

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.

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

Court's or Judge's Order

Shri S.P Bhandarkar, Amicus Curiae for petitioner.
Shri U.M.Aurangabadkar, ASGI for respondent no.1.
Mrs. Ketki Joshi, I/c. G.P for respondent nos. 2, 5, 6, 8 & 9.
Shri S. M. Puranik, Advocate for respondent no.4.
Dr. P. K. Arora, in-person in CAO No. 723/2021

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

DATED : 25/03/2021

Hearing was conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

2. On direction of this Court, this matter has been listed on Board today for removal of clerical errors appearing in the order dated 23.03.2021. In paragraph no. 8, number of the petition and category of the petition are wrongly mentioned and, therefore, same be substituted with "P.I.L. No. 10/2020". Necessary correction be made forthwith.

3. Shri S.P. Bhandarkar, the learned Amicus Curiae points out that situation in Nagpur District is turning from bad to worse day by day and, therefore, it is necessary, that the Authorities shall place on record the steps they have taken so far for tackling the grave situation. He also points out that during previous year, the Authorities had assured this Court that everyday 30 beds would be created and total number of oxygenated beds, in this manner, would be increased to 1000 beds. It appears that this position is yet to be achieved. We had requested the Authorities to take urgent steps for creation of additional oxygenated beds. It is already thereon record that so far 600 oxygenated beds are available.

4. The learned Incharge G.P, at this juncture, on instructions, submits that process for creation of additional 400 oxygenated beds at G.M.C., Nagpur is under-way and the Authorities are hopeful that in next two weeks this would be achieved.

5. Shri S.P. Bhandarkar, the learned Amicus Curiae has invited our attention to the order passed by this Court on 12.10.2020 wherein, this Court had expressed its' anxiety regarding creation of additional beds at AIIMS, Nagpur. This Court had expected that about 500 beds would be additionally created at AIIMS, Nagpur as early as possible and in order to achieve the said object, this Court had also constituted a Task Force under the Chairmanship of the Divisional Commissioner with a

mandate to visit the premises of AIIMS, Nagpur and work out the details for setting up additional 500 beds. The Task Force in compliance thereof had also filed its report on record.

6. According to the report, 198 additional beds can be made operational in addition to the existing 80 operational beds at AIIMS, Nagpur.

7. Shri U.M.Aurangabadkar, the learned ASGI submits that even though the report shows the possibility of setting up of additional beds, as per his instructions, the possibility cannot be turned into reality without support of the State Government. He submits that necessary infrastructure for putting up additional 198 beds would have to be provided by the State Government. Such inability, however, has not been mentioned in report of the Task Force although, the Director of AIIMS, Nagpur was a Member of Task Force and was a signatory to the report of the Task Force. If such new difficulties are expressed at this hour of the time, it will not be helpful for the administration of Nagpur District to come out of the situation of emergency. Some thing which ought to have been done long ago is now sought to be done. Any way, we direct the Divisional Commissioner and also Director of AIIMS, Nagpur to co-ordinate to each other and ensure that these 198 additional beds are set up within a weeks' time without any excuse. We direct both these Authorities that atleast 50% of the beds to be set up additionally are

oxygenated and the whole work must be completed within a weeks' time from today.

8. As per the latest figure submitted by the learned Incharge G.P., on instructions, regarding operational beds, it is seen that several beds are unoccupied and available for admitting additional Covid-19 patients.

9. It is informed at the bar by the learned Incharge G.P., on instructions, that total bed capacity for Nagpur District and Nagpur Rural barring the area falling within local limits of Nagpur Municipal Corporation is 1359 beds, out of which 797 beds are presently unoccupied. The learned Incharge G.P further submits that out of 797 beds 658 beds are oxygenated and 139 beds are I.C.U. beds.

10. For the hospitals lying within local limits of Nagpur Municipal Corporation, the learned Incharge G.P submits that the position is under control. She informs that G.M.C. Nagpur has the capacity of 600 beds, out of which 155 beds are vacant. She further informs that out of 155 beds, 130 beds are oxygenated and 17 beds are I.C.U. beds.

11. As for Indira Gandhi Government Medical College & Hospital (IGGMCH), Nagpur, it is informed by the learned Incharge G.P. that the bed capacity is of 522 beds, out of which 85 beds are vacant as of today. She

further informs that out of 85 beds 30 beds are oxygenated and 20 beds are I.C.U. beds.

12. We are satisfied, for the present, with the availability of beds, which appears to be in adequate numbers. However, it would be necessary for the Authorities also to think of future and, therefore, as directed by us earlier, additional beds be created within a period of one week from today.

13. Copy of the Civil Application (CAO) No. 723/2020 be supplied to the learned Amicus Curiae, the learned Incharge G.P. and learned Counsel for the other respective respondents, if not supplied so for.

14. Put up this Suo-Motu P.I.L. and Civil Application (CAO) No. 723/2020 for further hearing on **05.04.2021.**

15. Steno copy of this order be supplied to the respective parties.

JUDGE

JUDGE