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

+ W.P.(C)(temp) 5500/2021 (to be registered and numbered)

**BALAJI MEDICAL AND RESEARCH CENTRE..... Petitioner**

Through: Mr. Sandeep Sethi Sr, Adv, Mr. Mahesh Agarwal, Adv, Mr. Rishi Agrawala, Adv, Mr. Karan Luthra, Adv, Mr. Ankit Banati, Adv

versus

**UNION OF INDIA & ORS.**

..... Respondents

Through: Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Ms. Monika Arora, CGSC, Mr. Anil Soni, CGSC  
Mr. Rahul Mehra, Sr. Advocate with Mr. Satyakam, ASC, GNCTD  
Mr. Rajiv Nayar, Sr. Advocate with Mr. Ajay Bhargav, Mr. Aseem Chaturvedi, Mr. Saurab Seth Advocates with Mr. Siddharth Jain, Whole Time Director for M/s. INOX.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

**21.04.2021**

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1. After hearing learned counsels at some length, we had dictated the draft order. However, the learned ASG, Mr. Chetan Sharma sought accommodation of about 45 minutes to take instructions, and make further submissions. Consequently, we re-assembled at 09:20 P.M. when the learned Solicitor General, Mr. Tushar Mehta joined the proceedings. Ms. Sumita Dawra, Additional Secretary, DPIIT, Ministry of Commerce and Industry also joined the proceedings. She is in-charge of allocation of medical Oxygen to various States in the country in the wake of raging

Pandemic. She has given us the history of how industrial Oxygen has been diverted for medical use since April, 2020. She has explained that a process of mapping is undertaken so that the sources from which the Oxygen can be supplied are mapped to the States/ Union Territories, where the same is required. She has informed us that today itself, the allocation for use of medical Oxygen in the NCT of Delhi has been raised from 378 MT to 480 MT. This decision was taken yesterday, and the communication in this regard was issued today. The same has come into effect from today.

2. The order passed today – raising the allocation for NCT of Delhi to 480 MT has been shared with us, and the relevant extract of the same reads as follows:

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**GOVERNMENT OF INDIA  
MINISTRY OF HEALTH & FAMILY WELFARE  
NIRMAN BHAWAN**

***D. No. 17/S(HFFW)MO/2021***

***Dated: 21<sup>st</sup> April, 2021***

*Dear Madam/Sir,*

*In continuation of the order issued on 15<sup>th</sup> April and 18<sup>th</sup> April 2021 regarding supply plan for medical oxygen, an updated Order as below is being issued for the States of Maharashtra, Gujarat, Karnataka, Madhya Pradesh, Delhi, Haryana, Uttar Pradesh, Punjab, Tamil Nadu, Kerala, Chhattisgarh, Rajasthan, Telangana, Andhra Pradesh, Uttrakhand, Jammu and Kashmir, Goa, Chandigarh and Himachal Pradesh.*

*This is keeping in view increased demand from the States on quantity of Oxygen supply and its source. The supply plan has been done as recommended by the DPIIT in consultation with States, Oxygen manufacturers, AIIGMA and Steel Ministry under the overall guidance of the Empowered Group-II.*

*Yours Sincerely,*

*-sd-*

***(Nipun Vinayak)***

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	<b><i>Demand for 20.04.2021 onwards</i></b>	700
<b><i>State</i></b>	<b><i>Manufacturer Name, Location</i></b>	<b><i>DL</i></b>
<i>HR</i>	<i>Air Liquide, Panipat</i>	140
<i>HP</i>	<i>Inox Barotiwala</i>	20
<i>OD</i>	<i>LINDE Rourkela RSP BOO-1/2</i>	40
<i>OD</i>	<i>LINDE Kalinganagar TATA-KPO1/2</i>	30
<i>RJ</i>	<i>Inox Bhiwadi</i>	20
<i>UP</i>	<i>Goyal MG Gases, Ghaziabad</i>	30
<i>UP</i>	<i>Inox Surajpur</i>	35
<i>UP</i>	<i>Inox Modi Nagar</i>	30
<i>UK</i>	<i>India Glycols Limited Kashipur Uttarakhand</i>	30
<i>UK</i>	<i>LINDE Selaqui</i>	55
<i>UK</i>	<i>Air Liquide Roorkee</i>	20
<i>WB</i>	<i>LINDE SAIL – DGP</i>	30
	<i>MSME ASU</i>	0
	<b><i>Total Allocation</i></b>	<b><i>480</i></b>
		<b><i>DL</i></b>

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3. The above extract indicates the names of the manufacturers/producers of Oxygen; the States wherein they are located, and; the quantity of Oxygen that they are obliged to supply to the NCT of Delhi.

4. Mr. Mehra, learned Senior Advocate for GNCTD has stated, on instructions, that the NCT of Delhi has received somewhere between 200-250 MT of Oxygen today. He has also stated that there were obstructions in the receipt of the said Oxygen, and the same was delayed for that reason.

5. Mr. Mehta, learned Solicitor General has requested that the matter be

adjourned, and taken up tomorrow morning and, at the same time he has assured us that the Central Government shall facilitate the supply of 480 MT of Medical Oxygen to Delhi in terms of the aforesaid order. He has assured that the Central Government shall ensure unobstructed and safe passage of the Medical Oxygen tankers to Delhi of the allocated Oxygen.

6. We take this statement of Mr. Mehta on record, and we are hopeful that the emergent needs of various hospitals in Delhi, including those run by the petitioner, would be met so that no casualties are suffered on account of discontinuing the supply of Oxygen to seriously ill COVID patients, and other serious patients who require Oxygen for support, till we take up the matter tomorrow, and pass further orders.

7. In terms of the aforesaid allocation order, the GNCTD shall immediately to work out the logistics of procuring the remaining quantity which is claimed not to have been supplied today out of the allocated 480 MT. The aforesaid suppliers are directed to comply with the allocation order issued by the Central Government and make the supplies on an emergent basis.

8. During the course of hearing, we are informed that Oxygen supplies have been received by Max Hospital, Patparganj, and Max Hospital, Shalimar Bagh.

9. List on 22.04.2021.

**VIPIN SANGHI, J**

**REKHA PALLI, J**

**APRIL 21, 2021**

*N.Khanna*