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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 31st May, 2021

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W.P.(C) 5099/2021

VIVEK AGGARWAL

..... Petitioner

Through

Petitioner in person

versus

UNION OF INDIA & ORS.

..... Respondent

Through

Mr. Chetan Sharma, Ld. ASG with
Mr. Amit Mahajan, CGSC with
Mr. Gitesh Chopra, Mr. Vinay Yadav,
Mr. Akshay Gadeock,
Mr. Amit Gupta & Mr. Sahaj Garg,
Advocates for R-1
Mr. Gautam Narayan, ASC with
Ms. Asmita Singh, Advocate
for GNCTD

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE(ORAL)

Proceedings have been conducted through video conferencing.

1. This writ petition has been preferred with the following prayers:-

“A. Issue a writ of mandamus or order or direction in the nature thereof to formulate and implement a policy and procedure for the admission of Covid-19 patients to private hospitals.

B. Issue a writ of mandamus or order or direction in the

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nature thereof, directing the respondents to either comply with the order no. 52/DGHS/PH-IV/COVID-19/2020/prsecyhfw/14450-14649 dated 20.06.2020 issued by the Health and Family Welfare Department, Government of National Capital Territory of Delhi or formulate a fresh policy of price regulating the cost of admission and treatment of Covid-19 patients in private hospitals and further direct the private hospitals to publish the regulated rates online and in prominent places inside the said hospitals, and pass further directions for taking strict actions against the hospitals who do not comply the said price regulations.

C. Issue order or direction to establish a committee headed by a retired judge of the High Court of Delhi to keep a check on admissions of Covid-19 patients and implementation of admission policy and further direct the said committee to conduct regular audits to ensure compliance of the admissions policy and penalize defaulting private hospitals.

D. Issue a writ of mandamus or order or direction in the nature thereof, directing the respondents to create and implement a policy to establish a supply chain of the drug Remdesivir and drug Tocilizumab directly to hospitals only on the price cap/regulated price of the drug Remdesivir and drug Tocilizumab respectively as and when fixed by the Union of India (respondent no.1) and further restrain the respondents from supplying the drug Remdesivir and drug Tocilizumab to private physicians, pharmacists, chemists, entities and other bodies who are black marketing the said medicines.

E. Issue orders or directions to establish a committee headed by a retired judge of the High Court of Delhi to keep a check on the production, supply and usage of drug Remdesivir and drug Tocilizumab in hospitals and create a database thereof and conduct regular audits to ensure

requisite supply is provided to the hospitals in need.

F. Issue a writ of mandamus or order or direction in the nature thereof, directing the respondents to appoint nodal officers in hospitals to look into the sale of drug Remdesivir and Tocilizumab at the regulated price decided by the Government in consultation with the respective hospital administration and establish an online portal which is updated hourly to track the availability and usage of the drug Remdesivir and drug Tocilizumab in respective hospitals and in every district.

*G. Issue a writ of mandamus or order or direction in the nature thereof, directing the respondents to establish 24*7 national, state and local helplines to address the enquiries regarding the availability of the drug Remdesivir and drug Tocilizumab and further set up centralized control rooms at district level to provide information on the availability of the drug Remdesivir, drug Tocilizumab, and availability of beds.*

H. Issue a writ of mandamus or order or direction in the nature thereof directing the respondents to regulate the price of oxygen cylinders and concentrators and further regulate the price for refilling the oxygen cylinders and concentrators.

I. Issue a writ of mandamus or order or direction in the nature thereof directing a thorough investigation by a duly formed Special Investigation Team (SIT) to look into the sale of the drug Remdesivir and drug Tocilizumab, sale of oxygen cylinders, concentrators, allotment of beds in hospitals for money.

J. Issue or pass any writ, direction or order, which this Hon'ble court may deem fit and proper under the facts and circumstances of the case."

2. At the outset learned counsel appearing for the Petitioner submits that similar issue has been raised in a petition pending before Division Bench-II in W.P. (C) No. 3031/2020.

3. In view of the aforesaid submissions and in order to avoid multiplicity of litigation, this petition is disposed of granting liberty to the Petitioner to file an appropriate application in writ petition being W.P.(C)No.3031/ 2020, in accordance with law, if so advised.

4. With these observations this writ petition is hereby disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

MAY 31, 2021/rk