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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3031/2020 & C.M. No. 15227/2021, C.M.No. 15228/2021**
C.M. No. 15229/2021, C.M. No. 15358/2021, C.M. No. 15359/2021
C.M. No. 15360/2021, C.M. No. 15361/2021, C.M. No. 15362/2021
C.M. No. 15363/2021

RAKESH MALHOTRA

..... Petitioner

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
INDIA AND ORS

..... Respondent

+ **W.P.(C) 4970/2021 & CM APPL. 15648/2021, CM APPL.**
15649/2021, CM APPL. 15650/2021

BALAJI MEDICAL AND RESEARCH CENTER Petitioner

versus

UNION OF INDIA AND ORS

..... Respondent

+ **W.P.(C) 4971/2021 & CM APPL. 15236/2021**

GANESH DAS CHAWLA CHARITABLE TRUST (REGD)

..... Petitioner

versus

UNION OF INDIA

..... Respondent

+ **W.P.(C) 4984/2021 & CM APPL. 15279/2021**

M/S. BRAM HEALTH CARE PRIVATE LIMITED..... Petitioner

versus

UNION OF INDIA & ANR.

..... Respondent

+ **W.P.(C) 4985/2021**

BATRA HOSPITAL AND MEDICAL RESEARCH CENTRE

..... Petitioner

versus

UNION OF INDIA & ORS.

..... Respondent

+ **W.P.(C) 5001/2021**

MAHARAJA AGRASEEN HOSPITAL CHARITABLE TRUST

..... Petitioner



- versus
UNION OF INDIA AND ORS Respondent
+ **W.P.(C) 5002/2021**
M/S BHAGAT CHANDRA HOSPITAL Petitioner
- versus
UNION OF INDIA THROUGH SECRETARY & ANR.
..... Respondent
+ **W.P.(C) 5003/2021**
M/S JAIPUR GOLDEN HOSPITAL ... Petitioner
- versus
UNION OF INDIA THROUGH SECRETARY & ORS.
..... Respondent
+ **W.P.(C) 5024/2021 & CM APPL. 15397/2021**
SHANTI MUKAND HOSPITAL Petitioner
- versus
UNION OF INDIA AND ORS. Respondent
+ **W.P.(C) 5026/2021 & CM APPL. 15401/2021**
VINAY JAIDKA Petitioner
- versus
CHIEF SECRETARY Respondent
+ **W.P.(C) 5050/2021 & CM APPL. 15464/2021, CM APPL.
15465/2021, CM APPL. 15466/2021**
BHAVREEN KANDHARI Petitioner
- versus
GOVT OF NCT OF DELHI & ORS.
..... Respondent
+ **W.P.(C) 5066/2021 & CM APPL. 15511/2021**
RAMESH KHOSLA Petitioner
- versus
GOVT. OF N.C.T OF DELHI & ANR. Respondent
+ **W.P.(C) 5073/2021 & CM APPL. 15529/2021**
VENKATESHWAR HOSPITAL Petitioner
- versus
GOVERNMENT OF NCT OF DELHI & ORS. Respondent
+ **W.P.(C) 5081/2021 & CM APPL. 15550/2021**
SMT. PARKASHI DEVI Petitioner
- versus



- + UNION OF INDIA & ORS. Respondent
W.P.(C) 5085/2021 & CM APPL. 15581/2021, CM APPL. 15582/2021
EHILARASAN ALIAS SHANKAR Petitioner
versus
- + UNION OF INDIA & ORS. Respondent
W.P.(C) 5100/2021 & CM APPL. 15623/2021
MANISHA GUPTA Petitioner
versus
- + GOVT, OF N.C.T OF DELHI & ANR. Respondent
W.P.(C) 5103/2021 & CM APPL. 15639/2021, CM APPL. 15640/2021
ALKA JAIN, THROUGH HER PAIROKAR..... Petitioner
versus
- + GOVERNMENT OF NCT OF DELHI & ANR..... Respondent
W.P.(C) 5102/2021 and CM Nos. 15635/2021 & 15636/2021
ASEEMIT SOCIAL PROJECTS FOUNDATION Petitioner
versus
UNION OF INDIA & ANR. Respondents

APPEARANCES

Petitioners

Mr. Sacchin Puri, Senior Advocate with Mr. Praveen K. Sharma and Mr.Dhananjay Grover, Advocates for the petitioner in W.P.(C) No. 5100/2021, W.P.(C) 5066/2021
Petitioner in person in W.P.(C) No.3031/2020
Mr.Mahesh Agarwal with Mr.Rishi Agrawala, Mr.Karan Luthra, Mr.Ankit Banati, Advs. in WP(C) No. 4970/2021, Mr. Himanshu Dagar, Adv.
Mr. Ajay Kohli, Ms. Priyanka Ghorawat, Mr. Raghav Marwaha, Advocates for Delhi Heart and Lung Institute.
Ms. Prabhsahay Kaur, Advocate for in W.P.(C) No. 4971/2021
Mr. Priyadarshi Manish with Mrs. Anjali J. Manish, Advocates in W.P.(C) No.4984/2021.
Mr. Sidharth Dave, Sr. Advocate with Ms. Varuna Bhandari with Ms.



