substantially on public money, government aid, and grants. Furthermore, the present matter is not an isolated instance of misconduct, but rather forms part of a recurring and disturbing pattern of conduct on the part of the SGACC, which consistently demonstrates its defiant, arbitrary, and unlawful approach. The surrounding circumstances speak for themselves and clearly reveal that the Centre cannot be regarded as a genuine, bona fide, or authentic caretaker of animals.

19. Contrary to its stated objectives, the Centre appears to have adopted a selective and malafide *modus operandi*. Instead of addressing the plight of stray or abandoned animals, it keeps a watch through its agents or

affiliates over privately owned animals, particularly those belonging to exotic or high-value breeds. Upon identifying such animals, the members of the Centre proceed to unlawfully and unauthorisedly seize their custody, often with the active or tacit assistance of the police. This is typically achieved by orchestrating the registration of FIRs against the lawful owners, by exploiting the unfortunate reality that many police officials possess little or no practical understanding of the relevant statutory framework, including the nuanced provisions of the Prevention of Cruelty to Animals Act and allied rules.

20. It is further submitted that the Centre appears to possess ample financial resources to aggressively pursue false and frivolous litigation before higher and superior courts, often engaging eminent and seasoned Advocates. There is grave apprehension that such litigation is being funded out of public money and government grants meant for animal welfare, thereby constituting a gross misuse and diversion of public funds. On the other hand, the affected animal owners, many of whom are ordinary citizens are placed at a severe disadvantage. They are often financially incapable of sustaining prolonged litigation, are unfamiliar with the intricacies of the law, and are subjected to immense mental agony, harassment, reputational damage, and coercive pressure merely for asserting their lawful rights.

21. This court has heard the submissions advanced on behalf of both the parties and has carefully perused the entire record.

22. Perusal of the record reveals that the present FIR (FIR No. 365/2025, PS Jagat Puri) was registered against the alleged accused Vishal (Respondent No.2 herein) on 07.07.2025 on the allegations of cruelty to dogs by the owner Vishal. As per the FIR, police official HC Dayal Kumar was present at the police station on 23.06.2025 when the complainant Apoorva Kapoor alongwith the members of NGO "People for Animals" (authority by Smt. Meneka Gandhi), Sh. Parminder Singh S/o Sh. Inderjeet Singh and Ms. Rashita came to the PS and they presented a written complaint before HC Dayal Kumar alleging that 7-10 dogs have been illegally confined at Property No.8, Gagan Vihar, Jagat Puri, Delhi. Pursuant to the directions of SHO concerned, HC Dayal Kumar alongwith the complainant, NGO staff and Beat Staff ASI Dharamvir reached at the spot where barking noises were allegedly heard and all the dogs were found caged and due to scorching heat their condition was serious. Photographs were taken from the mobile phone and all the dogs were transported to PS Jagat Puri in an Ambulance brought by the NGO Staff. That the NGO Staff apprised the police officials after checking the dogs that one female dog is suffering from fever and bleeding. Thereafter, HC Dayal Kumar handed over the custody of eight female dogs and two male dogs to the staff of NGO "People for Animals" (authority by Smt. Meneka Gandhi) for Sanjay Gandhi Animal Care Centre.

23. From a bare perusal of this FIR, it is evident that the members of NGO "People for Animals" (authority by Smt. Meneka Gandhi) reached at the PS Jagat Puri alongwith the complainant and they presented a written complaint before the police. Further, as per the FIR itself, the members of

NGO also accompanied the police to the spot and it was the NGO staff itself who had already brought the Ambulance with them and they only (the same NGO staff) allegedly checked the dogs and apprised the police officials that one female dog is bleeding and is having fever. Thus, the entire assessment/ alleged examination regarding the condition of the dogs emanates solely from the NGO people.

24. At this juncture, this court deems it apposite to quote Section 34 and 35 of Prevention of Cruelty to Animals Act, 1960 which deals with the seizure of animals for examination and provision for treatment and care of animals.

> **Section 34: General power of seizure for examination.**—Any police officer above the rank of a constable or any person authorised by the State Government in this behalf, who has reason to believe that an offence against this Act has been or is being, committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest magistrate or by such veterinary officer as may be prescribed, and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.
>
> **Section 35: Treatment and care of animals. —** *(1)*

The State Government may, by general or special order, appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before a magistrate.

