

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SUO-MOTU PUBLIC INTEREST LITIGATION NO. 04 OF 2020
(COURT ON ITS OWN MOTION...VS...UNION OF INDIA & OTH.)

WITH

PUBLIC INTEREST LITIGATION NO. 10 OF 2020
(SUBHASH JAINARAYAN ZANWAR...VS...UNION OF INDIA & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.P Bhandarkar, Amicus Curiae
Shri U.M. Aurangabadkar, ASGI for Union of India
Shri M.G. Bhangde, Sr. Adv. a/b Shri D.P. Thakre, Addl.G.P for State
Shri S.M. Puranik, Advocate for NMC
Shri T.D. Mandlekar, Advocate for Intervener
Shri M. Anilkumar, Advocate for Intervener
Shri B.G. Kulkarni, Advocate for IMA

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
APRIL 13, 2021

1] Heard.

2] Shri M.G. Bhangde, learned Senior Advocate assisted by Shri D.P. Thakare, learned Addl. GP, on instructions, submitted that the State Government has, in principle, accepted the proposal regarding setting up of oxygen plant / factory at Nagpur. It is stated that the Government is considering setting up of such plants also at some other places in the State of Maharashtra, and for that purpose, the Chief Secretary, Government of Maharashtra has convened an official meeting on 15/04/2021.

3] Learned Senior Advocate further submitted that as regards the suggestions / directions given to the Commissioner of Police, Nagpur, the issues are examined and the circular dated 12/04/2021 is issued by the Commissioner of Police which addresses the concerns raised yesterday i.e. on 12/04/2021.

4] As far as the issue of Remdesivir Injections is concerned and making provision for centralized portal containing the name of the patient with details / number of aadhar card of the patient, name of the hospital where such patient is hospitalized / treated and the number of dose / doses given to the patients, statement is made by Shri M.G. Bhangde, learned Senior Advocate, on instructions from the Collector, Nagpur, that such centralized portal will be started immediately and wide publicity about it would be given. It is further submitted that the hospitals where the patients are administered dose / doses of Remdesivir Injections will have to ensure that the required data is updated on the centralized portal immediately as soon as the dose / doses of Remdesivir Injections is / are administered to the patients.

Shri M.G. Bhangde, learned Senior Advocate, on instructions from the authorities, further submitted that if a patient is not able to get bed in a Dedicated Hospital and is required to be administered dose / doses of Remdesivir Injections, he can be given the dose / doses in the Outdoor Patient Department of that Dedicated Hospital. In such case also, the concerned hospital will have to update the details as stated earlier on the centralized portal immediately.

If a patient is not able to get the bed in a Dedicated Hospital and is not able to get service even in Outdoor Patient Department in Dedicated Hospital and such patient undergoes treatment in a Non-Dedicated Hospital and the Doctor treating such patient is of the opinion that the dose / doses of Remdesivir Injections is / are required to be administered to such patients, the Collector of the District shall ensure that the dose / doses of Remdesivir Injections is / are made available to such patient also. Such patient shall not be denied the Remdesivir Injections only on the ground that he has undergone treatment in a Non-Dedicated Covid-19 Hospital. In such case also, the Doctor (having minimum M.B.B.S. Degree) of the Non-Dedicated Covid-19 Hospital who is treating the patient will have to certify in the prescribed format with all the necessary reports that such patient requires dose / doses of Remdesivir Injections. Further, in such case also, the details shall be uploaded on the centralized portal.

5] As regards the issue regarding availability of Tocilizumab Injections is concerned, learned Senior Advocate, on instructions, stated that the injection is imported and the distribution and supply of these injections is not regulated by the State Government and its authorities, and the distribution and supply is regulated by the Central Government / Authorities.

Shri U.M. Aurangabadkar, learned ASGI seeks time to take instructions in the matter.

Shri M.G. Bhangde, learned Senior Advocate, on instructions, stated that Tocilizumab Injections are being imported by Cipla Pharmaceuticals and there is one Depot of Cipla Pharmaceuticals at Nagpur from where the medicines are distributed to pharmacists.

6] Till learned ASGI takes instructions regarding regulation of these injections by the Central Government / Authorities, considering the emergent situation, we issue the following directions :-

(a) The Joint Commissioner, Food and Drugs Administration, Nagpur shall take all the details from the Depot Manager or from the Authorized Person working at the Nagpur Depot of Cipla Pharmaceuticals about receipt of Tocilizumab Injections.

(b) The Joint Commissioner, Food and Drugs Administration, Nagpur shall also collect the data from the pharmacists to whom Tocilizumab Injections are supplied from the Nagpur Depot of Cipla Pharmaceuticals or from the Agent of Cipla Pharmaceuticals.

(c) The Depot Manager / Responsible Officer of Nagpur Depot of Cipla Pharmaceuticals and the agent and pharmacists shall furnish all the details to the Joint Commissioner, Food and Drugs Administration, Nagpur within two hours of receipt of the notice from the office

of the Joint Commissioner, Food and Drugs Administration, Nagpur regarding that.

These details shall be collected in respect of transactions from 01/03/2021 onwards.

(d) The Agent of Cipla Pharmaceuticals at Nagpur and the pharmacists who are supplied Tocilizumab Injections and who have sold it shall also furnish the details to the Joint Commissioner, Food and Drugs Administration, Nagpur immediately.

These details shall be collected in respect of transactions from 01/03/2021 onwards.

(e) If any of the above person fails to give the necessary details, the Joint Commissioner, Food and Drugs Administration shall take strict action against the erring person.

(f) The details of availability of Tocilizumab Injections with the pharmacists shall be made available on the centralized portal which is being started by the Collector, Nagpur.

7] We call upon the Collector, Nagpur to examine whether beds can be made available for the needy patients at Mankapur Stadium, Nagpur and at Nagpur Nagrik Sahakari Rugnalaya. For this purpose, the Collector, Nagpur may take assistance of any officer of Nagpur Municipal Corporation or State Government. We make it clear that the officer who is requested by the Collector, Nagpur for this purpose shall co-

operate with the Collector, Nagpur and the records / documents required by the Collector, Nagpur shall be made available to him immediately.

We request the Collector, Nagpur to submit report regarding feasibility of making available beds at Mankapur Stadium, Nagpur and Nagpur Nagrik Sahakari Rugnalaya till the next date.

8] Shri S.P. Bhandarkar, learned Amicus Curiae submitted that two hospitals under the control of Indian Railways, with infrastructure having oxygen supply and ventilators are under-utilized and those facilities can be made available to the needy patients.

We requested Shri U.M. Aurangabadkar, learned ASGI to discuss the matter with the concerned railway authorities and ask them to interact with the Collector, Nagpur so that the facility which is not being properly utilized can be utilized to its optimum for the needy patients.

The learned ASGI showed his willingness.

We hope and trust that the Railway Authorities will co-operate with the Collector, Nagpur and other concerned authorities at Nagpur to make available the facilities in their hospitals to the needy patients.

9] Stand over to 20/04/2021.

(JUDGE)

(JUDGE)