



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

CIVIL APPLICATION (CAO) NO. 1430 OF 2023

IN

SUO MOTU PUBLIC INTEREST LITIGATION NO. 4 OF 2020

(Court on its own Motion Vs. Union of India, through Secretary, Drugs and Food Quality Control Section,
Ministry of Health and Family Welfare Department, New Delhi and 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), Advocate for Petitioner.
Ms N.P. Mehta, Addl.G.P. for RespondentnOS. 2, 5, 6, 8 & 9/State.
Shri S.S. Sanyal, Advocate for respondent No. 12
Shri B.G. Kulkarni, Advocate for Indian Medical Association
Shri S.A. Chaudhari, Advocate h/f Shri N.S. Deshpande, Advocate for respondent
No.22

CORAM : ANIL S. KILOR, AND
SMT.M.S.JAWALKAR JJ.

DATED : 20/03/2024.

1. In the present application a prayer is made to de-freeze the amount of Rs.3,61,03,200/- (Three Crore Sixty One Lakhs Three Thousand Two Hundred) out of balance CSR fund which was deposited to the tune of Rs.23,57,75,000/- from various companies and Government undertakings related to Covid-19 treatment and management.

2. Time to time with the directions of this Court the amount was released out of the above referred CSR fund for installation of Oxygen Generation Plant and for providing similar medical facilities.

3. In the present application, the Collector has pointed out requirement of medical machinery and

equipments to be procured for the sake of treatment of patients from the balance CSR amount. The list of machines are given in the application which is as follows :

Sr. No	Name of Machinery	Department	Unit Price	Req. Qty. Nos. Units	Total
1	Ultrasonic Cutting & Coagulating Device with Advance RF Energy System	Surgery	23,00,000	1	23,00,000/-
2	Laparoscopic System Medium End		75,00,000	1	75,00,000/-
3	Anesthesia Workstation with Multipara Monitor (Medium End)	Anesthesia	17,05,200	1	17,05,200/-
4	X Ray Machine	FMT	10,00,000	1	10,00,000
5	Body Weighing Machine & Body Height Machine		5,00,000	1	5,00,000/-
6	Central Suction and Oxygen Pipe line System for ward nos. 20, 26 and OT	OBGY	15,05,000	1	15,05,000/-
7	Advance Video Polysomnography Machine	TB and Chest	24,90,000	1	24,90,000/-
	Grand Total 1,70,00,200/-				

4. Similarly there is requirement of high yield comprehensive unit dental chair and accessories which are necessary to be procured in the rural hospital in the Nagpur district for the sake of treatment of patients coming from rural areas. For this purpose Rs.65,00,000/- is required.

5. Furthermore, a requirement of anesthesia workstation which is necessary to be installed in the Daga Government Hospital, Nagpur for the sake of treatment of patients to be spent out of the balance amount of CSR fund is stated and for this purpose, the amount required is 25,00,000/-.

6. Thus, the total demand is of Rs.3,60,80,200/-.

7. We are of the opinion that since the amount is demanded out of the balance CSR amount for the sake of treatment of patients including the patients of rural areas which fulfills the purpose for which the CSR fund was deposited by the various companies and the Government undertaking, we are of the opinion that the request made by the Collector shall be allowed and accordingly, the application is allowed and thereby we permit the applicant to utilize the amount of Rs.3,60,80,200/-. We further permit to utilize Rs.80,000/- towards remuneration of Hon'ble Shri Justice M.N. Gilani(Retired). The amount be released in favour of the Collector, Nagpur. It is expected that the respective authorities shall submit the compliance report to the Collector and in turn the Collector shall file an affidavit of compliance before this Court, within six months from today.

JUDGE

JUDGE