(2) The magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animal concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or that it shall be sent to a *pinjrapole*, or, if the veterinary officer in charge of the area in which the animal is found or such other veterinary officer as may be authorised in this behalf by rules made under this Act certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(3) An animal sent for care and treatment to an infirmary shall not, unless the magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the veterinary officer in charge of the area in which the infirmary is situated or such other veterinary officer as may be authorised in this behalf by rules made under this Act.

25. Section 34 of the PCA Act (The Prevention Of Cruelty To Animals Act, 1960) casts a mandatory statutory duty upon the police officer or authorized person seizing any animal to produce the same without unnecessary delay before the nearest Magistrate or a qualified Veterinary Officer for the purpose of examination. The object of this provision is to ensure that the condition of the animal is assessed by an independent and competent authority so as to prevent suffering to animals. In the present matter, the concerned police official has failed to record or even allege that the seizure of the animals in question was effected for the purpose of examination by a Magistrate or Veterinary Officer. Such omission strikes at the very foundation of the seizure, demonstrating a patent non-compliance with Section 34 of the Act.

26. Secondly, and more importantly, the facts of the present case reveal that the members of the complainant NGO themselves accompanied the police to the spot, conducted an inspection, and proceeded to examine the animals on their own. It is the admitted position that the NGO members informed the police that one of the dogs was allegedly suffering from fever and bleeding. This so-called "examination" was carried out not by any independent or authorized veterinary doctor, but by persons who were themselves the complainants in the matter. Such conduct is wholly impermissible in law. The PCA Act does not vest any power in private NGOs or complainants to medically examine animals or to form conclusions regarding their health condition for the purpose of seizure or prosecution. Once the NGO assumes the role of investigator, examiner, and

beneficiary of custody, the proceedings stand vitiated due to conflict of interest and procedural impropriety.

27. Thirdly, the fact that the NGO members themselves examined the animals and immediately sought custody clearly demonstrates that the NGO is self-interested in taking custody of the animals, rather than acting as a neutral welfare body. The absence of any independent veterinary examination strongly suggests that the allegations regarding the animal's health were unverified, subjective, and tailored to justify seizure and removal of the animals from their lawful custodian.

This conduct further assumes significance in light of Section 35(2) of the PCA Act, which categorically provides that the Magistrate before whom a prosecution has been instituted may direct that the animal be treated and cared for in an infirmary. Howeve, in the present case:

➔ The animals were never produced before the learned Magistrate for appropriate orders;

➔ No direction under Section 35(2) was sought or passed;

➔ At no point of time was there any order passed by the Magistrate authorizing the handing over of custody of the animals to the said facility (SGACC).

➔ Custody was sought to be assumed by the NGO without any judicial order.

Such action is *ex facie* illegal and amounts to usurpation of judicial powers by a private entity, aided by the police, in complete disregard of statutory procedure.

28. Fourthly, **the Hon'ble Supreme Court in Animal Welfare Board of India v. A. Nagaraja & Others (2014) 7 SCC 547**, has emphasised that while animal welfare is of paramount importance, the procedure prescribed under the PCA Act must be strictly followed, and enforcement cannot be arbitrary or driven by private interests. Welfare measures cannot be a pretext to bypass the rule of law.

29. In view of the above findings, it is evident that in the present matter:

- The seizure of the animals was not in compliance with Section 34 of the PCA Act;
- Examination was not conducted by any independent or authorised Veterinary Officer;
- The complainant NGO, being an interested party, illegally assumed the role of examiner and custodian;
- No order under Section 35(2) of the PCA Act was obtained from the learned Magistrate.

30. Even more telling is the Revisionist's own admission in its reply dated 27.06.25 that within four days of taking custody, the animals were found to be sound and healthy. If the animals were indeed healthy and stable shortly after seizure, on what factual or medical basis was cruelty by the owner alleged ? Notably:

- The owner has not been found guilty to date, by any court of law,
- No judicial finding of cruelty exists, and
- No conviction or adverse adjudication has been returned against the owner.

➢ Cruelty cannot be presumed; it needs to be proved in accordance with law.

31. The judgment passed by Hon'ble High Court of Delhi titled as ***"People for Animals and Anr. Vs. Md. Mohazzim and Anr."*** relied upon by the Ld. Counsel for the Revisionist is distinguishable on the facts of the case.

