

**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 with Mr.Santok Singh Sokhi,  
Advocate and Mr.Deshmukh, Advocate for respondent no.1.  
Mrs. Ketki Joshi, G.P; Mr. D.P. Thakare, Addl.  
G.P & Mr. N.S. Rao, A.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.Samundra, Advocate for MADC.  
Mr.M. Anilkumar, Advocate with Ms Rukhsar Sheikh, Ms  
Shweta Burbure and Ms Mitisha Kotecha, Advocate for  
Intervenor/applicant (C.A. No.5775 of 2021 & 692 of  
2020 in P.I.L. No.4 of 2020).  
Dr. Tushar D. Mandlekar with Mr. Rohan Malviya, Advocates  
for respondent No.13 - Dr. Shishir Kolhe – Intervenor.  
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. Nitin P Lambat, Advocate for Indian Railways.  
Mr. Vaibhav Bhure, Advocate for intervenor.  
Mr. Aditya Goyal, Advocate for intervenor.  
Mr. S.S. Sanyal, Advocate for Maharashtra Pollution Control  
Board.  
Mr. V.R. Bhute, Law Officer, Collector Office, Nagpur.  
Mrs. Mugdha Chandurkar with Mr. Rohan Chandurkar,  
Advocates for W.C.L.  
Mr.Vikram Trivedi, Advocate for respondent no.20.  
Mr.Ray Chaudhari, Senior Advocate with Mr.Akshay A. Naik,  
Advocate for respondent no.22.  
Mr.Ameya Moharir, Advocate for respondent no.24.  
Mr.Jatin Kumar, Advocate with Mr.Pratik Joshi, Advocate  
for respondent No.25 – Vidarbha Industries Association.  
Mr.Anil S.Mardikar, Senior Advocate with Mr.Arun  
Agrawal, Advocate and Mr.Kunal Nalamwar, Advocate for  
intervenor.  
Mrs.Trupti Chimote, Law Officer, Divisional Commissioner  
Office, Nagpur.  
Dr.Anjan Ray, Senior Advocate for Indian Institute of  
Petrochemicals.  
Mr.S.V.Sirpurkar with Mrs. (Dr.) R.S. Sirpurkar, Advocate for

applicant/intervenor.  
Mr.PD.Meghe, Advocate for Intervenor.

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

**DATE** : 17.5.2021.

Heard.

2. There is a typographical error which has appeared in paragraph 31 of the order dated 5th May, 2021 as pointed out by Mr. Aurangabadkar, learned ASGI. The amount contributed under CSR by MOIL is of Rs.3.50 crores, but in this paragraph the contributed amount has been stated to be Rs.3.35 crores. The figure of Rs.3.35 crores be substituted by the figure of Rs.3.50 crores. Similarly, in paragraph 13 of the order dated 12<sup>th</sup> May, 2021, as pointed out by Mr. Sudhir Puranik, learned counsel appearing for NMC, a correction to the typographical error is required. Dr. Ray Chaudhari, Senior Counsel had appeared for Hindustan Antibiotics and, therefore, the words "Maharashtra Antibiotics" appearing in 2<sup>nd</sup> and 3<sup>rd</sup> line in paragraph no.13 be substituted by words "Hindustan Antibiotics". Necessary corrections be made forthwith.

3. Taking cognizance of the concerns expressed by the District Bar Association, Nagpur which is already conveyed to this Court by Mr. Anil S. Mardikar, learned senior counsel through Civil Application No.341/2021 and also other applications,

the Principal District Judge has issued a revised SOP providing for spelling out various steps for preventing spread of Covid-19. These steps include regulation of number of courts which would function everyday, the court working hours and the staff members who would be coming to the District Court everyday. The other steps relate to E-filing of urgent matters with facility to also physically file matters by putting them in the drop-box, hearing through video conferencing, production of the accused persons as far as possible through virtual mode, making of separate arrangement for recording of statements of witnesses/accused under Section 164 of the Criminal Procedure Code, making preparations for judgments, restricting use of lifts and so on and so forth. This SOP has been approved by us and it is kept on record and marked as "F1" for identification. This SOP, as directed by us, would also be made applicable to all the Courts in the Nagpur district.

4. We direct the Registrar (J.) to bring this SOP to the notice of the Principal District Judge of rest of the districts in Vidarbha Region with a request to them to consider applying this SOP within their respective districts and make a report to this Court within one week.

