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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5256/2021 & CM APPL. 16155/2021, CM APPL. 16156/2021**

MANISHA CHAUHAN Petitioner

versus

GOVERNMENT OF NCT OF DELHI- & ANR. Respondent

+ **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, C.M. NO. 15481/2021, C.M. 15482/2021, C.M NO. 15652/2021, CM NO. 15653/2021, C.M. NO. 15845, CM. NO. 15869/2021, C.M.No. 15962/2021, C.M. Nos. 16081-85/ 2021.**

RAKESH MALHOTRA Petitioner

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF INDIA AND ORS Respondent

+ **W.P.(C) 5050/2021 & CM APPL. 15464/2021, CM APPL. 15465/2021, CM APPL. 15466/2021, CM APPL 15694/2021**

BHAVREEN KANDHARI Petitioner

versus

GOVT OF NCT OF DELHI & ORS. Respondent

+ **W.P.(C) 5100/2021 and CM APPL. 15623/2021**

MANISHA GUPTA

..... Petitioner

versus

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

..... Respondent

+ **W.P.(C) 5241/2021**

SH. MANJIT SINGH

..... Petitioner

versus

GOVT, OF N.C.T OF DELHI

..... Respondent

MEMO OF APPEARANCE

For Petitioners

Petitioner in person in W.P.(C) 3031/2020

Mr. Sanjeev Sagar and Ms. Nazia Parveen, Advocates in W.P.(C) 5256/2021

Mr. Krishnan Venugopal, Senior Advocate with Mr. Manan Verma,

Mr. Aditya N Prasad, Mr. Kaushik Mishra & Ms. Anmol Srivastava, Mr.

Piyush Sharma, Mr. Shivendra Singh, Advocates in W.P.C No. 5050/2021.

Mr. Sacchin Puri, Senior Advocate with Mr. Praveen K. Sharma and

Mr. Dhananjay Grover, Advocates for the petitioner in W.P.(C) Nos.

5100/2021

Ms. Karuna Nundy, Mr. Sarthak Maggon & Ms. Upasana, Advocates in

W.P.(C.) No. 5102/2021.

Mr. Vivek Sood, Sr. Advocate with Mr. Anish Chawla, Advocate in

W.P.(C) No. 5241/2021

For Respondents.

Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Ms. Aishwarya Bhati,

ASG along with Ms. Monika Arora, Mr. Amit Mahajan, Mr. Anil Soni &

Mr. Anurag Ahluwalia, CGSCs, Mr. Kirtiman Singh, CGSC Mr. Syed

Husain Adil Taqvi, GP, Mr. Jivesh Kr. Tiwari, Ms. Nidhi Parashar, Mr. Kanu Aggarwal, Mr. Kritagya Kumar Kait, Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg & Mr. Vinay Yadav, Mr. Vidur Mohan, Mr. Waize Ali Noor and Mr. Taha Yasin, Advocates for UNION OF INDIA in all the matters.

Mr. Rahul Mehra, Senior Advocate along with Mr. Satyakam, Mr. Santosh Tripathi, SC Mr. Gautam Narayan, Mr. Anuj Aggarwal & Mr. Anupam Srivastava, ASCs with Mr. Aditya P. Khanna, Ms. Dacchita Sahni, Ms. Ritika Vohra and Mr. Chaitanya Gosain, Ms. Aayushi Bansal, Advocates for GNCTD in all the matters.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae), Mr. Anandh Venkataramani, Mr. Vinayak Mehrotra, Ms. Mansi Sood, Mr. Karthik Sundar, Ms. Sonal Sarada, Mr. Areeb Y Amanullah, Advocates in all the matters.

Mr. Anil Grover, Senior Additional Advocate General for Haryana along with Ms. Bansuri Swaraj, Additional Advocate General for Haryana and Mr. Siddhesh Kotwal, Ms. Manya Hasija & Ms. Ana Upadhyay, Advocates.

Mr. Aseem Chaturvedi & Mr. Ajay Bhargav, Advocates for M/s INOX.

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

Mr. Abhinav Tyagi, Advocate for M/s Seth Air Products.

Ms. Malvika Trivedi, Senior Advocate with 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, Senior Advocate with Mr. Abhinav Agrawal, Advocate.

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

Mr. Om Prakash & Mr. Pradeep Kumar Tripathi, Advocates for the applicant in C.M. No. 15651/2021.

Mr. Rohit Priya Ranjan, Advocate for M/s Goyal Gases.

Mr. Abhishek Nanda, Advocate for IRDAI.

Ms. Urvi Mohan, Adv. for DBOCWW Board.

Ms. Himanshi Nailwal with Mr. Ambuj Tiwari, Mr. Ankur Garg, Mr. Akhil Mitta, Advocates in C.M. No. 15922/21

Ms. Nitya Ramakrishnan, Sr. Adv. with Mr. Prasanna S, Ms. Vinoothna Vinjam and Mr. Ritesh D, Advocates in C.M. NO. 15962/2021.

Ms. Shweta Kabra, Advocate for India Glycols Limited.

Mr. Tushar Sannu, Standing Counsel, IHBAS with Mr. Ankit Bhadouriya and Mr. Subham Jain, Advocates for IHBAS.

