

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

CIVIL APPLICATION (CAO) NO. 617 OF 2021

AND

CIVIL APPLICATION (CAO) NO. 804 OF 2021

AND

SUO-MOTU PUBLIC INTEREST LITIGATION NO.4 OF 2020

(COURT ON ITS OWN MOTION...VS..UNION OF INDIA THR. SECRETARY, DRUGS AND FOOD
 QUALITY CONTROL SECTION, MINISTRY OF HEALTH & FAMILY WELFARE DEPARTMENT AND 84
 OTHERS.)

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

Court's or Judge's orders

 Shri S.P.Bhandarkar, Amicus Curiae a/b. Ms Nidhi Dayani, Adv.
 Shri U.M.Aurangabadkar, ASGI for Respondent No.1.
 Ms Ketki Joshi, G.P. & Mr N.S.Rao, A.G.P. for Respondents/State.
 Shri S.M.Puranik, Advocate for Respondent No.4.
 Shri B.G.Kulkarni, Advocate for Respondent No.10-IMA.
 Shri S.S.Sanyal, Advocate for Respondent -MPCB.
 Shri Masood Sharif, Adv. a/b. Shri Adil Mirza, Adv. for MOIL
 Shri Nitin Lambat, Advocate for Railways.
 Shri S.V.Jaiswal, Advocate for Respondent No.19
 Shri S.A. Pathak, Advocate for Respondent No.21.
 Shri Amit Choube, Adv.h/f. Shri Akshay Naik, Adv. for Resp.No.22.
 Shri S.M.Bhagde, Adv.h/f. Shri D.M.Kale, Advocate for Respondent No.35.
 Shri Jatin Kumar, Advocate for Respondent No.35.

CORAM : SUNIL B. SHUKRE AND
ANIL L.PANSARE, JJ.

DATED : JANUARY 06, 2022.

1. Heard.

2. By the order passed on 12th May 2021, this Court had directed the Collector, Nagpur to consider setting up of an Oxygen Plant at Shalinitai Meghe Hospital and Research Centre, Nagpur by utilizing funds which would be received by the Collector by way of CSR Contribution from the Western Coalfields Limited (WCL) as well as Manganese Ore (India) Limited (MOIL). But, later on this Court refused permission to the Collector to utilize these funds for setting up of any

Oxygen Plant at Shalinitai Meghe Hospital and Research Centre, Nagpur. As a result of the same, the CSR Funds, which are available with MOIL, are lying unutilized. The MOIL on its part is seeking a direction for deciding the location of the Oxygen Plants, so that funds could be released and the Collector, Nagpur on her part is seeking a direction from this Court for modification of the said directions given in the order dated 12th May 2021.

3. According to the learned Government Pleader, now, the Collector, Nagpur has taken a decision to setup Cryogenic Oxygen Plants, one each at Saoner and Umrer in Nagpur district by utilizing the CSR funds to be released by MOIL and therefore, she makes a request for issuance of directions in the matter.

4. The learned counsel appearing for MOIL has no objection.

5. Accordingly, allowing both the applications, we direct that the CSR Funds of Rs.3.50 Crores be released by MOIL to Collector, Nagpur for the purpose of utilization of the same for setting-up of Oxygen Plants, one at Saoner and one at Umrer.

6. We direct Collector, Nagpur and MOIL to complete the formalities, including signing of MoU, if any, within a week's time from the date of the order.

7. Both the Civil Applications are **disposed of** accordingly.

SMPIL NO.4/2020.

As regards the steep rise in number of COVID-19 patients, Shri Bhandarkar, learned Amicus Curiae has certain suggestions to make. He has tendered an additional affidavit incorporating these suggestions, before this Court, which is taken on record and marked as “X” for identification.

Copies of this additional affidavit be furnished to the learned Government Pleader and the learned counsel for the Nagpur Municipal Corporation, if not supplied so far.

We direct Collector, Nagpur and the Municipal Commissioner, Nagpur Municipal Corporation, Nagpur to file their respective responses to the suggestions given in the instant affidavit.

Stand over after **two weeks**.

(ANIL L.PANSARE,J)

(SUNIL B. SHUKRE,J)

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