

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION (L.) NO. 10276 OF 2021

Sneha Nirav Marjadi ... **Petitioner**
vs.
State of Maharashtra & Ors. ... **Respondents**

**WITH
INTERIM APPLICATION NO. 1342 OF 2021
IN
PUBLIC INTEREST LITIGATION (L.) NO. 10276 OF 2021**

Mumbai Bidi Tambakhu Vyapari Sangh ... **Applicant**
in the matter between
Sneha Nirav Marjadi ... **Petitioner**
vs.
State of Maharashtra & Ors. ... **Respondents**

**WITH
INTERIM APPLICATION (L) NO. 13570 OF 2021
IN
PUBLIC INTEREST LITIGATION (L.) NO. 10276 OF 2021**

Federation of Retailers Association of India ... **Applicant**
in the matter between
Sneha Nirav Marjadi ... **Petitioner**
vs.
State of Maharashtra & Ors. ... **Respondents**

Mr. Atharva Dandekar a/w Mr. Nirav Marjadi, Mr. Dharmapal Dave, Ms. Parisha Shah, Mr. Pariket Shah, Ms. Smita Durve, Ms. Drasti Jani i/b. Arshil Shah for Petitioner.

Mr. Kevic Setalwad, Senior Advocate with Mr. Anupam Surve, N.R. Kothare, Mr. A.K. Joshi, K. Suresh, Ms. Boatwala and Mr. N.P. Mutha i/b. Nanu Hormasjee and Co. for the applicant in IA(L) No. 13471 of 2021.

Mr. Ravi Kadam, Senior Advocate with Mr. Rohan Kadam i/b. Neel G. Helekar for the applicant in I.A. (L) 13570 of 2021.

Mr. A. A. Kumbhakoni, A. G. With Mr. Akshay Shinde, B Panel Council with Ms. Geeta Shastri, Addl. G. P. for State

Mr. A. Y. Sakhare, Sr. Adv. with Mr. Rohan Mirpury and Ms. K. H. Mastakar for MCGM.

Mr. Abhijit P. Kulkarni for Pune Municipal Corporation

Mr. Anil C. Singh, ASG a/w Mr. Aditya Thakkar with Mr. D. P. Singh, Mr. Yash Momaya i/b Mr. Gul Asnani for UOI

Mr. Nitin P. Deshpande for Intervenor, IMA, Pune

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- JUNE 29, 2021

PC :

1. On an earlier occasion, the Bench was considering whether smokers are at a greater risk to contract Covid-19 related infections and diseases.

Mr. Kumbhakoni, learned Advocate General for the State of Maharashtra has placed before us today a report prepared by Dr. R.A. Badwe, Director, Tata Memorial Centre dated June 15, 2021. Such report is taken on record.

2. Mr. Setalvad, learned senior advocate appearing for the applicant in Interim Application No. 1342 of 2021, viz. Mumbai Bidi Tambakhu Vyapari Sangh, submits on the basis of the pleadings as well as reports annexed to the application that there are research and media reports which present evidence that smoking helps "*prevent and relieve Covid-19*". We also find in paragraph 13 of the application that reports/studies have negated any correlation between smoking and susceptibility to Covid-19 and suggests using "*nicotine as a potential preventive agent against Covid-19 infection*".

Mr. Setalvad has also prayed that if the applicant is allowed to intervene and also allowed to access the report of Dr. R.A. Badwe, appropriate

submissions could be advanced to assist the Court in reaching a proper decision on the point under consideration.

3. There is another interim application bearing I.A. (L) No. 13570 of 2021, which is at the instance of Federation of Retailers Association of India. The said applicant is represented by Mr. Kadam, learned senior advocate. Mr. Kadam has drawn our attention to the contents of such application and has relied on a report of the Council for Scientific and Industrial Research to contend that smoking has little or no effect on Covid patients. He has, also, prayed that the applicant be allowed to intervene in this Public Interest Litigation for assisting the Court by bringing to its notice relevant studies/reports.

4. Having heard Mr. Setalvad and Mr. Kadam, we allow the respective applicants to intervene in this Public Interest Litigation. The Interim Applications for intervention stand allowed, without costs. Appropriate insertions be made in the array of respondents by impleading the applicants as additional respondents. Copy of the report of Dr. R.A. Badwe shall be shared with the advocates on record for the respective applicants.

5. The applicants, who have been added as respondents, shall be at liberty to file additional affidavits to support their respective stand.

6. List the PIL petition on **June 30, 2021**.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)