

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. OF 2021

IN

PUBLIC INTEREST LITIGATION (L) NO. 9885 OF 2021

Sonu Pankaj Shakti Sagar Sood Applicant

AND

Nilesh Mohandas Navlakha Petitioners

Vs.

Union Of India & Ors. Respondents

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SYNOPSIS

Sr. No.	Date	Events
1.		Since the onset of Pandemic applicant has been relentlessly doing philanthropic work in the interest of needy and helpless people.
2	May 2021	The Petitioners filed interim application in the present PIL alleging that the present Applicant has indulged in hoarding of Remdesivir & Tocilizumab.
3		Hence the present application to

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		intervene.
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POINTS TO BE URGED:

1. For the reasons elaborately stated in the Application Memo can the Applicant not be permitted to intervene in the present PIL?

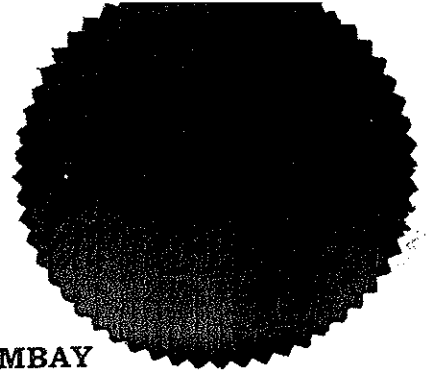
ACTS RELIED UPON:

1. The Constitution of India, 1950
2. Bombay High Court Public Interest Litigation Act, Rules 2010
3. Any other Act that may be relied upon at the time of hearing with prior permission of this Hon'ble Court.

AUTHORITIES RELIED UPON:

1. Authorities that may be cited at the time of hearing with prior permission of this Hon'ble Court.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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INTERIM APPLICATION NO. OF 2021

IN

PUBLIC INTEREST LITIGATION (L) NO. 9885 OF 2021

Sonu Pankaj Shakti Sagar Sood

An Indian inhabitant aged about 48 yrs.

405/406, Casablanca Apartment,

Yamuna Nagar, Oshiwara,

Andheri West, Mumbai 400053 Applicant / Intervenor

AND

Nilesh Navalakha

An Indian adult inhabitant

620, Pentagon, Sahu College Road,

Parvati, Pune 411009 Petitioner

Vs.

Sonu Sood



1. Union of India
Through the Chief Secretary (Home)
Ministry of Home Affairs
North Block, Central Secretariat
New Delhi 110001 Respondent no. 1
2. Ministry of Health & Family Welfare
The Secretary
Room No. 348, "A" Wing,
Nirman Bhavan, New Delhi 110011 Respondent no. 2
3. State Maharashtra
The Chief Secretary
CS Office, Main Building,
Mantralaya 6th Floor,
Madame Cama Road,
Mumbai 400032 Respondent no. 3
4. Ministry of Health & Family Welfare
State of Maharashtra
3rd Floor, Arogya Bhavan,
St George Hospital Compound Premises,
P D'Mello Road,
Mumbai 400 001 Respondent no. 4
5. The National Pharmaceutical
3rd/5th Floor, YMCA Cultural Center
Building, 1, Jai Singh Road,
New Delhi 110 001 Respondent no. 5
6. Insurance Regulatory & Development

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Authority of India

SY No. 115/1, Financial District,

Nanakramguda, Gachibowli,

Hyderabad 500 032

..... Respondent no. 6

To:

**THE HON'BLE CHIEF JUSTICE AND OTHER PUSINE JUDGES
OF THIS HON'BLE COURT**

**HUMBLE APPLICATION OF THE
APPLICANT ABOVENAMED**

MOST RESPECTFULLY SHEWETH

1. The Applicant is peace loving law abiding citizen of India residing with his family members at the address given in the cause title of the present Application. The Applicant is actor by profession and beside being actor is a social activist, and for purpose of further social causes and for the purpose of aiding needy and poor persons have formed a registered NGO in the name and style of SOOD CHARITY FOUNDATION.
2. The Applicant states that being moved by the apathy and suffering of the poor people during the pandemic period, the Applicant for the purpose helping poor and needy people across Pan India and specially for the purpose of providing

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help in health related issues like medicine, hospital beds, doctor consultancy formed and started the aforesaid NGO under the relevant provisions of the Companies Act 2014, and the same was registered under Certificate of Incorporation dated 21.07.21, and bears registration number 342393 & Corporate identity number U85300MH20202NPL342393. The Applicant craves leave to refer to and rely upon the Certificate of incorporation issued by the Registrar of Companies as and when required. Annexed hereto and marked as **Exhibit "A"** is the copy of the said Certificate of Incorporation.

