

\$~2,4-19, 21,22,24

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

+ **W.P.(C) 5100/2021**

MANISHA GUPTA

..... Petitioner

Through: Mr. Sacchin Puri, Senior Advocate
with Mr. Praveen K. Sharma and
Mr.Dhananjay Grover, Advocates.

versus

GOVT, OF N.C.T OF DELHI & ANR.

..... Respondents

Through: Mr. Santosh Kumar Tripathi, standing
counsel for GNCTD with Mr. Aditya
P. Khanna, Advocate.
Mr. Rajshekhar Rao, Senior Advocate
(Amicus Curiae) and Mr. Anandh
Venkataramani, Ms. Mansi Sood, Ms.
Sonal Sarda and Mr. Areeb
Amanullah, Advocates.

+ **W.P.(C) 3031/2020 & C.M. No. 15227/2021, C.M. No. 15228/2021
C.M. No. 15229/2021, C.M. No. 15358/2021, C.M. No. 15359/2021
C.M. No. 15360/2021, C.M. No. 15361/2021, C.M. No. 15362/2021
C.M. No. 15363/2021**

RAKESH MALHOTRA

..... Petitioner

Through: Petitioner in person.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
INDIA AND ORS

..... Respondent

Through: Mr. Tushar Mehta, SGI, Mr. Chetan

Sharma, ASG, Ms. Monika Arora, CGSC, Mr. Amit Mahajan, CGSC Mr. Anil Soni, CGSC, Mr. Anurag Ahluwalia, CGSC Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates.

Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC, Mr. Santosh Tripathi, ASC, Mr. Aditya P. Khanna and Mr. Chaitanya Gosain, Advocates for GNCTD.

Ms. Malvika Trivedi, Sr. Advocate Mr. Tanmay Yadav, Ms. Abhisree Saujanya, Ms. Nihaarika Jauhari, Ms. Eysha Marysha, Ms. Vidhi Jain, Advocates along with Ms. Kritika Gupta, applicant in person.

Ms. Garima Prashad, Sr. Advocate with Mr. Abhinav Agrawal, Advocate.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

Mr. Ankur Mahindro & Ms Sanjoli Mehrotra, Advocates for intervener

Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX.

Mr. Divya Prakash Pande, Adv for South Delhi Municipal Corporation.

Mr. Abhinav Tyagi, Advocate for Seth Air Products.

+ **W.P.(C) 4970/2021 & CM APPL. 15223/2021, CM APPL. 15224/2021, CM APPL. 15225/2021, CM APPL. 15226/2021, CM**

**APPL. 15249/2021,CM APPL. 15250/2021,CM APPL. 15251/2021
CM APPL. 15252/2021**

BALAJI MEDICAL AND RESEARCH CENTER..... Petitioner

Through: Mr.Mahesh Agarwal with Mr.Rishi Agrawala, Mr.Karan Luthra, Mr.Ankit Banati, Advs.
Mr. Ajay Kohli, Ms. Priyanka Ghorawat, Mr. Raghav Marwaha, Advocates for Delhi Heart and Lung Institute.
Mr. Himanshu Dagar, Adv.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Amit Mahajan, CGSC Ms. Monika Arora, CGSC, Mr. Anil Soni, CGSC, Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates.
Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC and Mr. Chaitanya Gosain, Advocate for GNCTD.
Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.
Mr. Anil Grover, Sr. Additional Advocate General for Haryana with Ms. Bansuri Swaraj, Additional Advocate General for Haryana with Mr. Siddhesh Kotwal, Ms. Manya Hasija, Ms. Ana Upadhyay, Advocates.

Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX.

+ **W.P.(C) 4971/2021**

GANESH DAS CHAWLA CHARITABLE TRUST (REGD)

..... Petitioner

Through: Ms. Prabhsahay Kaur, Advocate.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Mr. Amit Mahajan, CGSC, Ms. Monika Arora, CGSC, Mr. Anil Soni, CGSC, Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates.

Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC and Mr. Chaitanya Gosain, Advocate for GNCTD.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX.

