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

+ **W.P.(C) 6000/2021 (TEMP) (TO BE NUMBERED)**

MAHARAJA AGRASEN HOSPITAL CHARITABLE TRUST

..... Petitioner

Through: Mr. Alok Kr. Aggarwal, Adv. Ms. Anushruti, Adv. Ms. Supreet Bimbra, Adv and Ms. Simran Arora, Advocate.

Nr, Sachin Datta, Sr. Advocate with Mr. Dinesh Sharma, Ms. Ritika Jhurani, Ms. Jipsa Rawat, Advocates with Mr. D.K. Baluja, Medical Director, Jaipur Golden Hospital.

Ms. Prabhsahay Kaur, Advocate in W.P(C) No. 4971/2021

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Tushar Mehta, SGI with Mr.Chetan Sharma, ASG, Ms.Monika Arora, CGSC, Mr. Anil Soni, CGSC with Mr. Shriram Tiwary, Advocate. Mr. Rahul Mehra, Sr. Advocate and Mr. Satyakam, ASC, Mr. Gautam Narayan, ASC, Mr. Anuj Aggarwal, ASC, Mr. Chaitanya Gosain, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

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ORDER
24.04.2021

C.M. Nos. /2021 (to be numbered)

Exemptions allowed, subject to all just exceptions.

The requisite court fees be filed within two weeks.

The applications stand disposed of.

W.P. (C) No. 6000/2021 (TEMP) (to be numbered)

1. Issue notice. Learned counsels accept notice on behalf of respondents. Once again, we are faced the same issue in the present writ petition, namely, the shortage of medical oxygen for treatment of serious patients, primarily, Covid patients in the hospital of the petitioner. Raising the same grievances, the learned counsel for the Saroj Super Speciality Hospital, which has preferred *W.P.(C) 4971/2021* and Batra Hospital and Medical Research Centre, which has preferred *W.P.(C) 4985/2021*, as also the Jaipur Golden Hospital have also mentioned their respective cases pointing out that they too are running out of oxygen for treatment of patients admitted in their respective hospitals.

2. We have heard learned counsel for the petitioner, learned Solicitor General-Mr. Tushar Mehta, Mr. Rahul Mehra, learned senior counsel for GNCTD and all other counsels who are present today. Ms. Sumita Dawra as well as Mr. Piyush Goyal have also joined the proceedings like on earlier dates. Mr. Ashish Verma, OSD (Health), GNCTD has also joined the proceeding for some time.

3. The problem that Delhi continues to face arise primarily on account of the fact that the supply of oxygen to Delhi even at the allocated rate of 480 MT per day is not taking place. The reasons for that appear to be several. One of the primary reason is that three of the plants from which oxygen is to

be supplied are situated at Rourkela, Durgapur and Kalinganagar. We have been informed that so far as Durgapur is concerned, empty Cryogenic Tanks have been airlifted and are in the process of being filled with liquid oxygen. We have also been informed that the railway is waiting in readiness to transport the said tanks to Delhi as soon as the same is loaded. So far as, Rourkela and Kalinganagar are concerned, we have been informed by Ms. Sumita Dawra and Mr. Piyush Goyal that the GNCTD has not made arrangements for Cryogenic Tanks for transporting the liquid oxygen from these plants.

4. Mr. Mehra states that since Delhi is not an industrial State, it does not have any Cryogenic Tanks with it. However, the officers aforesaid stated other States – including those which do not have their own infrastructure of Cryogenic Tanks for industrial use, have made arrangements. Let the GNCTD also take steps in this regard in coordination with the sub-group formed by the Ministry of Road Transport and Highways (MoRTH), in case the Cryogenic Tanks are in short supply.

5. Mr. Mehta states that the Central Government would look into the issue, so that a reasonable arrangement is worked out for making tanks available for transportation of liquid oxygen from all the three plants i.e. Durgapur, Rourkela and Kalinganagar, in coordination with the GNCTD. We make it clear that the efforts of GNCTD has to make in this regard cannot be trivialized, and they should not leave it entirely to the Central Government to act in this regard.

6. Mr. Mehra has stated that yesterday only about 309 MT of liquid oxygen was received in NCT of Delhi till midnight. We are informed that

this, again, was on account of arrangements not being made for Cryogenic Tanks to supply oxygen to Delhi.

7. The GNCTD should, therefore, make all out efforts for procurement of Cryogenic Tankers from whatever source they can be made available, and look for all possible avenues. As aforesaid, the sub-Group in MoRTH shall also help in this regard, and we expect the officers of both the Governments to interact and co-ordinate in this regard.

8. One grievance raised by Mr. Mehra is that the suppliers who are providing Oxygen to Delhi, are not providing details of the quantity of Oxygen supplied to various hospitals within Delhi. He states that even the re-filers of Oxygen in Delhi are not providing information about the Oxygen cylinders that they are supplying to various hospitals. We direct all the suppliers of Oxygen, who are supplying Oxygen in Delhi, to provide complete details of the Oxygen that they supply in the NCT of Delhi by providing details of the hospitals to which they are supplied; the time at which they are supplied; and the quantities which they supply. The information shall be provided to the Nodal Officer of the GNCTD, namely Mr. Udit Prakash Rai. We also direct all the re-filers of Oxygen to provide complete information to the Nodal Officer of the GNCTD with regard to the supplies received; and the supplies made to the specific hospitals/ nursing homes.

9. Mr. Mehra has informed that the GNCTD is empanelling 10 IAS Officers and 14 Danic Officers to monitor the supply of Oxygen to hospitals in Delhi. Once the complete team is put in place by the GNCTD of the IAS Offices and the Danic Officers, the same shall be communicated to all the

hospitals/ nursing homes, and uploaded on the website of the GNCTD.

10. One other aspect that we call upon both the Central Government and the GNCTD to also consider is the augmentation of further resources, keeping in view that the experts in the field are claiming that the peak of the present wave is yet to be reached. Mr. Mehta states that the Government is alive to this situation, and at the highest level, the matter is being considered for provision of adequate infrastructure such as hospital beds, equipments, Oxygen, medical and para-medical staff to deal with the situation as and when it arises. The GNCTD should also look at these aspects, and present before us the plan that they are working on for the NCT of Delhi.

11. The hospitals present before us are expressing their dire need for Oxygen on immediate basis, since they have several patients in ICU, and their lives are at stake. Their requirements have been taken note of by Mr. Satyakam, and Mr. Mehra. As already observed, the Nodal Officer shall take into account, all the demands made by hospitals/ nursing homes while allocating the Oxygen that is received during the day. In case, any security for the hospitals/ nursing homes is sought, the Delhi Police shall examine the same to prevent any untoward incident.

12. List on 26.04.2021.

VIPIN SANGHI, J

REKHA PALLI, J

APRIL 24, 2021

Sr/N.Khanna