





- VENKATESHWAR HOSPITAL ..... Petitioner  
versus  
GOVERNMENT OF NCT OF DELHI & ORS. .... Respondents
- + **W.P.(C) 5085/2021 & CM APPL. 15581/2021, CM APPL. 15582/2021**  
EHILARASAN ALIAS SHANKAR ..... Petitioner  
versus  
UNION OF INDIA & ORS. .... Respondents
- + **W.P.(C) 5100/2021 & CM APPL. 15623/2021**  
MANISHA GUPTA ..... Petitioner  
versus  
GOVT, OF N.C.T OF DELHI & ANR. .... Respondents
- + **W.P.(C) 5102/2021 and CM Nos. 15635/2021 & 15636/2021**  
ASEEMIT SOCIAL PROJECTS FOUNDATION ..... Petitioner  
versus  
UNION OF INDIA & ANR. .... Respondents
- + **W.P.(C) 5126/2021**  
DELHI MEDICAL ASSOCIATION ..... Petitioner  
versus  
UNION OF INDIA THROUGH SECRETARY & ANR.
- + **W.P.(C) 5142/2021 & CM APPL. 15757/2021**  
MANISHA GUPTA ..... Petitioner  
versus  
GOVT, OF N.C.T OF DELHI & ANR. .... Respondent

## **MEMO OF APPEARANCE**

### **For the petitioners**

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 & 5066/2021.

Petitioner in person in W.P.(C) No.3031/2020.

Mr.Mahesh Agarwal, Mr.Rishi Agrawala, Mr.Karan Luthra, Mr.Ankit

Banati, Advocates in WP(C) No. 4970/2021.

Mr. Himanshu Dagar, Advocate for applicant in C.M. No. 15648/2021 in W.P.(C.) No. 4970/2021.

Mr. Ajay Kohli, Ms. Priyanka Ghorawat, Mr. Raghav Marwaha, Advocates for Delhi Heart and Lung Institute.

Ms. Prabhsahay Kaur, Advocate for in W.P.(C) No. 4971/2021.

Mr. Priyadarshi Manish and Mrs. Anjali J. Manish, Advocates in W.P.(C) No.4984/2021.

Mr. Sidharth Dave, Senior Advocate with Ms. Varuna Bhandari, Ms. Bhakti Vardhan, Mr. Tushar Thareja, Advocates in W.P.(C) No. 4985/2021.

Mr. Alok Kr. Aggarwal, Ms. Anushruti, Ms. Supreet Bimbra and Ms. Simran Arora, Advocates in WP (C) No. 5001/2021.

Mr, Sachin Datta & Mr. G. Tushar Rao, Senior Advocates with Mr. Dinesh Sharma, Ms. Ritika Jhurani, Ms. Jipsa Rawat, Advocates along with Mr.D.K. Baluja, Medical Director, Jaipur Golden Hospital in W.P. C Nos. 5002-5003/2021 & 5126/2021.

Mr. Maninder Singh, Senior Advocate with Mr. Aarush Bhatia, Advocate in W.P.(C) No. 5024/2021.

Mr. Satish Aggarwala & Mr. Gagan Vaswani, Advocates in W.P.C No. 5026/2021.

Mr. Krishnan Venugopal, Senior Advocate with Mr. Manan Verma, Mr. Aditya N Prasad, Mr. Kaushik Mishra & Ms. Anmol Srivastava, Advocates in W.P.C No. 5050/2021.

Mr. M.K. Gahlaut, Advocate in W.P.C No. 5081/2021.

Mr. Mohit Chaudhary & Mr. Kunal Sachdeva, Advocates in W.P.(C.) No.5085/2021

Ms. Karuna Nundy, Mr. Sarthak Maggon & Ms. Upasana, Advocates in W.P.(C.) No. 5102/2021.

Mr Sudhir Mishra, Ms. Petal Chandhok, Ms Rupali Gupta and Mr. Raghav Seth, Advocates in W.P.C No. 5073/2021.