+ **W.P.(C) 4984/2021 & CM APPL. 15279/2021**

M/S. BRAM HEALTH CARE PRIVATE LIMITED..... Petitioner

Through: Mr. Priyadarshi Manish with Mrs. Anjali J. Manish, Advocates.

Mr. Ajay Kohli, Ms. Priyanka Ghorawat, Mr. Raghav Marwaha,

Advocates for Delhi Heart and Lung
Institute

versus

UNION OF INDIA & ANR.

Through:

..... Respondents

Mr. Tushar Mehta, SGI, Mr. Chetan
Sharma, ASG, Mr. Amit Mahajan,
CGSC, Ms. Monika Arora, CGSC,
Mr. Anil Soni, CGSC, Mr. Shriram
Tiwary, Mr. Amit Gupta, Mr. Akshay
Gadeock, Mr. Sahaj Garg, Mr. Vinay
Yadav, Advocates.

Mr. Rahul Mehra, Senior Advocate
with Mr. Satyakam, ASC Mr. Gautam
Narayan, ASC, Mr. Anuj Aggarwal,
ASC and Mr. Chaitanya Gosain,
Advocate for GNCTD.

Mr. Rajshekhar Rao, Senior Advocate
(Amicus Curiae) and Mr. Anandh
Venkataramani, Ms. Mansi Sood, Ms.
Sonal Sarda and Mr. Areeb
Amanullah, Advocates.

Mr. Aseem Chaturvedi with Mr. Ajay
Bhargav, Advocates for INOX.

+

W.P.(C) 4985/2021

BATRA HOSPITAL AND MEDICAL RESEARCH CENTRE

..... Petitioner

Through:

Mr. Sidharth Dave, Sr. Advocate with
Ms. Varuna Bhandari with Ms. Bhakti
Vardhan, Mr. Tushar Thareja,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondent

Through:

Mr. Tushar Mehta, SGI, Mr. Chetan
Sharma, ASG, Ms. Monika Arora,
CGSC, Mr. Amit Mahajan, CGSC

Mr. Anil Soni, CGSC, Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates.

Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC and Mr. Chaitanya Gosain, Advocate for GNCTD.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX.

+ **W.P.(C) 5001/2021**

MAHARAJA AGRASEEN HOSPITAL CHARITABLE TRUST

..... Petitioner

Through: Mr. Alok Kr. Aggarwal, Adv. Ms. Anushruti, Adv. Ms. Supreet Bimbora, Adv and Ms. Simran Arora, Advocate.

versus

UNION OF INDIA AND ORS

... Respondent

Through: Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Ms. Monika Arora, CGSC, Mr. Amit Mahajan, CGSC Mr. Anil Soni, CGSC, Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates.

Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC and Mr. Chaitanya Gosain,

Advocate for GNCTD.
Mr. Rajshekhar Rao, Senior Advocate
(Amicus Curiae) and Mr. Anandh
Venkataramani, Ms. Mansi Sood, Ms.
Sonal Sarda and Mr. Areeb
Amanullah, Advocates.
Mr. Aseem Chaturvedi with Mr. Ajay
Bhargav, Advocates for INOX.

+ **W.P.(C) 5002/2021**

M/S BHAGAT CHANDRA HOSPITAL Petitioner

Through: Mr, Sachin Datta, Sr. Advocate, Mr.
G. Tushar Rao, Sr. Advocate with
Ms. Ritika Jhurani
Mr. Dinesh Sharma, Ms. Ritika
Jhurani, Ms. Jipsa Rawat, Advocates
Mr. Ajay Kohli, Ms. Priyanka
Ghorawat, Mr. Raghav Marwaha,
Advocates for Delhi Heart and Lung
Institute

versus

UNION OF INDIA THROUGH SECRETARY & ANR... Respondent

Through: Mr. Tushar Mehta, SGI, Mr. Chetan
Sharma, ASG, Ms. Monika Arora,
CGSC, Mr. Amit Mahajan, CGSC
Mr. Anil Soni, CGSC, Mr. Shriram
Tiwary, Mr. Amit Gupta, Mr. Akshay
Gadeock, Mr. Sahaj Garg, Mr. Vinay
Yadav, Advocates.
Mr. Rahul Mehra, Senior Advocate
with Mr. Satyakam, ASC Mr. Gautam
Narayan, ASC, Mr. Anuj Aggarwal,
ASC, Ms. Dacchita Shahi, Ms. Ritika
Vohra and Mr. Chaitanya Gosain,
Advocate for GNCTD.
Mr. Rajshekhar Rao, Senior Advocate

(Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.
Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX.

