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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SUO MOTU PUBLIC INTEREST LITIGATION NO. 1 OF 2021

HIGH COURT ON ITS OWN MOTION

WITH

INTERIM APPLICATION NO. 2787 OF 2021

IN

SUO MOTU PUBLIC INTEREST LITIGATION NO. 1 OF 2021

Pimpri Chinchwad Municipal Corporation, Through its Commissioner } } } **Applicant**

In the matter between:

High Court on its own motion } } **Petitioner**

WITH

INTERIM APPLICATION NO. 2485 OF 2021

IN

SUO MOTU PUBLIC INTEREST LITIGATION NO. 1 OF 2021

Housing Development Finance Corporation Ltd. } } } **Applicant**

In the matter between:

High Court on its own motion & Ors. } } } **Petitioners**

WITH

CONTEMPT PETITION NO. 255 OF 2021

IN

SUO MOTU PUBLIC INTEREST LITIGATION NO. 1 OF 2021

Shivram Gangaya Shetty } } } **Petitioner**
Vs.
The Municipal Corporation of Greater Mumbai } } } **Respondent**

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A. A. SAYED
HON'BLE MR. JUSTICE S. S. SHINDE
HON'BLE MR. JUSTICE PRASANNA B. VARALE**

Court On its Own Motion

Re: Matters wherein interim orders have been passed by the High Court of Bombay at its Principal Seat, and the Benches at Nagpur and Aurangabad, the High Court of Bombay at Goa, and the courts/tribunals subordinate to it including the courts/tribunals in the Union Territory of Dadra and Nagar Haveli, and Daman and Diu, during the second wave of the pandemic arising out of COVID-19 virus and for extending protection to those who are disabled to access justice because of the restricted functioning of courts/ tribunals.

Mr. A. A. Kumbhakoni, Advocate General with Mr. P. P. Kakade, Government Pleader, Mr. Manish M. Pable, AGP and Ms. R. A. Salunkhe, AGP for State.

Dr. Uday Prakash Warunjikar, Advocate for Advocates' Association of Western India.

Mr. Sanjeev P. Kadam, President, Advocates' Association of Western India.

Mr. G. S. Keluskar a/w Mr. Prasad G. Keluskar for applicant in IA/2787/2021.

Mr. Charles D'Souza i/by Mithila Uday Damle for applicant in IA/2485/2021.

Ms. Ankita Upadhyay Tiwari a/w Ms. Anjali Tiwari i/by K. P. Tiwari & Company for petitioner in CP/255/2021.

**ORDER
(OCTOBER 8, 2021)**

SMPIL NO. 1 OF 2021

1. We had given sufficient indication in our earlier order dated September 24, 2021 that the interim protection granted by previous orders passed on this *suo motu* Public Interest Litigation is likely to be vacated today, i.e., October 8, 2021.

2. Mr. Kumbhakoni, learned Advocate General appearing for the State of Maharashtra, has placed before us certain charts prepared as on October 7, 2021. The same are taken on record.

3. It is revealed from the said charts that the rate of COVID positivity between September 29, 2021 and October 5, 2021 in the State of Maharashtra is 2%, whereas in Mumbai during the same period of time the rate is 1.2%. Although it is conceded in such charts that there has been a slight rise in positivity rate, it is not of any immediate concern since the number of admission of patients in hospitals and number of critical cases are gradually on the decline. As compared to the rest of the State, the positivity rate is less in Mumbai. The charts also reveal the number of vaccines that have been administered to the citizenry during February 2021 to October 6, 2021. Almost 91% of the population of Mumbai and 65% of the population in the entire State have been administered the first shot of the vaccine, whereas the percentage is 48 and 28 insofar as the second shot is concerned.

4. In view of such facts and figures, we were inclined to vacate the interim order in its entirety in respect of the State

of Maharashtra; however, Dr. Warunjikar, learned advocate appearing for Advocates' Association of Western India has brought to our notice that in five districts, i.e., Ahmednagar, Pune, Satara, Ratnagiri and Osmanabad, there has again been a rise in positive cases and that even the District Collector of Ahmednagar had to issue a lockdown order for two weeks. Also, referring to the policy prevailing in Mumbai which requires the population to have both doses of vaccination and a period of 14 days after the second dose is administered to pass for being entitled to avail public transport, Dr. Warunjikar has prayed that the protective interim order should be extended for a further period of two weeks.

5. We have heard Mr. Kumbhakoni and Dr. Warunjikar. Upon consideration of the facts and figures placed before us, we extend the protective interim order for the entire State of Maharashtra, except the districts of Ahmednagar, Pune, Satara, Ratnagiri and Osmanabad, till October 11, 2021. On and from October 12, 2021, the interim protective order shall cease to operate. Insofar as the five districts of Ahmednagar, Pune, Satara, Ratnagiri and Osmanabad are concerned, the interim protective order shall stand extended till October 21, 2021 and is not likely to be extended further unless of course circumstances justifying extension are brought to our notice.

6. We propose to assemble once again on October 21, 2021 to consider the desirability of further extension and/or vacation of the protective interim order on that date.

7. This order may be given wide circulation by the media. All concerned may take appropriate action to protect their respective interests in the meanwhile.

INTERIM APPLICATION NO. 2787 OF 2021

List the interim application on October 21, 2021.

INTERIM APPLICATION NO. 2485 OF 2021

Let copy of the interim application be served on the borrower/guarantor with an intimation that this application shall be listed on October 21, 2021. Pendency of the *suo motu* Public Interest Litigation shall not preclude the parties to approach the appropriate Benches for further orders.

CONTEMPT PETITION NO. 255 OF 2021

Leave is granted to the learned advocate for the petitioner to effect amendment in the contempt petition. Copy of the amended petition be served on the concerned respondent. List the contempt petition on the next date, i.e., October 21, 2021.

CHIEF JUSTICE

JUSTICE A. A. SAYED

JUSTICE S. S. SHINDE

JUSTICE PRASANNA B. VARALE