5. Respondent No.6 has filed an application bearing Civil Application No.341/2021 seeking approval of this Court for issuance of work-orders to the company named in this application which is W-2-

E Engineering Private Limited, Noida, Uttar Pradesh. The detailed chart of the work-orders required to be issued for the purpose of setting up of the oxygen plants has been given in this application. In this chart at serial Nos.7 and 8, names of two institutions Shalinitai Meghe Hospital, Wanadongri, Nagpur and Lata Mangeshkar Rural Hospital, Hingana Road, Nagpur appear. Against their names, 100 cubic meter per hour generation capacity of each oxygen plant has been proposed to be set up at the cost of Rs.1,74,64,000/- each. As pointed out by Mr.Bhandarkar, learned Amicus Curie, learned Government Pleader and learned counsel appearing for the respective parties, these institutions are run by private managements presently, as informed by the District Collector, Nagpur and they are providing free of costs treatment to Covid patients. Mr. M.Anilkumar, learned counsel appearing for the intervernor / applicant, on instructions, submits that these hospitals are providing Covid treatment by taking nominal charges. These being the private institutions, it is expected that these institutions also make their own contributions for setting up of the oxygen generation plants. However, no response whatsoever in this regard has been received from any of these institutions. We would, therefore, direct these institutions to submit their details about their ability or otherwise to set up oxygen generation plants at their costs at their respective hospitals and their financial capacity to undertake such projects at

their respective hospitals. These details may be forwarded to respondent No.6 – Collector, Nagpur, who shall in turn place the same before this Court on or before the next date of hearing. We, however, clarify that in case any financial assistance is required by these institutions, this Court would certainly consider making available such assistance appropriately. We, therefore, put on hold the proposals for issuance of work-orders to the institutions appearing at serial Nos.7 and 8 in the chart given in the application till further orders.

6. As regards the remaining proposals for setting up the oxygen plants, which appear from serial Nos.1 to 6, considering the total costs of these projects which comes to Rs.14,96,24,000/- as against the CSR funds available as of now amounting to Rs.15.38 crores contributed by WCL, CIL and MOIL, we are of the view that since the total cost is almost according to the propose for which the CSR contribution has been made by these public sector companies and also the fact that the proposals are in accordance with the circular dated 23<sup>rd</sup> March, 2021 issued by Ministry of Corporate Affairs , Government of India, we grant our approval to these proposals and accordingly respondent No.6 may issue the work-orders to the companies as per the details given in the chart as regards the proposals from serial Nos.1 to 6 on or before the next date of hearing.

7. We also grant further time of sixteen

weeks from the date of issuance of the work-orders for setting up and making functional oxygen plants in respect of which the approval is just given by us.

8. In the application No.341/2021 in paragraph nos.5 and 8, it is stated that further amount of Rs.9 crores is likely to be received from different companies from out of CSR funds. However, in paragraph No.7, it is stated that an amount of Rs.9 crore is received from other companies. The names of these companies which have sent the CSR amount or which are likely to send the CSR amount are not given in the application. We direct the respondent no.6 to clarify the issue or or before the next date of hearing.

9. We also direct the respondent no.6 to inform the companies, which would be making their respective contributions under their Corporate Social Responsibility to make their respective contributions for undertaking various activities related to Covid-19 treatments and managements under Item Nos.(i) and (xii) of Schedule VII relating to promotion of health care, including preventive health care and sanitation and disaster management in accordance with the Circular dated 23/3/2020 Ministry of Corporate Affairs, Government of India and not to pass any specific resolutions for any particular activity under the head of Covid Management while making their contributions under the CSR.

10. Mr. M. Anilkumar, learned Counsel for the intervenor/applicant has filed application today praying for directions to be issued for making available the drug Amphotericin, which is presently being used for treating the patients infected with fungal disease called “Mucormycosis”, commonly known as “Black Fungus” disease. In the application it is stated that presently there is a shortage of this drug. This Court is not aware of any protocol having been devised by the Central Government and/or State Government for combating the Black Fungus disease. It is also not known as to which drugs are expected to be the part of standard treatment to be given to the patients having Black Fungus disease. We shall be benefited if the State Government apprises this Court on this issue. The parties are also at liberty to enlighten this Court on this aspect.

11. On the next date of hearing the VIA to submit a chart, giving names of the companies, the funds available under the CSR head and the proposal of the company for spending the CSR fund.

12. Stand over to 19/05/2021 at 11:00 a.m.

**JUDGE**

**JUDGE**