+ **W.P.(C) 5003/2021**

M/S JAIPUR GOLDEN HOSPITAL

..... Petitioner

Through: Mr, Sachin Datta, Sr. Advocate with Mr. Dinesh Sharma, Ms. Ritika Jhurani, Ms. Jipsa Rawat, Advocates with Mr. D.K. Baluja, Medical Director, Jaipur Golden Hospital Mr. Ajay Kohli, Ms. Priyanka Ghorawat, Mr. Raghav Marwaha, Advocates for Delhi Heart and Lung Institute.

versus

UNION OF INDIA THROUGH SECRETARY & ORS.. Respondent

Through: Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Ms. Monika Arora, CGSC, Mr. Amit Mahajan, CGSC Mr. Anil Soni, CGSC, Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates.
Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC and Mr. Chaitanya Gosain, Advocate for GNCTD.
Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX.

+ **W.P.(C) 5024/2021**

SHANTI MUKAND HOSPITAL

..... Petitioner

Through: Mr. Maninder Singh, Sr. Advocate,
and Mr. Aarush Bhatia, Advocate.

versus

UNION OF INDIA & ORS

.. Respondent

Through: Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Ms. Monika Arora, CGSC, Mr. Amit Mahajan, CGSC, Mr. Anil Soni, CGSC, Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates.

Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC and Mr. Chaitanya Gosain, Advocate for GNCTD.

Mr. Sacchin Puri, Sr. Adv. with Mr. Sudhir Mishra, Mr. Ritwika Nanda, Ms. Petal Chandhok, Ms. Rupali Gupta, Mr. Raghav Sethi, Adv. for Venkateshwar Hospital.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

Mr. Neeraj, Sahaj Garg, GP and Mr. Vedansh Anand, Advocates.

Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX.

+ **W.P.(C) 5026/2021 and CM APPL. 15401/2021**

VINAY JAIDKA

..... Petitioner

Through: Mr. Satish Aggarwala with Mr.
Gagan Vaswani, Advocates.

versus

CHIEF SECRETARY

..... Respondent

Through: Mr. Anuj Aggarwal, ASC with Mr.
Dhairya Gupta, Adv.
Mr. Amit Mahajan, CGSC with Mr.
Rajat Nair, Advocate.
Mr. Rajshekhar Rao, Senior Advocate
(Amicus Curiae) and Mr. Anandh
Venkataramani, Ms. Mansi Sood, Ms.
Sonal Sarda and Mr. Areeb
Amanullah, Advocates.

+ **W.P.(C) 5050/2021 & CM No. 15464/2021, CM No. 15465/2021
CM No. 15466/2021**

BHAVREEN KANDHARI

..... Petitioner

Through: Mr. Krishnan Venugopal, Sr.Adv.,
Mr. Manan Verma, Adv., Mr. Aditya
N Prasad, Adv., Mr. Kaushik Mishra,
Ms. Anmol Srivastava, Adv.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondent

Through: Mr. Tushar Mehta, SGI, Mr. Chetan
Sharma, ASG, Ms. Monika Arora,
CGSC, Mr. Amit Mahajan, CGSC Mr.
Anil Soni, CGSC, Mr. Shriram
Tiwary, Mr. Amit Gupta, Mr. Akshay

Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates.

Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC, Ms. Dacchita Shahi and Ms. Ritika Vohra and Mr. Chaitanya Gosain, Advocate for GNCTD.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX.