Bhakti Vardhan, Mr. Tushar Thareja, Advocates in W.P.(C) No. 4985/2021
Mr. Alok Kr. Aggarwal, Adv. Ms.Anushruti, Adv. Ms. Supreet Bimbra, Adv
and Ms. Simran Arora, Advocate. In WP (C) No. 5001/2021
Mr. Sachin Datta, Sr. Advocate, Mr. G. Tushar Rao, Sr. Adv with Mr.
Dinesh Sharma, Ms. Ritika Jhurani, Ms. Jipsa Rawat, Advocates with
Mr. D.K. Baluja, Medical Director, Jaipur Golden Hospital in W.P. C Nos.
5002,5003/2021
Mr. Maninder Singh, Sr. Advocate, and Mr. Aarush Bhatia, Advocate in
W.P.(C) No. 5024/2021
Mr. Satish Aggarwala with Mr. Gagan Vaswani, Advocates in W.P.C No.
5026/2021
Mr. Krishnan Venugopal, Sr.Adv., Mr. Manan Verma, Adv., Mr. Aditya N
Prasad, Adv., Mr. Kaushik Mishra, Ms. Anmol Srivastava, Advs. in W.P.C
No. 5050/2021
Mr. M.K. Gahlaut, Advocate in W.P.C No. 5081/2021
Mr. Mohit Chaudhary with Mr. Kunal Sachdeva, Advocates. In WP.C NO.
5085/2021
Ms. Karuna Nundy, Adv, Mr. Sarthak Maggon, Adv., Ms. Upasana, Adv. in
W.P.C No. 5102/2021
Ms. Petal Chandhok with Ms. Rupali Gupta, Advocates in W.P.C No.
5073/2021
Mr. Siddharth Chechani, Advocate in W.P.C No. 5103/2021

For respondents

Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Ms. Monika Arora,
CGSC, Mr. Amit Mahajan, CGSC Mr. Anil Soni, CGSC, Mr. Anurag
Ahluwalia, CGSC Mr. Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay
Gadeock, Mr. Sahaj Garg, Mr. Vinay Yadav, Advocates. For UNION OF
INDIA in all the matters.

Mr. Rahul Mehra, Senior Advocate with Mr. Satyakam, ASC, Mr. Santosh
Tripathi, SC, Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC, , Mr.
Anupam Srivastava, ASC Mr. Aditya P. Khanna, Ms. Dacchita Sahni, Ms.
Ritika Vohra and Mr. Chaitanya Gosain, Advocates for GNCTD in all the
matters.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae) and Mr. Anandh
Venkataramani, Ms. Mansi Sood, Ms. Sonal Sarda and Mr. Areeb
Amanullah, Advocates in all the matters.



Mr. Anil Grover, Sr. Additional Advocate General for Haryana with Ms. Bansuri Swaraj, Additional Advocate General for Haryana with Mr. Siddhesh Kotwal, Ms. Manya Hasija, Ms. Ana Upadhyay, Advocates.

Mr. Aseem Chaturvedi with Mr. Ajay Bhargav, Advocates for INOX.
Mr. Divya Prakash Pande, Adv for South Delhi Municipal Corporation.
Mr. Abhinav Tyagi, Advocate for Seth Air Products.
Ms. Malvika Trivedi, Sr. Advocate Mr. Tanmay Yadav, Ms. Abhisree Saujanya, Ms. Nihaarika Jauhari, Ms. Eysha Marysha, Ms. Vidhi Jain, Advocates along with Ms. Kritika Gupta, applicant in person
Ms. Garima Prashad, Sr. Advocate with Mr. Abhinav Agrawal, Advocate
Mr. Ankur Mahindro & Ms Sanjoli Mehrotra, Advocates for intervener
Mr. Om Prakash with Mr. Pradeep Kumar Tripathi applicant in C.M. No. 15651/2021.
Mr. Rohit Priya Ranjan, Advocate for Goyal Gases.
Mr. Abhishek Nanda, Advocate for IRDAI.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
01.05.2021

During the hearing, Dr. S. Bankata, Executive Director from Batra Hospital informs us that there was a delay in supply of Oxygen due to which, Oxygen supply was interrupted for about an hour and a half, which has led to loss of 8 lives, including a doctor of the said hospital.

Mr. Mehra has just now informed us at 03:05 P.M. that he has received an SOS message from Mr. Bidhuri, who is the officer tasked with the job of ensuring supply to hospitals in Delhi, that the reserves of the GNCTD are exhausted, and there is no supply/ minimal supply from the plants of Linde and Air Liquide today. He has expressed serious concerns as to how the Capital would tide over the shortage today, as a lot of hospitals



and nursing homes have run out of medical Oxygen, or would do so in the coming few hours.

We direct the Central Government to ensure that NCT of Delhi receives its allocated supply of 490 MT positively today, by whatever means. Considering the fact that Delhi is not an industrial State, and does not have availability of cryogenic tankers of its own which could be requisitioned under the Disaster Management Act – like other States have done, it falls upon the Central Government to arrange the tankers as well, so that the allocation made to Delhi could be fulfilled, lest it remains only a paper allocation. The Central Government shall ensure availability of cryogenic tankers as well for the said supply.

Pertinently, the allocation to Delhi, which was earlier of 480 MT (since 20.04.2021), and now is of 490 MT has not been fulfilled even for a single day. In case, this order is not implemented, the concerned officers of the Central Government viz. Mr. Piyush Goyal and Ms. Sunita Dawra shall remain present during the hearing on 03.05.2021. Looking to the situation, we make it clear that we may even consider initiating Contempt Proceedings in case of non-compliance. Mr. Amit Mahajan shall ensure communication of this Order to the concerned officers forthwith.

VIPIN SANGHI, J

REKHA PALLI, J

MAY 1, 2021

N.Khanna