3. The Applicant states that being moved by the apathy, hardship and sufferings of the people at large, the Applicant took several initiative measures to help doctor, health workers, migrant workers, supply of free meals to needy etc., some of such initiatives are listed hereinunder:

- a. That being moved by the hardship faced by the Doctors and health worker who were front line fighters in war against pandemic, the Applicant, with view and purpose of providing them stay, provided free lodging and boarding facilities to Doctors, nurses and other health workers in his hotel located at Juhu, Mumbai.
- b. That thereafter realizing the hardship faced by masses who struggled to arrange a meal a day, the Applicant, under food drive in name "Shakti Anandanam"

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provided free meals to almost 45,000 people per day during the pandemic induced lockdown.

- c. The Applicant thereafter commiserating the plight of the migrant workers, some of whom had set out on journey to their native place on foot, the Applicant coordinated with several state governments and other authorities and at his own cost arrange free transport facilities for the migrant workers seeking to go to their native place, and under his such initiative he reunited more than 20,000 migrant workers with their families by moving them to their native place and homeland.
- d. That during the pandemic time, due pandemic induced financial crisis, millions of persons were laid off, thus worsening unemployment situation in the country. The Applicant, as his bit of efforts to help unemployed seek employment, tied up with **LEARNET SKILLS**, (a Joint Venture between Schoolnet India & National Skill Development Corporation), and floated a free app website called "**PRAVASI ROJGAR**", and thus provided a platform to connect Job Seekers with Job Providers. Under the Pravasi Rojgar mission, which was supported by Corporates like AMAZON, AEPC, CITI, Tirdent, Quess Corp, Sodexo, Urban Co, & Protea, the Applicant sought to provide 3 Lakhs Jobs.
- e. In July 2020, the Applicant came across a viral video doing round on social media, wherein a farmer, who



could not afford an oxen or a tractor could was seen ploughing field with his daughters, and being moved by their apathy, the Applicant, immediately arranged a tractor for them to plough their filed.

- f. During Pandemic induced lockdown, several Indian students were stranded abroad, and realizing their plight, the Applicant organized a charter flight from capital city Bishkek, Kyrgyztan to Varanasi, India and thereby brought 135 Indian students safely to their home country.
 - g. That the Applicant as a small gesture furnished 1500 PPE Kits to frontline paramedics across Punjab, and so also, provided 25,000 face shields to Police officers in Maharashtra.
4. The Applicants such philanthropic work during pandemic induced lockdown had earned him accolades across the globe and he was even awarded the prestigious **"SDG SPECIAL HUMANITARIAN ACTION AWARD" BY THE UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP).**
 5. Sometime in the second week of April 2021, SWECOND WAVE OF COVID 19, swept through the country, causing more devastation than the first covid pandemic, which was aggravated by shortage of oxygen and critical life saving medicines, especially Remdesivir and Tocilizumab, which resulted in loved ones of critically ill patients running in desperation from pillar to post for arranging the aforesaid 2





life saving medicines and frustratingly resigning to their fate on being not able to procure the said life saving drugs.

6. The Applicant states that during the first pandemic onslaught, the Applicant has readily made his contact numbers available to public at large so that the needy persons may readily contact him. The Applicant states that during the onslaught of second wave of pandemic, he was contacted, through phone, twitter, Instagram and other social media, by several persons who narrated him their plights of not being able to get Remdesivir and Tocilizumab medicines and narrating their plights requested the Applicant to help them in obtaining the said drugs.
7. The Applicant states that empathizing the plights of such critically ill patients and their relatives, who were making desperate but futile attempts to procure required life saving drugs, the Applicant decided to help them by putting his concentrated efforts help such needy patients acquire aforesaid life saving drugs.
8. The Applicant states that he realized the on of the main cause for needy patients not being able to avail the aforesaid life saving drugs was lack of co-ordination between the places having the aforesaid drugs and needy patients, and therefore he decided to be conduit between the two i.e., connecting the bonafide needy people with the places where the aforesaid drugs were available so that the latter can directly send the requisite drugs to the needy patient.



