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

Date of decision: 21st January, 2021

+ **W.P.(C) 11246/2020**

MESSERS BIOTIC WASTE SOLUTIONS PVT. LTD. Petitioner

Through: Mr. Navneet Panwar, Advocate.
(M:9899039899)

versus

GOVT. OF N.C.T. OF DELHI & ORS. Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD.
Mr. Balendu Shekhar, Advocate for
R-4.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done by video conferencing.
2. The present petition has been filed by the Petitioner, which is a provider of services related to handling and disposal of Bio-Medical waste from various health care facilities, hospitals and other COVID-19 centres. The grievance of the Petitioner is that although the Petitioner has been rendering timely services, since April 2020 the payments for the said services have not been made by the Respondents. As of December 2020, when the petition was filed, the outstanding amount of payment stands at Rs. 83,89,198/-
3. Mr. Panwar, ld. counsel appearing for the Petitioner submits that the Petitioner, being a Micro Small and Medium Enterprise (*hereinafter*, "*MSME*"), due to non-payments, it has also availed MSME loans. However, even the said limits has expired. He further submits that despite repeated representations having been made to the Respondents from time to time,

payments have yet not been released in the favour of the Petitioner.

4. On the last date, this Court had heard ld. counsels for the parties and had directed as under:

“4. In view of vital nature of the services being performed by the petitioner in the present circumstances, learned counsels agree, without prejudice to the rights and contentions of the parties, that a responsible officer of the Directorate General of Health Services shall call a meeting of all the concerned stakeholders within one week from today in an attempt to resolve these disputes and put an end to the grievances of the petitioner.”

5. Pursuant to the said directions, ld. counsels for the parties have informed the Court that a meeting was held on 6th January, 2021 under the aegis of the Secretary, Health and Family Welfare Department, GNCTD. It is stated that as per the minutes of the said meeting, the District Authorities have been directed to process the payments and release the same. The said minutes of the meeting have been emailed to the Court. A perusal of the same shows that there is no dispute as to the rendering of the services by the Petitioner, as also the rates for the same. The relevant extract of the Minutes read:

“Minutes of Meeting held on 06/01/2021 at 3:00 P.M.

As per direction of Hon’ble High Court a meeting was held on 06/01/2021 at 3:00 P.M. in the Conference Hall, DHC Building, F-17, Karkardooma, Delhi to discuss the issues regarding outstanding dues of Biotic Waste Solution Pvt. Ltd.

A list of participants annexed (Annexure-A).

Following are the proceedings of the meeting-

...

3. *It was discussed that in accordance with the decision taken in the Meeting of Advisory Committee for Bio-Medical Waste Management dated 29.07.2020 Rates for handling/treatment and disposal of waste generated during treatment/diagnosis/quarantine of COVID-19 patient was fixed at Rs.20/- per Kg. (Rupees Twenty only per Kilogram) for dedicated COVID care facilities established under Govt. of NCT of Delhi.*

4. *Payment has to be made by dedicated COVID care Facilities/Occupier i.e. respective districts. This may include COVID Testing Centers and COVID Care Centres (including Quarantine and Isolation Centres).*

5. *Representative from CDMO (South District) informed that invoices raised by Biotic Waste Solution for COVID-19 Biomedical Waste has been processed and forwarded to DM Office, South District (SDM Caretaking).*

...

7. *All the District Authorities were directed to process payment due for dedicated COVID Care Facilities at the earliest.*

This issues with the approval of the Director General of Health Services, Govt. Of NCT of Delhi.”

6. Since the Petitioner has been rendering essential services during the COVID-19 pandemic, it ought not to be constrained to approach this Court for release of payments which are due for the said services. The Respondents ought to have made these payments in a timely manner and on a monthly basis. If parties such as the Petitioner have to come to the Court for payments, it would be completely detrimental to the interest of various COVID-19 treatment centres, including hospitals and other such facilities.

It would also be contrary to public interest, as disposal of Bio-Medical waste is an absolutely essential service during the pandemic.

7. Considering the case of the Petitioner, as also the minutes of the meeting dated 6th January, 2021, the following directions are being issued:

- (1) The entire outstanding payments due to the Petitioner shall be cleared by the concerned District Authority within a period of one week from today.
- (2) If the said payment is not released within one week, personal liability would be affixed on the officer(s) concerned who has the power to release the said payments.
- (3) Insofar as future monthly payments are concerned, upon the Petitioner raising invoices with respect to the same, after requisite verification, as agreed, the payments shall be made within 10 days after the submission of the invoice
- (4) If there is any delay in payments to the Petitioner, the Petitioner is permitted to approach the Secretary, Health and Family Welfare Department, GNCTD, who shall personally look into the said payments.

8. The petition is disposed of in the above terms.

PRATHIBA M. SINGH
JUDGE

JANUARY 21, 2021/dk/Ak