



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

CIVIL APPLICATION NO. 522 OF 2024

IN

SUO MOTU PUBLIC INTEREST LITIGATION (S.M.P.I.L.) NO. 01 OF 2023

C.H.SHARMA AND ORS.

...Vs...

STATE OF MAHARASHTRA THROUGH SECRETARY, MEDICAL EDUCATION AND DRUGS DEPARTMENT, MUMBAI AND ORS.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri A.J. Gilda, Advocate/Amicus Curiae for petitioners.
Shri D.P.Thakare, Addl.G.P. for respondents/State.
Shri Firdos Mirza, Advocate for respondent nos. 1 to 3.
Shri S.M.Puranik, Advocate for respondent nos. 4, 5 and 15.

CORAM: AVINASH G. GHAROTE AND
SMT. M.S.JAWALKAR, JJ.

DATED : 23rd APRIL, 2024.

The respondent no. 3 has filed an application for expunging of remarks at paragraph nos. 2, 4 and 5 of the order dated 22/04/2024. We have already constituted a Committee to look into the position regarding condition of the Operation Theatres and the Intensive Care Units in GMCH as well as IGMCH and we expect the report to be placed before this Court by 29/04/2024. We will consider this application on 30/04/2024.

S.M.P.I.L. NO. 01 OF 2023

Insofar as the procurement of machines and equipments, as indicated in para 2 of order dated 17/04/24 is concerned, it is stated by Mr. Mirza,

learned counsel for respondent nos. 1 to 3 that the process of retender has commenced and insofar as the machines at Sr. Nos. 1, 4, 7, 8 and 9 of the list at page nos. 2139 and 2140 is concerned, the process is expected to be completed by 10/05/2024. So far as the machines at Sr. No. 1 of the list at page no. 2140 is concerned, it is stated that a fresh tender was issued on 22/04/2024 and the process is likely to be completed by 07/05/2024. It is also stated that the Purchase Order for Digital Cardiac Cathlab Machine is issued on 12/03/2024 and within 8 to 12 weeks, the delivery of the machines is expected.

2. The RO plant, necessary for use for dialysis, is also said to have been tendered on 18/04/2024, the process of which, is likely to be completed by the end of May and the order shall be placed with successful tenderer to be completed as early as possible.

3. Mr. Mirza, learned counsel for respondent nos. 1 to 3, insofar as the directions as contained in paragraph nos. 15 to 18 of the order dated 15/03/2024, to place an affidavit on record, stating the reason for non-compliance, in spite of the direction issued in that regard and the persons responsible for them. Such an affidavit with information, as indicated, be placed before this Court

by 30/04/2024, so that the Court can then issue appropriate directions in that regard.

4. There is no 3T MRI Machine for the Super Speciality Hospital, in view of which, considering the fact, that the proposal for purchase of the same, was approved in November, 2017 itself, however, on account of aborting of the tender process, the same has not been procured as yet, a statement in that regard was directed to be made, as indicated in para 4 of the order dated 04/04/2024. The affidavit is placed on record today. In para 6, it does not indicate any progress is done in that matter, except for a statement that a fresh proposal dated 22/04/2024 has been submitted by respondent no. 3. We are mindful of the fact, that the Country is undergoing the phase of Lok Sabha election, that however, does not mean that everything else comes to a stand still, moreso in the field of providing medical facility to the needful. We, therefore, direct the respondent no. 1 to file an affidavit in this Court indicating the time frame in which 3T MRI Machine shall be procured for Super Speciality Hospital at GMCH, Nagpur. It is made clear, that the ongoing election shall not be cited as a reason for the purpose of delay in procuring the machines, as the administrative approval for the procurement has already been granted in 2017 itself. An affidavit, in this regard shall be placed on record

by 30/04/2024. The same shall be done in respect of proposal receipt by respondent no. 1 regarding the amenity areas, which has been received by it on 07/03/2024 and an affidavit to that effect indicating timeline shall be placed on record by 30/04/2024. For all these things, the timeline should be as short as possible. The respondent no. 10 insofar as the permission for issuance of work order for the erection of Police Post at the GMCH is concerned, is directed to grant requisite permission for issuance of work order as well as, construction of sanitary walls and patients amenity area with toilet and the code of conduct shall not come in his way for granting such permission as these are urgently required for public amenity at Government Medical Hospital.

5. Insofar as the directions contained in para 8 of the order dt. 17/4/2024 is concerned, para 10 in the affidavit dated 23/04/2024 records, that as of now, there is sufficient facility available. The Court shall revisit this issue as and when the learned *Amicus Curiae* points out the same.

6. Mr. Puranik, learned counsel for N.M.R.D.A., upon instructions, makes a statement, that 20% of the work of the Cancer Hospital has been completed and all efforts shall be made for speedily completing rest of the work.

7. Mr. Mirza, learned counsel for respondent nos. 1 to 3, makes a statement, that the technical sanction for procuring the other machines as listed at page 2141 has been received and the matter shall be proceeded forthwith and the report in that regard made by 30/04/2024.

8. List the matter on 30/4/2024.

(SMT. M.S.JAWALKAR, J.) (AVINASH G. GHAROTE, J.)

B.T.Khapekar