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9. The Applicant states that for the connecting the needy patients with the places where the aforesaid medicines (i.e., Remdesivir & Tocilizumab) may be available, the Applicant evolved 2 stage procedure;

- a. In first stage, on being contacted by needy person, the Applicant would request them to furnish the details of patients along with the copy of patient's aadhar card, covid report, doctor's prescription, etc.

The Applicant craves leave to refer to and rely upon the requests and the documents received by him on social media from the relative of such needy patients as and when required. Annexed hereto and marked as **Exhibit "B Colly."** are the copies of few of such requests with supportive documents received by the Applicant.

- b. After receiving the aforesaid documents, the Applicant would get the same verified by directly contacting the hospital authority where the patient was admitted, and / or by directing one of his volunteers to physically visit the hospital where the patient was admitted to verify the status of the health of the patient, need of aforesaid medicine and its availability in the pharmacy of the concerned hospital.
- c. That after satisfying himself about the genuine need of the aforesaid medicine, the Applicant through his

various channel would try and find out the availability of the said medicine and its locations.

- d. That towards that end, the Applicant would contact, concerned District Magistrates, Member of Parliament, Chief Medical Officers of the Area, as may be required, and would request them to help the patient for availability of the aforesaid medicine.
- e. The Applicant would also connect with the other hospitals and pharmacy in the area to find out the availability of the aforesaid prescribed medicine.
- f. That in order to help the said entities make the medicine available directly to the needy patient, the Applicant would share the entire information collected by him in stage 1 with such authority so that they can directly provide the medicine to the said patient by sending the same to the concerned hospital where the needy patient was admitted.
- g. That in alternative, if the entities were not in position to send the requisite medicines to the needy patients, the Applicant would furnish the necessary details to the relatives of the patient who then can directly approach the concern entities and collect the aforesaid medicines.
- h. That in cases, where the patient relatives were not in position to bear the costs of the aforesaid medicine, the Applicant would pay for the same from his pocket



by making online payment to the relevant pharmacy and thereafter the pharmacy would issue the medicine alongwith the relevant bills to the relative of the patient by raising bill in the name of the patient.

The Applicant craves leave to refer to and rely upon payments made by him on behalf of the needy patients and when required. Annexed hereto and marked as **Exhibit "C Colly"** are few of such payments received showing the payments made by the Applicant through his bank to the concerned pharmacies.

10. The Applicant further states that in his endeavor to ensure that the aforesaid medicines reaches the needy patients, the Applicant, had also requested manufacturers to provide the aforesaid requisite medicines to needy patients through various hospital's pharmacy; and had also helped various hospitals in creating their account to obtain requisite licenses so that the requisite medicines can be allotted to them for the patients admitted in their hospitals. The Applicant craves leave to refer to and rely upon the mails and communications in that regards as and when required. Annexed hereto and marked as **Exhibit "D Colly."** are the copies of the same.
11. The Applicant states that he has never purchased, stocked, dealt and / or procured any medicines for purpose of trade, including Remdesivir and Tocilizumab and as stated



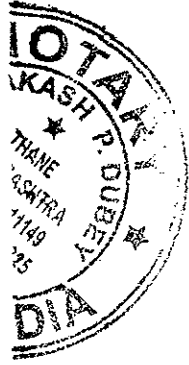


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aforesaid he has merely guided the needy patients to the pharmacy where the aforesaid requisite medicines were available.

