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

% *Decided on: 27th April, 2021*

+ W.P.(C) 5027/2021

KUSH SHARMA

..... Petitioner

Through: Mr.Chinmoy Pradip Sharma, Sr.Adv.
with Ms.Asiya Khan, Adv.

Versus

GOVERNMENT OF NCT OF DELHI

..... Respondent

Through: Mr.Santosh K.Tripathi, Standing
Counsel with Mr.Aditya Khanna, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JASMEET SINGH

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

C.M.No.15402/2021 (exemptions) & 15403/2021(permission to file lengthy synopsis and list of dates)

For the reasons stated in the application and in view of the present prevailing situation, the present application is allowed subject to just exceptions. However, the applicant is directed to file duly signed and affirmed affidavits within a period of one week and the requisite Court fee within a period of 72 hours from the date of resumption of regular functioning of the Court.

The application is disposed of.

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1. This public interest litigation has been preferred with the following

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prayers:-

- “a) Issue a writ of mandamus directing the Respondent to issue an Order directing Inspectors under the Drugs and Cosmetics Act, 1940 to oversee and ensure maintenance of records of sale and distribution of Covid-19 management drugs and equipment such as Oxygen Concentrators, Favipiravir and Tocilizumab etc.;
- b) Issue a writ of mandamus directing the Respondent issue an Order directing Inspectors under the Drugs and Cosmetics Act, 1940 to audit the sale records of dealers and distributors of Covid-19 management drugs and equipment such as Oxygen Concentrators, Favipiravir and Tocilizumab etc.;
- c) Issue a writ of mandamus directing the Respondent issue an Order directing Inspectors under the Drugs and Cosmetics Act, 1940 to take strict measures to ensure that Covid-19 management drugs and equipment such as Oxygen Concentrators, Favipiravir and Tocilizumab etc. are not sold at prices higher than MRP and there is no diversion into the hands of persons other than licensed dealers and distributors;
- d) Issue a writ of mandamus directing the Respondent to make information relating to stocks of Covid-19 management drugs and equipment such as Oxygen Concentrators, Remdesivir, Favipiravir and Tocilizumab etc. available on a web portal as well as a helpline so that persons who are looking to procure these drugs and equipment for Covid-19 patients are able to contact the dealers/ distributors who have available stocks;
- e) Issue a writ of mandamus directing the Respondent to make adequate supply of Covid-19 management drugs and equipment such as Oxygen Concentrators, Remdesivir, Favipiravir and Tocilizumab etc. available at the chemist shops of every hospital so that family members/ relatives/ friends of Covid-19 patients can easily purchase them;
- b) Issue a writ of mandamus directing the Respondent issue an Order directing Inspectors under the Drugs and Cosmetics Act, 1940 to audit the sale records of dealers

and distributors of Covid-19 management drugs and equipment such as Oxygen Concentrators, Favipiravir and Tocilizumab etc.;

- c) Issue a writ of mandamus directing the Respondent issue an Order directing Inspectors under the Drugs and Cosmetics Act, 1940 to take strict measures to ensure that Covid-19 management drugs and equipment such as Oxygen Concentrators, Favipiravir and Tocilizumab etc. are not sold at prices higher than MRP and there is no diversion into the hands of persons other than licensed dealers and distributors;
- d) Issue a writ of mandamus directing the Respondent to make information relating to stocks of Covid-19 management drugs and equipment such as Oxygen Concentrators, Remdesivir, Favipiravir and Tocilizumab etc. available on a web portal as well as a helpline so that persons who are looking to procure these drugs and equipment for Covid-19 patients are able to contact the dealers/ distributors who have available stocks;
- e) Issue a writ of mandamus directing the Respondent to make adequate supply of Covid-19 management drugs and equipment such as Oxygen Concentrators, Remdesivir, Favipiravir and Tocilizumab etc. available at the chemist shops of every hospital so that family members/ relatives/ friends of Covid-19 patients can easily purchase them;
- k) Issue a writ of mandamus directing the Respondent to issue a directive to the staff handling dead bodies at the hospital and at the cremation ground to follow the Covid-19 Guidelines issued by the Government of India for dead body management allowing the family member to view the dead body to the extent permissible; and l) Pass any other/further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. Having heard the learned counsel for the parties and looking to the

facts and circumstances of the case and also looking to the submission made by the learned Standing Counsel for the respondent that the grievances as ventilated by the petitioner in this writ petition, have also been raised before another Division Bench of this Court in W.P.(C) No.3031/2020 in which several orders and various directions have already been issued from time to time by the Division Bench. It is, therefore, submitted that if the petitioner may file an application for intervention in the said pending writ petition.

3. In view of the aforesaid, we hereby dispose of this writ petition, reserving liberty with the petitioner to file an application for intervention before the Division Bench dealing with W.P.(C) No.3031/2020. As and when such an application is preferred, the same will be dealt with in accordance with law.

CHIEF JUSTICE

JASMEET SINGH, J

APRIL 27, 2021

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