Mr. Siddharth Chechani, Advocate in W.P.C No. 5103/2021.

Mr. Abhinav Vashisht, Sr. Adv. with Mr. Sacchin Puri, Sr. Adv., Mr. JS Bakshi, Sr. Adv. with Mr. Praveen K. Sharma, Mr. Dhanjay Grover, Mr. Kamil Khan and Ms. Akshita Sachdeva, Adv. in W.P.(C) No. 5142/ 2021.

**For the 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. 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, 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, 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.

Mr. Anupam S Sharma, SPP-CBI with Mr. Prakarsh Airan, Ms. Harpreet Kalsi, Advs in W.P.(CrI)953/2021.

Mr. Tushar Mehta, SG with Mr. Chetan Sharma, ASG, Mr. Satya Ranjan Swain, CGSC and Mr. Kautilya Birat, Mr. Vedansh Anand, Advocates in W.P.(C) No. 5126/2021.

**CORAM:**  
**HON'BLE MR. JUSTICE VIPIN SANGHI**  
**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**  
% **04.05.2021**

1. Mr.Rajshekhhar Rao, learned Amicus Curiae has pointed out that though the Central Government has, vide its letter dated 30.04.2021, revised the allocation of oxygen to GNCTD to 590MT, the allocation orders issued by the Central Government do not take into account the capacity of the supplier to supply oxygen. He has contended that India Glycols was initially required to supply 30MT to GNCTD and 40MT to the State of Uttarakhand, but has often expressed its inability to make this complete supply of 30MT to GNCTD on the ground that it does not have the capacity to produce 70MT on daily basis. He has submitted that Air Liquide, which as per the latest allocation, has to supply a total of 190MT of oxygen to GNCTD, has also expressed its inability to do so and has claimed that it can only supply a maximum of 165MT of oxygen to GNCTD.

2. Learned Amicus pointed out that certain States, which were allocated higher amount of oxygen, are reportedly witnessing a dip in their oxygen demand and not lifting their total allocated supply and therefore, the Central Government should reconsider the issue of allocation of oxygen to States, allocation of oxygen by each supplier, and rationalized allocation of oxygen tankers - including diversion of tankers from other States/ territories to States/ territories like NCTD, by factoring into account the real-time requirement of oxygen in various states on a regular basis.

3. Mr.Rahul Mehra, learned Senior Counsel for the GNCTD submits that even though, as per the own stand of the Central Government, 1224 cryogenic tankers, which have a capacity to carry 16732MT/ day are available, which is far in excess of the amount of oxygen of 8606MT/ day allocated to all the States; it appears that there are sufficient tankers available for the timely supply of oxygen to the States and, therefore, it is only a rational distribution of tankers which is needed in order to rectify the shortage in Delhi. He, therefore, prays that the Central Government be directed that to take, over all the tankers in the country as a national resource, in the same way as it is done in the case of oxygen. Thereafter, the Tankers could be rationally deployed to meet the needs of all the States and Union Territories. The learned ASG, Mr.Chetan Sharma vehemently refutes this submission and contends that the effective capacity of a tanker cannot be calculated at 100%, as one has to necessarily take into account the turnaround time as also other exigencies.

4. Mr.Mehra has further submitted that keeping in view the fact that a substantial part of the oxygen allocated to GNCTD has been earmarked from suppliers who are situated at a distance of 1200 to 1500 kms from Delhi, which supply necessarily, is time-consuming, thereby resulting in delay in the allocated oxygen being made available for the citizens of the NCTD. Therefore, the GNCTD has made suggestions to the Central Government to explore other routes as suggested by the GNCTD, which according to him will enable the GNCTD to receive the oxygen from the sources in a more organized and timely manner.

5. In view of the aforesaid stand taken by the GNCTD, we direct the Central Government to expeditiously examine the aforesaid aspects and

inform this Court on all the aspects noted hereinabove. The Empowered Group looking into the aspect of mapping and allocation of LMO in the country should iron out all creases and make necessary amends wherever required, since errors/ slippages of the kind taken note of in the opening paragraph of this Order are bound to result in the supply of Oxygen to the States/ Union Territories being adversely affected.

