

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 10261 of 2021 (O&M)

Date of decision:- 26.05.2021

Neelkanth Hospital

.....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present:- Mr. Akshay Bhan, Sr. Advocate with
Mr. Sandeep Wadhawan, Advocate, for the petitioner.

Mr. V.M.Gupta, Addl. Advocate General, Punjab.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court).

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RAVI SHANKER JHA, CHIEF JUSTICE (oral)

The petitioner has filed this petition being aggrieved by the impugned letters dated 17.05.2021 and 18.05.2021 by which the respondent-authorities have directed the petitioner's hospital not to admit covid-19 patients under L2 and L3 facility.

Learned counsel for the petitioner submits that the orders have been passed without actually seeing that the petitioner's hospital has necessary facilities as prescribed under the guidelines and that the unfortunate incident of death of patients occurred at the time when not just the petitioner's hospital but the entire nation was facing shortage of oxygen.

Learned Additional Advocate General appearing for the respondent-State of Punjab submits that in case the petitioner's hospital approaches the respondent authorities by filing a detailed representation and giving details of the fact that they have removed all the deficiencies, the authorities shall look into the same and take a decision on the representation of the petitioner in accordance with law expeditiously as far as possible at an early date.

Having heard learned senior counsel for the petitioner as well as learned Additional Advocate General, Punjab and having perused the orders passed by the authorities Annexures P-11 and P-14, it is observed that the authorities while rejecting the petitioner's representation have observed that

the petitioner’s hospital would not admit the patients under L-2 and L-3 facility until they fulfill the requirements of the guidelines. However, it is asserted by learned senior counsel for the petitioner that the petitioner’s hospital fulfills all the requirements as prescribed under the guidelines.

In view of the aforesaid statement made by learned Additional Advocate General, Punjab, the petition stands disposed of with a direction that in case the petitioner’s hospital approaches the respondent authorities by filing a detailed representation and giving details of the fact that they have removed all the deficiencies, the authorities shall look into and take a decision on the same in accordance with law expeditiously as far as possible at an early date.

It is made clear that this Court has not expressed any opinion on the merits of the case and therefore, the respondent-authorities would be at liberty to examine the matter keeping all facts and facets into consideration and thereafter accept or reject the same in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.05.2021
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Whetherspeakingreasoned	Yes/No
Whetherreportable	Yes/No