32. This court is fortified in the view that there is no justification to deny the custody of animals to their owner, by the judgment of the Hon'ble High Court of Delhi titled as ***SANJAY GANDHI ANIMAL CARE CENTRE Vs. SADDAN & ANR.,*** (CRL.M.C. 779/2016, Judgment delivered on: 1st March, 2016) wherein the Hon'ble High Court of Delhi had observed and held that :-

> *10. The petitioner herein is the Centre which takes care of the well-being of the animals. But in this case, the total animals recovered were 15 in number and the petitioner had taken the custody of all the animals. However, it is admitted fact that 3 Camels had already died under the custody of the petitioner. Accordingly, ld. Revisional Court recorded that it were the officials of the petitioner who had, in fact, committed cruelty upon the poor camels and ld. Trial Court has failed to take note of the fact that camels in questions were not injured and the same were not mercilessly bundled into a*

single truck.

11. Ld. Trial Court further failed to take note of the fact that the Doctor concerned who has rendered opinion regarding the physical and medical condition of the Camels himself was an employee of the petitioner / NGO and as such the element of biasness was bound to occur in his opinion. Accordingly, the said report was not prepared by any independent and neutral Veterinary Doctor.

14. It is admitted case that respondent no. 1 has neither been convicted in the present case as on date nor he has been previously convicted for any offence of similar nature. Hence, there is no justification in denying him the custody of the animals as had been done by ld. MM.

15. I have no hesitation to say that Circular dated 27.01.2016 issued by Animal Welfare Board of India has no binding effect upon the prosecution and the Court as well. Therefore, the petitioner cannot interfere in the judicial process in like such cases.

16. In the case in hand, even the chargesheet has

not been filed. The respondent no.1 has every right to take the custody of the animals which were impounded from him on the basis of allegations. He is innocent until convicted. The petitioner being an NGO has no locus to interfere in the matter in this fashion. Moreover, three Camels out of 15 have already died in the custody of the petitioner, to which they neither informed to the owner nor SHO concerned.

17. It is pertinent to note that on 04.02.2016, the petitioner assured the Court that the Camel in question shall be released to the respondent no. 1 on 09.02.2016 if they failed to obtain stay order against the order dated 16.11.2015. However, no stay was granted to the petitioner, despite, they failed to release the animals.

18. Vide order dated 09.02.2016 passed by ld. Metropolitan Magistrate, notice was issued to SHO, PS-Sarita Vihar apprising him about the aforesaid development and directed him to assist the respondent no. 1 for getting the Camels released as per the undertaking of the counsel for the petitioner. However, despite the specific directions issued by the Trial Court, the petitioner has not released the

Camels till date. Thus, in this fashion, the petitioner / NGO arbitrarily interfered in the matter and took the custody of the Camels which they were not entitled in any manner.

20. As claimed by the petitioner that they have given proper treatment and take care of the animals whereas 3 Camels out of 15 have already died in their custody and to that effect neither they have given any information to the Investigating Officer nor to the owner. Thus, the petitioner behaving in the fashion as there is no control over it.

21. Moreover, without the permission of the Court and the information to the SHO concerned, the petitioner has shifted the animals from Delhi to Gurgaon. Thus, the petitioner has no respect to the law at the Courts as well.

22. Keeping in view the facts recorded above, it is established that despite the order passed by the ld. Revisional Court and subsequent orders passed by ld. Metropolitan Magistrate, the petitioner has not release the Camels, thus, I do not find any merit in the instant petition.

> *23. Accordingly, the petition is dismissed with cost of Rs.50,000/- to be paid in favour of the "Delhi Police Martyr Fund" within 2 weeks. Proof of the same shall be placed on record under prior intimation to the Investigating Officer concerned.*

33. In view of the above appreciation of facts and circumstances in the present matter, it is observed and held that the entire action of the Revisionist and custody of the animals in question, is vitiated by procedural illegality, bias, conflict of interest, and colourable exercise of power, with the tacit or active assistance of the police authorities. Accordingly, the impugned actions of the Revisionist Centre are *ultra vires* and the custody of the dogs in question was itself illegal in first place, therefore, the directions passed by the Ld. Trial Court to immediately release the dogs to their owner is a lawful order which is, hereby upheld and the **present Revision Petition stands dismissed**.

It is further observed that the infirmary is duty bound to ensure strict adherence to the statutory mandate of the PCA Act and the Animal Welfare laws cannot be misused in the alleged manner by the private entities acting beyond their legal authority.