12. The Applicant states that he has learnt that the sometime in the April 2021, the Petitioner herein filed the present Public Interest Litigation seeking several reliefs as mentioned therein. The Applicant states that he has further learnt that sometime in the month of May 2021, the Petitioner herein filed Interim Application in the present Public Interest Litigation alleging therein to the effect that as some politicians, their associates and celebrities are possibly "hoarding" the aforesaid requisite medicines and are making arbitrary distribution to the people while there is scarcity of the same in government and private hospitals.
13. The Applicant further states that he has also learnt that the Petitioner had further alleged in the said interim application to the effect that on persons contacting celebrities medicines were made available to them within span of few hours they would receive medicines from them or their sources. The Applicant states denies all and singular allegations made in the Interim Application made by the Petitioner herein and puts him to the strict proof thereof, and reserves his rights to file his detail affidavit in reply to the Interim Application as and when required.
14. The Applicant states that the Petitioner herein without putting the slightest effort to find out the truth, on basis of

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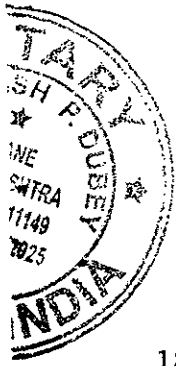


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the publication in social media has proceeded further make false, baseless, reckless defamatory allegations on the Applicant to the effect that the Applicant is somehow or the other involved in hoarding of the aforesaid requisite medicines.

15. The Applicant at the costs of repetition states that he has never indulged in storing, hoarding, dealing, distributing & / or supplying any medicines, including Remdesivir and Tocilizumab in any manner whatsoever.
16. The Applicant states that the Petitioner while making the allegations as aforesaid has relied upon and has annexed snapshots of the twitter posts allegedly belonging to the Applicant and thereby has sought to falsely imply that the Applicant, in some way or the other, has been involved in hoarding of the aforesaid medicines in critical time of pandemic.
17. The Applicant states that the Petitioner has made such false, baseless and reckless allegations without putting any efforts to find out the true state of facts and circumstances. The Applicant states that by making such false, reckless, and baseless allegations has not only sought to initiate criminal proceedings against us but has to destroy the philanthropic work and efforts put by the Applicant to help the poor and needy persons and thereby has sought to ridicule and defame the Applicant.

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18. The Applicant states that by making false, baseless and reckless allegations against the Applicant, and by twisting and misrepresenting the true states of affairs, the Petitioner has persuaded this Hon'ble Court to form opinion to the effect that the Applicant has indulged in illegal activities of hoarding & / or illegal stocking of the aforesaid medicines; and the Petitioner by making such false representations has persuaded this Hon'ble Court to place on report as to how the aforesaid drugs could be parallelly distributed by the Applicant.
19. The Applicant states that this Hon'ble Court was persuaded to pass the aforesaid order on basis of misrepresentations and it is therefore in the abundant interest of justice and fair play that this Hon'ble Court be made aware about the true facts and circumstances and the true state of affairs so that the aforesaid Application be judiciously decided by this Hon'ble Court.
20. The Applicant states that the true state of facts, circumstances, and affairs can only be placed before this Hon'ble Court by the Applicant and thus it is imperative and necessary that the present Applicant be permitted to intervene in the present PIL so that he can appraise this Hon'ble Court with the true state of facts, circumstances and affairs pertaining to the allegations and acts attributed to him.

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21. The Applicant further states that pursuant to order dated 12 & 13 passed by this Hon'ble Court directing the State and Central Government to file report regarding the alleged parallel distribution of the aforesaid drugs, the Drug Inspector, Food & Drugs Administration, vide their notice dated 19.05.2021 called upon the Applicant to furnish them details as to
- a. Whether he or his aforesaid NGO has Foods and drugs License?
 - b. Whether his NGO is registered NGO?
 - c. Whether he has in any manner dealt with Remdesivir and Tocilizumab.
 - d. Quantity of Remdesivir and Tocilizumab distributed by him
 - e. Amount paid by him for the purpose of procuring the Remdesivir and Tocilizumab
 - f. The mode of transportation used by him for distributing the same.

The Applicant craves leave to refer to and rely upon the said notice as and when required. Annexed hereto and marked as **Exhibit "E"** is the copy of the said notice.

22. The Applicant states that on receiving the said notice, the Applicant vide his reply dated 20.05.21 replied to the said notice by placing on record the true states of affairs and by pointing out that he has never stored, dealt, distributed,

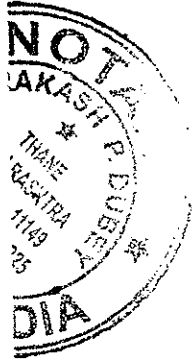


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stocked, & / or dealt in Remdesivir and Tocilizumab. That vide the said reply he also pointed out as to how he has merely tried to help the needy persons find the pharmacy where the said drugs were available and has just guided the relatives of the needy patients to the appropriate pharmacy. The Applicant vide the said reply further informed the Drug Inspector that in several cases where the patients were not in position to afford the said drugs he has paid for the same. The Applicant craves leave to refer to and rely upon the said reply dated 20.05.2021 as and when required. Annexed hereto and marked as Exhibit "F" is the copy of the said reply.