6. The learned Amicus submits that he held a detailed discussion yesterday night with the suppliers to understand the complete situation. He submits that, realistically speaking with the present infrastructure, the suppliers can supply, at the highest, 480 to 520 MT per day of LMO, and not beyond that. He submits that to meet event the present demands of Oxygen in the NCT of Delhi, it is essential for the Central Government, in collaboration with the GNCTD, to prepare a buffer stock of Oxygen to be used for emergency use, and to ensure supply lines continue to function even in unforeseen circumstances. This has been so directed by the Supreme Court in its order dated 30.04.2021. However, no steps have been taken by the Central Government in collaboration with the GNCTD in this regard. He submits that looking to the continuous shortages of medical Oxygen being faced in Delhi, the Central Government may be directed to create a buffer stock of, at least, 100 MT in the NCT of Delhi with the collaboration of GNCTD. We find merit in this submission of Mr. Rajshekhar Rao. As noticed hereinabove, the Supreme Court has already issued directions to the Central Government, and the GNCTD to act in this regard. Paragraph 30 of the order dated 30.04.2021 reads as follows:

*“30 With regard to the issue of the supply and availability of medical oxygen for the entire country, we have noted that efforts are being made to*



*augment the availability of oxygen. While the Central and State Governments are in the process of managing the supply of oxygen, at the same time, it is critical that a buffer emergency stock of oxygen is created so that in the event that the supply chain is disrupted to any one or more hospitals in an area for any reason, the buffer or emergency stocks can be used to avoid loss of human lives. These emergency stocks must be so distributed so as to be easily accessible without delay in every local area. We have also seen the situation that has developed in the last 24 hours in Delhi where patients, including among them medical professionals, died because of the disruption of supplies and the time lag in the arrival of tankers. This deficit shall be rectified immediately by the Central Government by creating buffer stocks and collaborating with the States through the virtual control room on a 24 by 7 basis. In view of the deaths which are being caused daily by the disruption of supplies, this direction is more crucial than ever. We therefore, direct the Central Government in collaboration with the States to prepare a buffer stock of oxygen to be used for emergency purposes to ensure supply lines continue to function even in unforeseen circumstances. The location of the emergency stocks shall be decentralised so as to be immediately available if the normal supply chain is disrupted to any hospital for any reason. The emergency stocks shall be created within the next four days. The replenishment of the emergency stocks will also be monitored on a real time basis through the virtual control room in active consultation with each state/UT. This is in addition to the day to day allocations.”*

7. We, therefore, direct the Central Government to, in collaboration with the GNCTD set up a buffer stock of 100 MT of LMO in the NCT of Delhi, or, for supply to the NCT of Delhi in neighboring areas. Steps in this regard for creation of a buffer stock of 100 MT of LMO be taken in the next 3 days.

8. The learned Amicus submits that the public at large are desperate to secure Oxygen cylinders for their near and dear ones, and at the locations of the re-fillers there are long queues, and the possibility of a law and order situation arising is imminent. He submits that Liquid Oxygen, by itself, is explosive and any accident at the site of the re-filler plant can lead to loss of lives. He submits that it is essential to deploy a dedicated force for the purpose of crowd management at the re-filling depots. Even though Delhi

Police is handling the situation, he submits that one of the Central Para Military Forces, if deployed, would be able to handle the situation better. We direct the Central Government to examine this aspect. We may note that Central Industrial Security Forces (CISF) is adept in crowd management and, therefore, deployment of CISF at the re-filling stations of the re-fillers may be desirable. Let the Central Government respond in this regard within 2 days. This aspect shall be considered on 07.05.2021.