34. Before parting with this order, it would not be out of place to mention that this Court had directed the Revisionist to file a detailed status report [*interalia* regarding the total number of animals and birds taken into custody by the Revisionist Centre till date, number of animals / birds that died during their custody and compensation, if any provided to the owners;

Number of animals/birds sold, adopted, transferred, or otherwise disposed of while in custody; recording-keeping mechanisms, identification protocols (tags/microchips), and veterinary supervision in place for all animals/birds in its custody]. However, the detailed status report, categorically directed to be filed, by this Court vide order dated 13.01.2026 and once again reiterated vide order dated 16.01.2026 has deliberately not been filed by the Revisionist till date. The persistent and willful non-compliance with the binding directions of this Court, despite the grant of sufficient time and repeated opportunities, is not merely a procedural lapse but amounts to a gross abuse of the judicial process.

35. Such calculated silence on the part of Revisionist paralysed the proceedings, has caused inordinate delay, and gives rise to an unavoidable inference that this alleged "Animal Care Facility" has consciously withheld the report because its disclosure would have the potential to expose serious irregularities, illegalities, and gross negligence in the manner in which the animals were handled while under its custody.

It is nothing short of shocking that an Institution projecting itself as an Animal Care Facility is unable to place on record even rudimentary information such as the actual number of animals/ birds taken into custody till date, the details of medical examination and treatment allegedly provided, the number of animals that died while in their custody, the number of animals/ birds adopted, sold, transferred or otherwise disposed of in their custody, and the standard protocols or statutory guidelines, if any, claimed to have been followed.

36. During the hearing of arguments in the present matter, the Ld. Counsel appearing for the revisionist Centre admitted that the tail of Poodle had been amputated, while casually stating that cutting it was the part of treatment.

It is, hereby observed that the Tail is not a dispensable object, it is a part of living being-used for balance, communication and expression. To cut it without consent is nothing less than violence wrapped in justification. If as per the claim of Revisionist, it was truly respondent Vishal's dog, then the SGACC irreversibly harmed her without permission and if it was not the dog of respondent Vishal, then the revisionist Centre (SGACC) attempted to deceive the owner Vishal by substituting a mutilated dog. Either way, the truth is unbearable.

37. Further, the Centre has not denied that four females dogs of the respondent Vishal were sterilized, their ovaries were removed without any permission, information or consent of the owner. Notably, these procedures were carried out without providing any prior information or obtaining consent. The omission, in itself is telling that the Spaying is done in violation of Animal Birth Control (Dogs) Rules, 2001. These rules do not authorize a third party to sterilize a dog without the owner's consent. Even if the intent may be benevolent (spay for population control), doing surgery without private owner's consent is impermissible under the law.

38. The submissions advanced by the respondent raise grave and deeply disturbing allegations that the so-called Animal Care Facility is not merely negligent, but may be operating a potential Animal trafficking and

commercial exploitation racket, wherein the animals are allegedly sold, transferred, or unauthorizedly given an adoption or otherwise monetised under the convenient façade of "rescue" and "protection" from alleged cruelty by their owners.

What lends alarming credibility to these allegations is the Revisionist Centre's own prior replies, wherein it has earlier casually stated that some dogs might have "died", while others could not be found or identified; some dogs were transferred to other Centre and the fact that dogs were even transferred to third parties. Such responses, when examined in the context of an Institution claiming to safeguard animal life, speak volumes about the complete absence of sensitivity, accountability, and basic compassion with which these voiceless, defenceless, sentient beings have been treated. The identities are lost without remorse and lives appear to have been reduced to mere statistics and, expendable inconveniences.

39. It appears that the respondent facility has deliberately not filed the court-mandated report because its disclosure carries the serious risk of lifting the false veil of benevolence carefully constructed around it. The non-filing of the report is not inadvertent rather it is a calculated act of evasion, borne out of the fear that the truth would come on record and expose that, under the guise of being a custodian of care and protection, the respondent has been systematically doing the very opposite, might be for monetary and extraneous gains.

40. This case, therefore, transcends an individual dispute. It exposes a deep moral and institutional crisis, where organizations claiming to protect

animals may be exploiting them, capitalising on public sympathy and legal loopholes. Such conduct not only violates statutory and constitutional protections afforded to animals but also corrodes the conscience of society.

One is compelled to ask: How far has society fallen when the very institution meant to safeguard the weakest and the voiceless is alleged to be their exploiter?

41. Animals in custody of Revisionist are not inventory or collateral. They are sentient beings whose lives and suffering mandates constitutional, statutory, and moral protection. The casual, opaque, and evasive conduct of the Revisionist facility reflects a systemic failure, betraying the very trust reposed in it by the authorities, the administration, and the society at large. The continued non-compliance with judicial directions, suppression of material facts, and unlawful handling of animals warrants this Court to draw a strong adverse inference against the Revisionist.

