

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).
 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.J.B.Kasat,
 Advocate for Respondent No.4 in P.I.L. No.25 of 2020).
 Mr. Nitin P. Lambat, Advocate for Indian Railway.
 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
 present.
 Mrs. Mugdha Chandurkar with Mr. Rohan Chandurkar,
 Advocates for W.C.L.
 Mr. S.V. Sirpurkar, Advocate for applicant / intervenor.
 Mr. N.A. Gaikwad, with Mr. Aniket Nair, Advocate for
 respondent No.18.
 Mr. Vikram Trivedi, Advocate for respondent No.20.

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

DATE : 7.5.2021.

Heard.

2. In our order dated 5th May, 2021, in paragraph 34, we have stated that 685 vials of Remdesivir drug received by the Bhandara district in two instalments were not in proportion to 2000 vials of the drug.

3. Now, Shri Vaibhav Bhure, learned counsel, clarifies that 2000 vials as per the order of this Court have been received by the Bhandara district and deficit of 685 vials is in relation to daily district-wise allocation of this drug to Bhandara. We, therefore, modify our observations in paragraph 34 regarding the relation between 685 vials and 2000 vials of Remdesivir drug and now clarify that 685 vials received are not in proportion to the daily district-wise allocation of Remdesivir drug to Bhandara district and that they have no relation with 2000 vials of this drug already received by Bhandara district. The modification be accordingly read in the order dated 5th May, 2021.

4. On the last occasions we had passed several directions, some of which have been complied with and information about compliance with the remaining is yet to come. Today, it has been brought to the notice of this Court that even though PSA technology based oxygen plant at Bhandara has been installed, it is yet to be commissioned. There are also several other issues in respect of which

information would be required.

5. We request learned Government Pleader to place on record information in respect of the remaining issues including commissioning of Bhandara oxygen plant before this Court on the next date.

6. We also grant further time to VIA to submit information as required by this Court in terms of the observations made in paragraph 19 of our order dated 5th May, 2021 till next date. If there are any members of VIA who are not cooperating and who are not responding to the call of VIA in this regard, we direct the President of VIA to submit to this Court all the names of disobedient and erring members of VIA so that further action can be taken in the matter. As regards use of the life saving drug Tocilizumab, observations made by the Bench presided by the Hon'ble the Chief Justice at Principal Seat at Mumbai have been brought to our notice. From these observations, it is seen that there was an affidavit placed on record by the Union of India which dealt with the alternatives available to the Tocilizumab injections. According to this affidavit, there are other alternate drugs which are equally efficacious in treating serious Covid patients and if Tocilizumab injections are not available, it is not end of the matter and the Doctors can still consider prescribing the drugs which are said to be alternatives to Tocilizumab. The drugs which could

be considered as an alternative to Tocilizumab are such as Itulizumab, Dexamethasone and Methyl Prednisolone. In the opinion of some of the Doctors, these alternate drugs are considered as even more effective. We would request all the members of medical fraternity to give a serious consideration to the opinion of the Union of India as regards treating of Covid patients with the aforesaid alternate drugs, if the need arises on account of non-availability of Tocilizumab.

7. Today, Mr. Aniket Nair, learned counsel for Cadila India Limited, respondent No.18 has appeared. He informs that an affidavit has been already filed on behalf of Cadila indicating that the company has already complied with the directions given by this Court and also the quota allocated to it in so far dates of 1st and 2nd May, 2021 are concerned. As regards the need for the company to send the drugs to the State of Maharashtra as per the daily quota allocated to it under the State-wise allocation made by the Central Government, we would request the learned counsel for respondent No.18 to place on record all the details in that regard on or before the next date. It would be convenient for everybody to understand the commitment shown by the Committee if a chart giving details of date-wise supply of the Remdesivir drug to the State of Maharashtra and also the figures of daily production of the drug is placed on record. It will also be convenient if respondent No.18

furnishes copy of this additional affidavit to the learned Government Pleader and the learned *Amicus Curiae*.

8. Stand over to 12th May, 2021 at 11'O clock.

JUDGE

JUDGE

SSJaiswal