23. The Applicant further states on 20.05.2021, the Drugs Inspector has carried out the search of the Applicants premises, and in course of the search they have neither find any drugs, nor have they find any material indicating that the Applicant was involved in any sort of storing, stocking, distributing, & / or dealing in the any medicines including Remdesivir and Tocilizumab, and they have accordingly prepared Inspection report to the said effect, copy of which was furnished to the Applicant. The Applicant craves leave to refer to and rely upon the said Inspection Report as and when required. Annexed hereto and marked as Exhibit "G" is the copy of the said Inspection Report.

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24. The Applicant states that as stated hereinabove the Applicant has always been working in the best interest of the needy and financially weaker sections of society and through his selfless acts have helped thousands of needy and helpless persons, and yet the Petitioner without bothering to find out the true state of affairs, on basis of maverick, false, baseless and reckless allegations has filed the interim application defaming and ridiculing the present applicant and on basis of such maverick, false, baseless and reckless allegations has sought reliefs against the present Applicant. The Applicant states that in light thereof the Applicant is the just, necessary and required party in the present Petition; however the Petitioner for the purpose of misguiding this Hon'ble Court has purposely chosen not to make the Applicant party Respondent in the present petition.

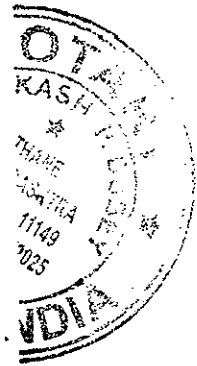
25. The Applicant further states that the orders passed in the present Petition has direct impact upon the Applicant and as such the Applicant would be directly affected by the orders passed in the present Petitioner and the most sacrosanct and cherished principle of law AUDI ALTERAM PARTEM requires that the Applicant, who has been relentlessly doing philanthropic work in the interest of needy and helpless people, be heard before any orders are passed in the present Petition.

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26. The Applicant states under the aforesaid circumstances and for the purpose of placing true states of affairs, facts and circumstances before this Hon'ble Court and for the purpose of assisting this Hon'ble Court in rendering Justice, the Applicant is approaching this Hon'ble Court by way of present Application to impleaded him as the party Respondent so that he can point out to this Hon'ble Court the true facts and true state of affairs.
27. The Applicant states that it is in the abundant interest of justice and fair play the Applicant be permitted to intervene in the present Petition so as to enable them to point put the true state of facts & affairs before this Hon'ble Court.
28. The Applicant further states that principle of natural justice also demands that no person should be condemned without being heard; and thus as per the rules of the principle of natural justice the Applicant is required to be made Party Respondent so as to enable them to place before this Hon'ble Court true state of facts and affairs in the present case.
29. The Applicant states that the issues involved in the present Petition directly effects the Applicant and thus it is in the abundant interest of justice and fair play that they be permitted to intervene in the present Petition.
30. The Applicant states that otherwise also in order to do and render complete justice the Applicant is an essential



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party and therefore they be permitted to intervene in the present Petition and they be granted audience in the present Petition.

31. That in light of all that is stated herein above, the Applicant states that it is in the abundant interest of justice and fair play that they be allowed to intervene in the present Petition .

32. The Applicant states that in the event of him not being permitted to intervene in the present Petition, grave prejudice, hardship and injustice will be caused to him, which cannot be compensated in any manner whatsoever and that the same will lead to gross miscarriage of justice.

33. The Applicant further states that in the event of him being permitted to intervene in the present Petition no prejudice, hardship or injustice will be caused to any of the concerned parties.

34. The Applicant States that the balance of convenience is in their favour.

35. The Applicant states that they have not preferred any other similar Application in the present Petition seeking similar reliefs.

The Applicants therefore prays that

- a) The Applicant be permitted to intervene in the present PIL by impleading them as Party Respondent and they be heard in the present case.