9. Mr. Rao has further submitted that it is essential that the good sense of the people may be appealed by political leadership, so as not to hoard medicines or gas cylinders. He submits that an artificial scarcity of gas cylinders and medicines is being created, since the people feel insecure, and to meet any unforeseen situation, are collecting and keeping within their homes Oxygen cylinders. We have considered this submission and find merit in the same. The political leadership may consider issuing appeals to the people in this regard. We are conscious that such appeals may drive some people to give up some of the cylinders, medicines and other equipments that they may have collected, and kept to meet any unforeseen eventuality.

10. Keeping in view the same, we are of the view that the GNCTD should seriously examine the feasibility of creating Oxygen cylinder banks, and even medicines banks, where the persons who surrender cylinders/ medicines get an assurance that, in case, they need the same at a later day, they would be definitely provided with the same. We may note that such an assurance is even given by the Blood Banks, who receive blood donations. Let the feasibility and modalities of setting up of such cylinder/ medicines banks at different locations in the NCT of Delhi be examined and the plan

be placed before the Court in 2 days. This aspect shall be considered by us on 07.05.2021.

11. Our attention has also been drawn to the fact that the general public is still not fully aware of the protocols to be followed upon being infected with COVID-19, as also the manner in which oxygen concentrators and cylinders are required to be used. We are of the view that it would be appropriate to direct the ICMR, as also the Ministry of Health and Family Welfare, to look into expanding their reach and finding ways to disseminate information through WhatsApp and other print and audio-visual media such as T.V. Channels, and over the internet, regarding the aspects of (i)the COVID-19 protocol evolved by it; (ii)the proper use of oxygen concentrators as well as cylinders; (iii)the right time to seek medical attention, and; (iv)information about the concerning symptoms that must be paid due attention to. These are only illustrative and educational/ guidance materials may be prepared to cover all necessary aspects.

12. Mr.Chetan Sharma, the learned ASG, has also pointed out that there are about 750 clinics - including Mohalla Clinics run by the GNCTD and there is no reason as to why the GNCTD is not utilizing these clinics for dealing with this surge in COVID-19 cases, at least for the purpose of disseminating information to the general public and doing the preliminary investigation. Mr.Mehra assures the Court that the said aspect will be expeditiously considered by the GNCTD and a status report will be filed in this regard within two days. Let the ICMR suggest the manner in which the Mohalla Clinics could be put to use for COVID management.

13. Since a grievance has been raised by some of the suppliers that some of the hospitals/nursing homes, despite receiving the allocated oxygen from

its dealers, are still approaching them for the supply of oxygen in terms of the allocation order - we make it clear that the allocation to the hospitals/nursing homes would be strictly in terms of the allocation order and, therefore, in case the allocated quantity is received from the dealers, no further demand can be raised on the suppliers.

14. Mr. Chetan Sharma, the learned ASG has stated, on instructions, that 12 new cryogenic tankers have been physically deployed for transportation of LMO to Delhi. Mr. Mehra submits that the registration numbers of the Tankers allocated for the NCT of Delhi with their GPS trackers should be shared with the GNCTD and those tankers should not be used to make supplies to other states, as it causes confusion and delays deliveries. We feel this is a fair and reasonable request that should be honoured by the Central Government for better management of supplies.

15. There are a large number of small nursing homes who are treating COVID-19 patients, but are not registered for that purpose with the GNCTD. For instance, today, the doctor from Munni Maya Ram Jain Hospital, AD Block, Pitampura has joined the proceedings. In the Oxygen allocation orders, their names and requirements are not reflected. They are raising their grievances with regard to no supply of Oxygen cylinders being made to them. All such Nursing Homes may approach the GNCTD and declare the number and kind of COVID beds/ patients with them, so that they could be brought into the system of supply of Oxygen cylinders.

16. We are informed that the payment gateway on the website of the GNCTD for receipt of donations is not working. The GNCTD should set it right and report compliance by 06.05.2021.

17. Another aspect placed before us by the learned Amicus is with regard to the GNCTD creating a plasma bank and providing information about the same to the public. The GNCTD shall examine the issue and report on 07.05.2021.