+ **W.P.(C) 5066/2021 and CM APPL. 15511/2021**

RAMESH KHOSLA

..... Petitioner

Through: Mr. Sacchin Puri, Sr. Advocate with Mr. Praveen K. Sharma and Mr. Dhananjay Grover, Advocates.

versus

GOVT. OF N.C.T OF DELHI & ANR.

..... Respondents

Through: Mr. Amit Mahajan, CGSC with Mr. Rajat Nair, Advocate
Mr. Gautam Narayan, ASC with Ms. Dacchita Shahi and Ms. Ritika Vohra, Advocates.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

+ **W.P.(C) 5073/2021 & CM APPL. 15529/2021**

VENKATESHWAR HOSPITAL

..... Petitioner

Through: Ms. Petal Chandhok, Advocate.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondent

Through: Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Mr. Amit Mahajan, CGSC, Ms. Monika Arora, CGSC, Mr. Anil Soni, CGSC, Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Mr. Rajat Nair, Advocates. Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC and Mr. Chaitanya Gosain, Advocate for GNCTD. Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates. Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX. Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

+ **W.P.(C) 5081/2021 and CM No. 15550/2021**

SMT. PARKASHI DEVI

..... Petitioner

Through: Mr. M.K. Gahlaut, Advocate.
versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Amit Mahajan, CGSC with Mr. Rajat Nair, Advocate
Mr. Anupam Srivastava, ASC with

Mr. Dhairya Gupta, Adv.
Mr. Rajshekhar Rao, Senior Advocate
(Amicus Curiae) and Mr. Anandh
Venkataramani, Ms. Mansi Sood, Ms.
Sonal Sarda and Mr. Areeb
Amanullah, Advocates.

+ **W.P.(C) 5085/2021 and CM Nos. 15581/2021 & 15582/2021**

EHILARASAN ALIAS SHANKAR Petitioner

Through: Mr. Mohit Chaudhary with Mr. Kunal
Sachdeva, Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Shadan Farasat ASC and Mr.
Shourya Dasgupta Adv. for R2 and
R3

Mr. Amit Mahajan, CGSC with Mr.
Rajat Nair, Advocate

Mr. Gautam Narayan, ASC with Ms.
Dacchita Shahi and Ms. Ritika Vohra,
Advocates.

Mr. Rajshekhar Rao, Senior Advocate
(Amicus Curiae) and Mr. Anandh
Venkataramani, Ms. Mansi Sood, Ms.
Sonal Sarda and Mr. Areeb
Amanullah, Advocates.

+ **W.P.(C) 5096/2021 and CM APPL. 15604/2021**

ATUL KUMAR SHARMA Petitioner

Through: Mr. Sacchin Puri, Sr. Advocate with
Mr. Praveen K. Sharma and Mr.
Dhananjay Grover, Advocates.

versus

GOVT OF N.C.T OF DELHI & ORS. Respondents

Through: Mr. Alok kr. Aggarwal, Adv

Anushruti, Adv. Simran Arora for Maharaja Agrasen Hospita Charitable Trust.

Mr. Amit Mahajan, CGSC with Mr. Rajat Nair, Advocate

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

Mr. Bhagwan Swarup Shukla, adv.

+ **W.P.(C) 5099/2021 and CM No. 15619/2021**

VIVEK AGGARWAL

..... Petitioner

Through: Adv. Vivek Aggarwal Present with Adv. Amar Phogat, Adv. Swagita Pandey, Adv. Elvin Joshy, Adv. Hardik Singh, Adv. Ritika Sharma and Surbhi Gulati, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Ms. Monika Arora, CGSC, Mr. Amit Mahajan, CGSC Mr. Anil Soni, CGSC, Mr. Anurag Ahluwalia, CGSC Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates.

Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC, Mr. Santosh Tripathi, ASC, Mr. Aditya P. Khanna, Ms. Dacchita Shahi, Ms. Ritika Vohra and Mr. Chaitanya Gosain, Advocates for GNCTD.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

Mr. Ankur Mahindro & Ms Sanjoli Mehrotra, Advocates for intervener
Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX.

