

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Suo-Motu P.I.L. No.4 of 2020

(Court on its own motion vs. Union of India and Ors.)

with

P.I.L. No.10 of 2020

(Subhash Jainarayan Zanwar vs. Union of India and Ors.)

with

P.I.L. No. 25 of 2020

(Advocate Kamal s/o. Lakhmichand Satuja .vs. Union of India and Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.S.PBhandarkar, amicus curiae for petitioner.
Mr.U.M.Aurangabadkar, ASGI for respondent no.1.
Mr.M.G.Bhangde, Sr. Cl. Assisted by Mr.D.P.Thakare, Addl.
G.P along with Mrs.Ketki Joshi, G.P for respondent
nos. 2, 5, 6, 8 & 9.
Mr.S.M.Puranik, Advocate for respondent no.4.
Mr.B.G.Kulkarni, Advocate for respondent no.10.
Mr.C.S.Samundre, Advocate MADC.
Mr.M. Anilkumar, Advocate for Intervenor/applicant (C.A.
No.5775 of 2021 & 692 of 2020 in P.I.L. No.4 of 2020).
Mr.T.D.Mandlekar, Advocate for Intervenor/applicant (C.A.
St.No.5806 of 2021 in P.I.L. No.10 of 2020).
Dr.PK.Arora, in-person in CAO No.723 of 2021.
Mr.Ram Heda, Advocate for Applicants in Civil Applications
C.AO. St. Nos. 4987 of 2021 and 4988 of 2021.
Mr.Nitin Lambat, Advocate for Railways.
(Ms Sushma Advocate for Respondent No.1 & Mr.J.B.Kasat,
Advocate for Respondent No.4 in P.I.L. No.25 of 2020).

**CORAM : SUNIL B. SHUKRE &
AVINASH G. GHAROTE, JJ.**

DATE : 21.4.2021.

1. Heard the learned Counsel for the respective parties.
2. We have had an extensive hearing of this matter. However, so far no concrete solution could be found regarding deficiency in supply of Remdesivir

drug and also oxygen to Covid hospitals in the City of Nagpur as well as in all the hospitals situated in the entire Vidarbha region. It has been informed to the Court by Mr.Kose, Joint Commissioner, F.D.A. Nagpur that there are seven manufacturers of said drug and these Companies send stock of Remdesivir to their depots situated at Nagpur and from these depots, that the drug is supplied all over Vidarbha region as per requirements. It is informed by him that the problem has arisen owing to the fact that there is shortage in supply of these drugs by the manufacturing Companies and therefore, there is also shortage in making available these drugs to all the Covid hospitals.

3. We had issued directions to the State on 19.4.2021 to release ten thousand vials of Remdesivir to Nagpur immediately. But, only partially this direction has been complied with. Several reasons are given for non-compliance. On perusal of the affidavits filed by the Joint Commissioner, F.D.A. and the Additional Collector, Nagpur, we find that contradictory statements are made therein. We also find that these Officers have now started to shirk their responsibilities in giving succour and relief to Covid-19 patients. However, at this juncture, we would not like to pass any further order in the matter and we would like to give an opportunity to the authorities at the helm of affairs to correct themselves. Accordingly, we would request Nagpur

Covid-19 Committee to hold an emergency meeting immediately today itself and come back to the Court with some positive response. This Court would not be satisfied with mere supply of outcome of the meeting.

4. We would emphasise that Nagpur Covid-19 Committee must make efforts to procure Remdesivir vials today itself in sufficient quantity and also augment supply of oxygen to Covid hospitals. For this purpose, the Committee will have to have a meeting with the Managers of depots of the seven manufacturing Companies, Clearing and Forwarding agents of these Companies and all Stockists and Distributors of these Companies. The Committee will have to assess stock position at each of the three levels of depots, C & F agents and Stockists. There have been complaints about indulging in malpractices by the Managers of the depots, C & F Agents and Stockists. There has been a News Item published regarding one instance of such malpractices allegedly attributed to a Gujarat based Manufacturing Company. It has been reported in the News Item that the Director of this Company was planning to export sixty thousand vials of Remdesivir outside the Country in-spite of there being a ban imposed on export of said drug. These sixty thousand vials of Remdesivir, as per the News report, have been seized by police and further investigation is on. This instance would only indicate the possibility of malpractices being committed by some unscrupulous

dealers, suppliers and manufacturers. Although we are not saying that this must be happening in Nagpur as well, but it is always advisable to be on guard and therefore, the authorities would have to consider increase in frequency of checks, surprise raids and inspection.

5. With these observations, we would eagerly await for the positive response of Nagpur Covid-19 Committee in the matter.

6. This hearing is being held for the purpose of making effective rendering of essential services to Covid patients and therefore, the concerned Authorities would not take any coercive action against anybody who would be coming to the Court to assist the Court, which would be consistent with the SOP and Covid restrictions.

7. The affidavits filed by the Joint Commissioner and Additional Collector today making contradictory statements and taking inconsistent stands would have to be ignored and opportunity would have to be given to both these Officers to come out with consistent and correct stands and also stating correct facts. Accordingly, leave is granted to file fresh affidavits which shall be considered in lieu of both these affidavits.

8. Adjourned to 8.00 p.m. today.

JUDGE

JUDGE

ssjaiswal