18. During the course of the hearing, it has been brought to our notice that the GNCTD is still not receiving 700MT of liquid medical oxygen per day; even though, the Supreme Court while passing its detailed order dated 30.04.2021, had directed compliance by the Union of India, by the midnight of 03.05.2021. Paragraphs 27 to 29 of the order dated 30.04.2021 passed by the Supreme Court in *Suo Motu W.P.(C) No.3 of 2021* are relevant and are reproduced as under:-

*“27. Submissions have also been made on the issue of supply of oxygen by Mr. Rahul Mehra, learned Senior Counsel appearing for the Government of National Capital Territory of Delhi. Mr. Rahul Mehra submits that the GNCTD is facing an acute shortage of the supply of oxygen as it had been allocated a substantially lower quantity of oxygen as against its projected demand. Mr. Mehra pointed out that initially as on 15 April 2021, the projected demand of GNCTD for 20 April 2021 was 300 MT/day, for 25 April 2021 it was 349 MT/day, and for 30 April 2021 it was 445 MT/day. However, due to a surge in cases, the projected demand was revised by GNCTD on 18 April 2021 to 700MT/day and this was immediately communicated to the Central Government. Despite the increase in projected demand, the supply of oxygen to GNCTD has continued in terms of the allocation order dated 25 April 2021, in which 490 MT/day were allocated. As against this as well, the manufacturers have only been able to supply 445 MT/day. Mr. Mehra has clarified that as on the date of the hearing their demand was 700MT/day, however their projected demand for the coming days is stated to be 976 MT/day as the GNCTD has planned an increase in*

*medical infrastructure, including beds with oxygen cylinders and beds for patients in intensive care unit.*

*28. Opposing his submission, the Solicitor General and Ms Dawra stated that no revised projections have been received from GNCTD till date. The Solicitor General has also sought to highlight that the government of GNCTD has failed to offtake the allocated quantity of oxygen from the supply point.*

*29. Having heard the submissions of both counsels on the issues pertaining to supply of oxygen to GNCTD, we note that the Central Government (on page 63) in its affidavit dated 23 April 2021 has admitted that the projected demand for GNCTD as of 20 April 2021 had increased by 133% from 300 MT/day to 700 MT/day. According to the figures of allocation given in the affidavit dated 23 April 2021 and the presentation given by Ms Dawra, the existing allocation of GNCTD remains at 490 MT/day. This situation must be remedied forthwith. The situation on the ground in Delhi is heart rending. Recriminations between the Central Government (which contends that GNCTD has not lifted its allocated quantity) and GNCTD (which contends that despite its projected demand the quantity allocated has not been enhanced) can furnish no solace to citizens whose lives depend on a thin thread of oxygen being available. On the intervention of the Court during the hearing, the Solicitor General states that he has instructions to the effect that GNCTD's demand of medical oxygen will be met and that the national capital will not suffer due to lack of oxygen. We issue a peremptory direction in those terms. In the battle of shifting responsibility of supplying/offtaking of oxygen, lives of citizens cannot be put in jeopardy. The protection of the lives of citizens is paramount in times of a national crisis and the responsibility falls on both the Central Government and the GNCTD to cooperate with each other to ensure that all possible measures are taken to resolve the situation. Learned Senior Counsel for GNCTD has assured the court after taking instructions at the "highest" level that the issue will be resolved completely in a spirit of co-operation. During the course of the hearing, the Solicitor General has assured that henceforth he will ensure*

*that the deficit of oxygen is rectified and supply is made to the GNCTD according to their projected demand (which may be revised in the future) on a day by day basis. We accept his submission and direct compliance within 2 days from the date of the hearing, that is, on or before midnight of 3 May 2021.”*

19. Mr. Sharma submits that a compliance affidavit is being filed in the Supreme Court tomorrow. We fail to understand what a compliance affidavit would do when, as a matter of fact, 700MT of liquid medical oxygen is not being delivered to Delhi on a daily basis. In fact, even the earlier allocated quantity of 490MT, which has been revised to 590 MT per day, has not been delivered for a single day.