+ **W.P.(C) 5102/2021 and CM Nos. 15635/2021 & 15636/2021**

ASEEMIT SOCIAL PROJECTS FOUNDATION Petitioner

Through: Ms. Karuna Nundy, Adv, Mr. Sarthak Maggon, Adv., Ms. Upasana, Adv.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Ms. Monika Arora, CGSC, Mr. Amit Mahajan, CGSC
Mr. Anil Soni, CGSC, Mr. Anurag Ahluwalia, CGSC
Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates.

Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC
Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC, Mr. Santosh Tripathi, ASC, Mr. Aditya P. Khanna and Mr. Chaitanya Gosain, Advocates for GNCTD.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

Mr. Ankur Mahindro & Ms Sanjoli Mehrotra, Advocates for intervener
Mr. Aseem Chaturvedi with Mr. Ajay

Bhargav, Advocates for INOX.

+ **W.P.(C) 5103/2021 and CM Nos. 15639/2021 & 15640/2021**

ALA JAIN, THROUGH HER PAIROKARPetitioner

Through:

versus

GOVERNMENT OF NCT OF DELHI & ANR ... Respondents

Through: Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Ms. Monika Arora, CGSC, Mr. Amit Mahajan, CGSC Mr. Anil Soni, CGSC, Mr. Anurag Ahluwalia, CGSC Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates.

Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC, Mr. Santosh Tripathi, ASC, Mr. Aditya P. Khanna and Mr. Chaitanya Gosain, Advocates for GNCTD.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb Amanullah, Advocates.

Mr. Ankur Mahindro & Ms Sanjoli Mehrotra, Advocates for intervener Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

30.04.2021

%

C.M. NO. 15651/2021 in WP (C) No. 3031/2020

1. Issue notice. Mr. Satyakam accepts notice on behalf of the GNCTD. This application has been filed on behalf of Rescue Hospitals India Pvt Ltd., Dwarka. The submission Mr. Om Prakash is that the said hospital is a 40 Bed COVID facility notified by the GNCTD. The beds in the said hospital are also reflected on the portal of the GNCTD. He submits that in the allocation orders issued by the respondent GNCTD on 27.04.2021, 28.04.2021 and 29.04.2021, the name of the applicant hospital is not reflected and, consequently, no supplies of Oxygen are being made by any of the refillers of Oxygen cylinders. We direct the Nodal Officers of the GNCTD to examine the said aspect and take appropriate steps urgently.

2. List on 03.05.2021.

W.P.(C) 5100/2021, W.P.(C) 3031/2020 ,W.P.(C) 4970/2021 ,W.P.(C) 4971/2021,W.P.(C)4984/2021,W.P.(C)4985/2021,W.P.(C)5001/2021,W.P.(C) 5002/2021,W.P.(C) 5003/2021,W.P.(C) 5024/2021,W.P.(C) 5026/2021 ,W.P.(C) 5050/2021,W.P.(C) 5066/2021,W.P.(C) 5073/2021,W.P.(C) 5081/2021 ,W.P.(C) 5085/2021 ,W.P.(C) 5099/2021,W.P.(C) 5102/2021, W.P.(C) 5103/2021

1. We are informed that the Supreme Court has heard the matter today, including in relation to the aspect of supply of Oxygen to, inter alia, NCT of Delhi. Both Mr. Mehta – the learned Solicitor General, and Mr. Mehra – learned senior counsel representing the NCT of Delhi, were before the Supreme Court and are present. Mr. Mehta states that on the said aspect – as indicated to the Supreme Court, some steps would be taken and for that purpose, the matter may be kept on 03.05.2021.

2. Accordingly, the said aspect of allocation of Oxygen would be looked

by this Court – if the issue is not resolved, on 03.05.2021.

3. Mr. Mehta points out that the order dated 27.04.2021 is impeding the working of the Seth Air Products, and affecting the supply of gas cylinders to the NCT of Delhi. He submits that like other re-fillers, GNCTD shall continue to post its officers at the plant of M/s Seth Air Products, Palwal so that the operations could be carried out by the owners of M/s Seth Air Products on their own. We make it clear that we had not directed that the operation of the plant be got conducted by the officers of the GNCTD. We had, in fact, observed that the plant would be run by the employees and personnel of M/s Seth Air Products and the owner, i.e. Mr. Seth was directed to render all assistance in running of the plant. In any event, in view of the submission made by Mr. Mehra, we suspend the order dated 27.04.2021 and the plant of M/s Seth Air Products may be supervised in the same way as other re-filling plants are being supervised.