42. An entity cannot claim moral superiority over an alleged owner while itself inflicting neglect, opacity, and irreversible harm upon the same animals under its control. Such hypocrisy amounts to a mockery of Animal welfare jurisprudence.

43. Most significantly, the Revisionist institution i.e. SGACC projects itself as a non-profit organisation, professedly dedicated to animal welfare, care, and protection. However, the facts that have unfolded before this Court paint a disturbingly different picture, casting a serious doubt on the very bona fides, and functioning of the said institution. This Court cannot

turn a Nelson's eye to the very real and legitimate possibility that the Revisionist organisation, by virtue of claiming NGO status for animal welfare, may be :

- receiving Government aid, grants or subsidies,
- soliciting and accepting donations from private individuals,
- obtaining funds from Corporate Houses under Corporate Social Responsibility (CSR), and
- otherwise mobilising public money and goodwill in the name of protecting animals.

If such public and charitable funds are indeed being received, then the Revisionist is under a heightened duty of transparency, accountability, and probity. Yet, despite categorical and repeated directions of this Court, the Revisionist has deliberately chosen not to file the status report, thereby, concealing the most crucial facts that how many animals were taken, how many survived, how many died, how many were transferred, or given in adoption and what ultimately happened to them.

44. Today, one Ms. Laila Singh has appeared before this Court and has submitted that the Sanjay Gandhi Animal Care Centre (SGACC) had handed over the dogs in question to at least eight different third parties, of whom she is one. She further stated that one such dog was given to her in adoption in August 2025.

At this stage, some individuals who have disclosed their names as Rithi Baruah, Chinu Malhotra, Mrinal Arya and Harihar Chatwal have also appeared before the court and they submit that in August 2025, 9 families adopted these 10 dogs from Sanjay Gandhi Animal Care Centre

(Revisionist herein); that no disclosure regarding any FIR or any litigation was made to them; further on 18th, 19th or 20.01.2026, these adopted parents received calls from one Ms. Noor Verma from Sanjay Gandhi Animal Care Centre that she needs to briefly verify the health condition of the dogs and therefore, they took the pets to the Centre, however, to their dismay, on reaching the SGACC, they found that these dogs were not legally given to them in adoption by Sanjay Gandhi Animal Care Centre.

45. These submissions made by the alleged adopted parents of the dogs of owner Vishal lends clear corroboration to the statement made by respondent Vishal on the previous date of hearing. Vishal, who is undisputedly the lawful owner of the dogs, had asserted that the Animal Centre had either sold or otherwise illegally transferred custody of his dogs to third parties. The independent confirmation now provided by Ms. Laila Singh and others substantiates that assertion and removes any lingering ambiguity regarding the conduct of the Centre.

46. The Revisionist's justification that the animals were allegedly being treated with cruelty by their lawful owner, and were therefore, taken into custody after seizure by the police, stands in stark and irreconcilable contradiction to their own conduct thereafter. If cruelty was the professed reason for intervention, how then can the Revisionist justify:

> *The unauthorized custody, The casual replies that some dogs might have died, some were transferred, loss of identification, The unauthorized transfers or adoption to third parties, and The non- filing of*

rudimentary information about the total number of animals/ birds taken into custody from the alleged accused persons till date, number of birds/ animals that died during the custody of revisionist, number of animals/ birds sold, adopted, transferred, or otherwise disposed of while in their custody, record keeping mechanisms and veterinary supervision and protocols in place for the animals/ birds in their custody.

47. The manner in which the Revisionist Animal Centre has dealt with the animals in question reveals a deeply painful and disturbing pattern. In the first instance, custody of the dogs was self-assumed by the Centre without authority of law. Subsequently, and without any legal sanction, the animals were transferred to third parties. These acts have been carried out under the ostensible banner of animal welfare and protection.

48. As already observed by this Court in the preceding paragraphs of this order, the very assumption of custody by the Centre was *ultra vires* and in direct contravention of the provisions of the Prevention of Cruelty to Animals Act, 1960. The subsequent transfer of the animals to third parties, therefore, stands on no better legal footing and is equally unauthorized.