20. At this stage, Mr. Sharma submits that the Supreme Court has not directed the supply of 700MT of liquid medical oxygen. We disagree with this submission of Mr. Sharma and a plain reading of the aforesaid extract of the order passed by the Supreme Court shows that the Supreme Court has directed the Union of India to supply 700MT of liquid medical oxygen to Delhi on a daily basis by making good the deficit.

21. A perusal of Paragraph 27 of the order passed by the Supreme Court shows that the Supreme Court has recorded the submission of Mr. Mehra, who appeared for GNCTD, that as against their demand of 700MT liquid medical oxygen per day, the producers had only been able to supply 445MT per day.

22. The Supreme Court also takes note of the projected demand for the coming days, which is 976MT per day, once there is an increase in the medical infrastructure. Paragraph 29 of the order passed by the Supreme Court takes note of the fact that the GNCTD had increased their demand on

20.04.2021 by 133% from 300MT per day to 700MT per day. The Supreme Court also took note of the allocation in favour of NCT of Delhi, which was 490MT per day, (in terms of the affidavit dated 23.04.2021 and the presentation given by Ms.Dawra). The Supreme Court goes on to state that *“this situation must be remedied forthwith.”*

23. In our view, this itself is sufficient to show that the Supreme Court directed that Delhi should be allocated and provided with 700MT liquid medical oxygen per day. If there was any doubt, the same is clear from the further reading of the order in the same paragraph. The Supreme Court takes note of the heart-wrenching situation on the ground in Delhi. Unfortunately, from the submission of Mr. Sharma and Ms. Bhati, it appears that this is something not present to the mind of the Central Government.

24. In the same paragraph, the Supreme Court takes note of the assurance given by the learned Solicitor General, on instructions, to the effect that GNCTD’s demand of liquid medical oxygen – which is 700 MT/day will be met and the national capital will not suffer due to the lack of liquid medical oxygen. This assurance given before the Supreme Court has certainly not been fulfilled. We have been seeing for ourselves, day after day, how large and small hospitals, nursing homes and even individuals are running to us with SOS calls for supply of medical oxygen. The Supreme Court goes on to state *“we issue a peremptory direction in those terms.”*

25. As if this was not enough, the Supreme Court further records in the same paragraph *“during the course of the hearing, the Solicitor General has assured that henceforth, he will ensure that the deficit of oxygen is rectified and supply is made to the GNCTD according to their projected demand (which may be revised in the future) on a day by day basis. We accept his*



*submission and direct compliance within 2 days from the date of the hearing, that is, on or before midnight of 3 May 2021.”*

26. We reject the submission of Mr.Sharma and Ms.Bhati that the GNCTD is not entitled to receive 700MT of liquid medical oxygen in the light of the existing medical infrastructure. It pains us that the aspect of supply of liquid medical oxygen for treatment of covid patients in Delhi should be viewed in the way it has been done by the Central Government.

27. We are facing the grim reality every day of people not being able to secure oxygen beds or ICU beds. The situation has come to this that hospitals and nursing homes have had to reduce the number of beds offered by them because they are not able to service their existing capacities, due to shortage of medical oxygen. On the one hand, there is a need to augment the capacities to meet with the rising numbers of COVID-19 positive cases; while on the other hand, the existing infrastructure is crumbling and the bed capacity, even though available, cannot be put to its full use.

28. We, therefore, direct the Central Government to show cause as to why contempt action should not be initiated for not only non-compliance of our short order dated 01.05.2021, but also of the order passed by the Supreme Court dated 30.04.2021. To answer the said notice, we direct the presence of Mr. Piyush Goyal and Ms. Sumita Dawra before us tomorrow.

29. List on 05.05.2021.

**VIPIN SANGHI, J**

**REKHA PALLI, J**

**MAY 04, 2021**

*Kk/sr/nk*