4. Mr. Tyagi who appears for M/s Seth Air Products has further submitted that Linde has raised price of Liquid Oxygen from Rs.18.22 per cubic metre to Rs.25.22 per cubic metre. We have interacted with counsel for Linde, Mr. Muralidhar Chandrashekhar. He has explained that the prices have been raised to include the transportation costs from Rourkela, Durgapur and Jamshedpur to Delhi. He states that though Linde would raise its bill at Rs.25.22 per cubic metre, for the time being, payment may be made at Rs.18.22 per cubic metre by M/s Seth Air Products till the issue is resolved inter se between the parties, or by the NPAA – which is the authority authorised to fix the rates.

5. Mr. Tyagi further submits that the present allocation to M/s Seth Air Products is too much to be handled by it. He states that in the pre-Covid

times, M/s Seth Air Products were supplying cylinders after converting 16 metric tonnes of Liquid Oxygen, which presently has been raised to 38.5 metric tonnes for the GNCT of Delhi alone. That apart, M/s Seth Air Products is also supplying cylinders to the State of Haryana. He states that allocation to M/s Seth Air Products may be reduced. Let this aspect be resolved between M/s Seth Air Products and the GNCTD by holding a meeting between M/s Seth Air Products, the Nodal Officer and Mr. Mehra today itself. The other re-fillers may also be taken on Board whose allocation could be enhanced.

6. In the meantime, looking to the present condition, M/s Seth Air Products should continue to supply in terms of the allocation made to it, lest it affects the lives of hundreds of people who are receiving treatment at various hospitals in Delhi to which it is make supplies.

7. Another submission of Mr. Tyagi is that its dues are held by both the GNCTD and the hospitals to which the supplies are being made. So far as GNCTD is concerned, Mr. Mehra states that the dues of M/s Seth Air Products would be cleared at the earliest possible. Let the status be informed tomorrow i.e. 01.05.2021.

8. We hope and expect all the hospitals to which M/s Seth Air Products has been making supplies, to clear the outstandings so that the supply chain of gas cylinders is not disturbed.

9. We have also been informed that Nitrogen Generation plants have been retrofitted so as to convert them to produce Medical Oxygen at some places in Maharashtra, Madhya Pradesh and Gujarat. Mr. Tushar Rao states that IIT, Bombay has provided the technical know-how for said conversion. The learned Amicus states that he has also interacted on this aspect with Mr.

Satyakam this morning. Mr. Satyakam states that the GNCTD is presently working on it. Let status in this regard be informed and placed before the Court on 03.05.2021.

10. In response to the proposal made by Mr. Tushar Rao, Senior Advocate to use the Mohalla Clinics for the purpose of initial diagnosis/ tests, and initial treatment of COVID-19 patients, Mr. Mehra states that he shall take instructions and report on 03.05.2021.

11. The submission of Mr. Mahindroo, for speeding up of the Rapid Antigen Tests, in addition to the RT-PCR Tests, is that mobile vans should be set up to conduct the said tests in containment zones and hospitals where COVID-19 patients are treated. Such tests are necessary to be undertaken by the attendants, so as to prevent the spread of the disease. The GNCTD shall examine the said aspect and advance submissions on 03.05.2021.

12. Mr. Venugopal, learned Sr. Adv. has reiterated his suggestions made on 28.04.2021. Mr. Satyakam has stated that he will take instructions and get back on 03.05.2021. Mr. Venugopal has made further suggestions that like it was done last year at the time when the Covid-19 Pandemic had broken out, hospital and hotel rooms should be utilised for use by the health workers so that the health workers would not have to return to their residence, as that poses risk of infection being transmitted to their families.