Ms. Prabhsahay Kaur, Advocate for Bachpan Bachao Andolan.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE JASMEET SINGH

% **ORDER**
24.05.2021

1. In response to the notice issued to the 15 Oxygen Re-fillers, all the 15 Oxygen Re-fillers are present/ represented. We have interacted with all of them.
2. Mr. Udit Raj – the Nodal Officer, is also present and he states that after passing of our order dated 20.05.2021, as on date, all the 15 Gas Re-fillers are providing the data that they are required to provide on the portal of the GNCTD.
3. We are also informed that the GNCTD has posted Data Entry Operators (DEO) on the sites of the 15 Gas Re-fillers, who are assisting them in the process of uploading the data. We direct all the 15 Gas Re-fillers to continue to undertake the uploading of the data on the portal of the GNCTD on a regular basis without any lapse.
4. A request has been made on behalf of all the 15 Gas Re-fillers that the DEO provided by the GNCTD may continue to help them in uploading the information on the portal of the GNCTD till as long as the Lockdown continues, and thereafter, they shall make their own arrangements for uploading the data on the portal of GNCTD. Mr. Mehra states, on

instructions, that the GNCTD is agreeable to this request, and the said DEOs shall continue to be deployed on the facilities of the said 15 Gas Re-fillers for a week till after the Lockdown opens. However, thereafter, it shall be the obligation of the Gas Re-fillers to undertake the updation of the records on the portal of the GNCTD punctually on their own, and the DEOs provided by the GNCTD shall stand withdrawn after a week of the lifting of the Lockdown. During that period, the Gas Re-fillers should make arrangement for their own DEO, who may also be assisted and trained by the DEOs provided by the GNCTD. It is ordered accordingly.

5. In the light of the aforesaid, we discharge the notice issued to the 15 Gas Re-fillers. However, they shall continue to remain bound by the orders passed by this Court in these proceedings as well as by the orders passed by the GNCTD.

6. The first aspect pointed out by the learned Amicus is with regard to setting up of a dedicated telephone number with multiple lines to deal with SOS Calls made by Hospitals and Nursing Homes in relation to the supply of Medical Oxygen. In the present scenario, though this aspect may not be relevant, yet the importance of such a Helpline Number cannot be understated since we have not seen the end of the Pandemic yet.

7. Mr. Mehra has drawn our attention to the order dated 19.04.2021 issued by the GNCTD, whereby Helpline No.41400400 has been set up and is operational round the clock on all seven days for the purpose of answering the SOS Calls from Hospitals and Nursing Homes with regard to the supply of Medical Oxygen. Mr. Mehra states that this has been publicised and all

Hospitals and Nursing Homes have been made aware of the same and due publicity has also been carried out.

8. At this stage, learned counsels appearing in these matters have also raised the aspect of other Helpline Numbers which are presently in use, or are not in use – each one dedicated for a certain purpose. These Helpline Numbers are ‘1075’ – which is stated to be Helpline Number of the Ministry of Health & Family Welfare, Government of India; ‘1098’ – which is a Child Helpline Number; ‘14567’ – which is a Senior Citizen Helpline Number and is presently not operational in the NCT of Delhi; and ‘08046110007’ – which is a Mental Health Helpline Number. Mr. Mehra states that the Senior Citizen Helpline Number ‘14567’ shall be made operational in the NCT of Delhi by 26.05.2021.

9. Mr. Kirtiman Singh states that he shall file a note in relation to the aforesaid Helpline Numbers and the matter may be considered on these aspects on 27.05.2021. Accordingly, these aspects shall be looked at on 27.05.2021.

10. Ms. Prabhsahay Kaur states that in pursuance of our orders dated 11.05.2021 and 12.05.2021, she had a meeting with the officers of the Social Welfare Department, the Women & Child Welfare Department and the Revenue Department of the GNCTD. Our attention has also been drawn to the minutes dated 16.05.2021 of the said meeting held on 13.05.2021 and we have perused the same. Mr. Satyakam states that the response/ status of the stage of implementation of the several points agreed upon during the said meeting are under preparation, and would be filed by 27.05.2021. This

aspect shall be considered on 28.05.2021.

11. In pursuance of our order dated 20.05.2021, and in particular, paragraph 19 thereof, Dr. Nutan Mundeja, Director General of Health Services, is present. The same relates to the capping of charges levied by hospitals and nursing homes for treatment of COVID-19 patients. She states that the respondents are carefully examining the position and the same would take some time. She states that, hopefully, in about a week, the issue with regard to the charges that the Hospitals and Nursing Homes may levy for treatment of Covid-19 patients would be examined, and thereafter, requisite orders/ directions would be issued. Let the said exercise be completed after examining the relevant aspects and materials, and necessary orders passed in that regard.

12. Mr. Kirtiman Singh has drawn our attention to the status report filed in terms of the order dated 20.05.2021 on the aspect of availability of the drug *Amphotericin B*. The status report indicates the estimated supply of the said medicine in the months of May and in June, 2021. It also enlists the new manufacturers which have been granted licenses to manufacture the said medicine and the projected production in June. The status report also discloses the number of vials that M/s Mylan Labs is importing from M/s Gilead Inc., USA. The report states that the Government is facilitating increase in import and early delivery. It also indicates the allocations made for the GNCTD on different dates. Having perused the status report, it appears that the present production & supply, as well as the projected production & supply and imports may fall well short of the requirement of the said medicine to treat Black Fungus in the patients not only in the NCT

of Delhi, but also on all-India basis. Mr. Kirtiman Singh states that he shall place a further status report which may be considered on 27.05.2021. Let the same be filed on or before the said date and circulated to all counsels. This aspect shall be considered on 28.05.2021.

13. List on 25.05.2021.

VIPIN SANGHI, J

JASMEET SINGH, J

MAY 24, 2021

Bsr/nk