49. The refusal to disclose the facts, deliberate concealment of facts and unauthorized and adoption of dogs to the third parties without any information to the Court, by the Revisionist Centre also indicates

something deeply alarming. Despite there being clear and repeated directions of the learned Trial Court and this Court, issued on no less than four occasions (11.08.2025, 24.12.2025, 16.01.2026, 19.01.2026) directing the release of animals to their owner, the Revisionist chose to sit over the matter for months together, without any stay on execution of orders or any legal impediment whatsoever. The animals were not returned. The directions were not honoured and the law was openly defied.

50. The illegality of custody assumes even graver proportions when viewed in light of the respondent's failure to maintain records, non-disclosure of medical treatment, non-handing over all the ten pets/dogs to its owner to date, and unauthorized transfer and adoption of animals.

In such circumstances, the Revisionist cannot claim the protection of good faith or benevolence. The Revisionist's deliberate non-compliance with court directions and concealment of facts creates a dangerous vacuum of accountability, enabling misuse, concealment, and irreversible harm to the innocent lives.

51. Taking into consideration the above narrated facts and circumstances, this Court is constrained to observe that the above stated conduct of the Revisionist, if permitted to continue unchecked, would undermine the very purpose of animal protection laws. The exploitation of statutory gaps or moral high ground, whether for monetary consideration or otherwise, cannot be justified under the guise of animal love or welfare.

When a self-proclaimed protector acts in a manner inconsistent with law and shows disregard for the emotional and mental well-being of

both animals and humans affected by its actions, the inevitable consequence is the erosion of trust and legitimacy.

52. Moreover, the facts that have unfolded before this Court reflects a systemic pattern of unauthorized control/custody, concealment, and disregard for law by the Revisionist under the garb of animal welfare, where the voiceless suffer in the shadows of institutional impunity. The conduct of the Revisionist Centre tears apart its entire narrative of care and compassion. It reveals an Institution/ organization that acts first, conceals or explains later, and never asks the one person who mattered most, the guardian, the parent.

53. The filing of frivolous, evasive, and misleading replies, concealment of facts coupled with this vexatious litigation clearly intended to buy time to avoid compliance with binding directions of the court to hand over the custody of animals to their owner, warrants the imposition of a heavy and exemplary cost upon the Revisionist. In the considered opinion of this Court, costs are necessary not as punishment, but as a deterrent, so that the organizations cloaked in charity do not believe they can act with impunity.

Further, it becomes pellucid from the totality of foregoing facts and discussion that the Revisionist has resorted to the weaponisation of laws, exploiting the legal process for strategic advantage rather than for legitimate legal recourse. Accordingly, cost of Rs.2,00,000/- (Two Lakhs) is imposed upon the Revisionist SGACC to be deposited in a Government Animal Welfare Fund to be utilized for National Livestock Mission.

Cost Deposit Receipt be filed within three days from today.

54. In view of the foregoing facts and circumstances, the Animal Welfare Board of India (AWBI) is earnestly requested to institute a thorough, independent, and time-bound inquiry into the matter. Such an inquiry should comprehensively examine the conduct, functioning, and compliance status of the concerned organization, including its adherence to statutory obligations, prescribed animal welfare standards, and operational protocols.

Simultaneously, the concerned Ministry is respectfully requested to undertake a detailed investigation into the affairs of the said organization from the very date of its inception, i.e., from the date it came into existence. This inquiry should extend to all aspects of its operations, governance, financial management, regulatory approvals, and the manner in which animals have been received, housed, treated, and disposed of over the years, so as to ascertain whether the organization has been functioning lawfully, transparently, and in consonance with the objectives for which it was established.

55. It is further clarified that the rightful owner(s) of the animals, or any other aggrieved party, shall remain fully at liberty to approach the appropriate forum or competent court of law to seek compensation, damages, or any other relief deemed fit, including for loss of animals, suffering caused, or any violation of legal or constitutional rights. Nothing stated herein in this order shall be construed as limiting or prejudicing such remedies.

These inquiries are imperative not only to fix accountability but also to uphold transparency, rule of law, and the larger public interest,

particularly where the welfare of animals and the integrity of public institutions are involved.

56. Revision file be consigned to Record Room after due compliance. TCR be sent back to the Ld. Trial Court forthwith.

57. Copy of this order be sent to the Animal Welfare Board Of India (AWBI) as well as to the Ministry of Fisheries, Animal Husbandry and Dairying (MoFAHD) and be also given to all the parties.

(SURABHI SHARMA VATS)
ASJ-04/Shahdara/KKD Courts,
Delhi/23.01.2026