13. Mr. Venugopal has further submitted that vehicles of DTC/ Home Guards be used for transporting gas cylinders and other equipment, rather than ambulances, which should be used to ferry patients. He further submitted that any SUV can be converted into an ambulance and, since there is severe dearth of ambulances, the State should also consider converting some SUVs to ambulances.

14. Mr. Aditya Prasad submits that he has converted his SUV into an ambulance and he is willing to render whatever guidance is required by the GNCTD. He may interact in this regard with the amicus as well as with Mr. Satyakam, who shall arrange a meeting with the concerned officers of the GNCTD.

15. Another aspect raised before us is with regard to the updation of the hospital beds occupancy status on the portal of the GNCTD. We are informed that the learned Single Judge has already passed direction in this regard which is being looked into and worked upon. We are informed that in respect of some of the hospitals the information is being updated more frequently than in respect of others who are not doing so. The concerned hospitals may be reminded of their obligations to update the data as frequently as possible in the present circumstances.

16. With regard to the usage of equipment developed by the DRDO for production of oxygen, we are informed that on an enquiry from DRDO, it was informed that no plant has yet been set up in the State of UP. The same would be set up around 10.05.2021. Mr. Satyakam, on instructions states that a request to Government of India to set up similar plants in Delhi will be sent today itself. Let the said be sent positively by tomorrow, if not already sent.

17. Learned Amicus points out that though export of Remdesivir has been banned, it is not clear whether there is consequential direction to the exporters to direct the stocks that they have been holding for utilisation in the domestic market. Mr. Mahajan, learned Standing Counsel shall take instructions in this regard and report on 03.05.2021.

18. We had required all the liquid medical oxygen (LMO) suppliers to

remain present today since the grievances raised with regard to the supply, either not being made to the extent of the allocation, made for the hospitals, or the supplier not following any time schedule.

19. Mr. Jain, from Inox appears with the counsel. Learned counsel appeared on behalf of Goyal Gases as well. Unfortunately, none else has appeared for the other three suppliers i.e. Air Liquide, Linde & India Glycols Limited. We take exception to this absence.

20. We have interacted with Mr. Jain as well as counsel for Goyal gases. They have both assured that since definite allocation orders have been issued since 27.04.2021, including the order issued on 29.04.2021, the supplies would certainly be made in terms of the allocation orders in the coming days without any default. We have suggested that the supplier should create *whatsapp* groups with the hospitals allocated to them and post on the said group information with regard to the timing of supply and also share the GPS location of the tankers in which oxygen is supplied. Wherever there are more hospitals being served by the same supplier with multiple tankers, creation of more than one group may be considered on the basis of the routes of the tankers fixed for the supply of oxygen to the said hospital

21. List on 01.05.2021.

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22. During the course of the hearing, Mr. Amit Sharma, who has filed the said petition has informed us that the patient i.e. Mr. Atul Kumar Sharma has expired.. We can only say that the State has failed in fulfilling its obligations of protecting the basic Fundamental Right i.e. Right to Life acknowledged in the Article 21 of the Constitution of India.

23. This writ petition is accordingly disposed of as infructuous.

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24. Issue notice. Mr. Satyakam accepts notice.

25. The grievance of the applicant is that no supplies of oxygen cylinders have been made to it in the last 48 hours despite the GNCTD issuing the allocation orders dated 27.04.2021 and 28.04.2021. It is pointed out that Salasar Gas and Multan Gas are the two refillers who were directed to supply oxygen cylinders to the applicant. Neither of them has given any supply. We direct the GNCTD to sort out this issue during the course of the day. Mr. Satyakam shall take up the matter with the Nodal Officers concerned as well as with the suppliers. An explanation should also be placed before this Court tomorrow, as to why the allocation orders in respect of the applicant had not been adhered to.

26. The suppliers i.e. Salasar Gas and Multan Gas are directed to remain present during the hearing. Notice be served upon them through the Nodal Officers.

27. List on 01.05.2021.

VIPIN SANGHI, J

REKHA PALLI, J

APRIL 30, 2021

N.Khanna/kk