

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

**Suo-Motu P.I.L. No.4 of 2020**

(Court on its own motion vs. Union of India and Ors.)

with

**P.I.L. No.10 of 2020**

(Subhash Jainarayan Zanwar vs. Union of India and Ors.)

with

**P.I.L. No. 25 of 2020**

(Advocate Kamal s/o. Lakhmichand Satuja .vs. Union of India and Ors.)

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

Court's or Judge's orders

Mr.S.PBhandarkar, amicus curiae for petitioner.  
Mr.U.M.Aurangabadkar, ASGI with Mr.Santok Singh Sokhi,  
Advocate and Mr.Deshmukh, Advocate for respondent no.1.  
Mrs. Ketki Joshi, G.P, Mr. D.P. Thakare, Addl.  
G.P & Mr. N.S. Rao, A.G.P for respondent nos. 2, 5, 6, 8 &  
9.  
Mr.S.M.Puranik, Advocate for respondent no.4.  
Mr.B.G.Kulkarni, Advocate for respondent no.10.  
Mr.C.S.Samundra, Advocate for MADC.  
Mr.M. Anilkumar, Advocate with Ms Rukhsar Sheikh, Ms  
Shweta Burbure and Ms Mitisha Kotecha, Advocate for  
Intervenor/applicant (C.A. No.5775 of 2021 & 692 of  
2020 in P.I.L. No.4 of 2020).  
Dr. Tushar D. Mandlekar with Mr. Rohan Malviya, Advocates  
for respondent No.13 - Dr. Shishir Kolhe – Intervenor.  
Dr.PK.Arora, in-person in CAO No.723 of 2021.  
Mr.Ram Heda, Advocate for Applicants in Civil Applications  
C.AO. St. Nos. 4987 of 2021 and 4988 of 2021.  
Mr.Nitin Lambat, Advocate for Railways.  
(Ms Sushma Advocate for Respondent No.1).  
Mr. Nitin P Lambat, Advocate for Indian Railways.  
Mr. Vaibhav Bhure, Advocate for intervenor.  
Mr. Aditya Goyal, Advocate for intervenor.  
Mr. S.S. Sanyal, Advocate for Maharashtra Pollution Control  
Board.  
Mr. V.R. Bhute, Law Officer, Collector Office, Nagpur.  
Mrs. Mugdha Chandurkar with Mr. Rohan Chandurkar,  
Advocates for W.C.L.  
Mr.Vikram Trivedi, Advocate for respondent no.20.  
Mr.Ray Chaudhari, Senior Advocate with Mr.Akshay A. Naik,  
Advocate for respondent no.22.  
Mr.Sujit Lahoti, Advocate for respondent no.23.  
Mr.Ameya Moharir, Advocate for respondent no.24.  
Mr.Jatin Kumar, Advocate with Mr.Pratik Joshi, Advocate  
for respondent No.25 - Vidarbha Industries Association.  
Mr.Anil S.Mardikar, Senior Advocate with Mr.Arun  
Agrawal, Advocate and Mr.Kunal Nalamwar, Advocate for  
intervenor.  
Mrs.Trupti Chimote, Law Officer, Divisional Commissioner  
Office, Nagpur.

Dr.Anjan Ray, Senior Advocate for Indian Institute of Petrochemicals.

Mr.S.V.Sirpurkar with Mrs. (Dr.) R.S. Sirpurkar, Advocate for applicant/intervenor.

Mr.PD.Meghe, Advocate for Intervenor.

Mr.Suyash Agrawal, Advocate for respondent no.32.

**CORAM** : SUNIL B. SHUKRE &  
AVINASH G. GHAROTE, JJ.

**DATE** : 19.5.2021.

Heard.

2. There are several miscellaneous applications which are pending as of now. These applications have been filed by the intervenors desirous to assist the Court. In some of the applications, specific directions of this Court have been sought and many of these directions have already been issued by this Court. If the number of such intervention applications increases, it creates burden upon this Court and also upon learned *Amicus Curiae* to manage the file of these petitions in an effective way and, therefore, it is necessary that a direction in this regard is issued by this Court.

3. Accordingly, it is directed that all the intervenors, present and future, shall approach the learned *Amicus Curiae* with their grievances, inputs and information in the nature of assistance to the Court with a request to the learned *Amicus Curiae* to place the same before this Court. In case any further assistance is required by this Court, the learned counsel appearing for the intervenors are always

welcome to assist this Court with the permission of this Court. Accordingly, all the pending applications for intervention are **disposed of**.

4. It is further directed that in future, no intervention application shall be accepted by the Registry and any person desirous of assisting this Court may approach the learned *Amicus Curiae*.

5. This Court has already made an attempt to get detailed information about availability of CSR funds with different private sector companies operating in Vidarbha Region through Vidarbha Industries Association, Nagpur - respondent No.25. But, the response that this Court has received so far from different companies is not encouraging. This attempt is being made by the Court with a view to strengthen the health care system in Vidarbha Region, especially in view of Covid -19 pandemic. This Court, therefore, expected not only from the State Government, but also from the public sector companies and also private sector companies to make their contributions to the noble cause. While response from some of the public sector companies like WCI / CIL and MOIL has been so far extremely good, the same is not with the private sector companies. We have also not received any response from such public sector companies like NTPC, MAHAGENCO (Power Generation), MAHAGENCO (Power Transmission) and MSEDCL. There are also big companies like Tirora Thermal Power Station,

Gondia and various cement manufacturing plants at Chandrapur. When these corporate entities are enjoined with a statutory duty (See section 135 of the Companies Act, 2013), it is expected that these companies discharge their duties whenever they are called upon to do so and in our opinion, there could have been no better opportunity than the present time and present cause to discharge such duty. If these companies have not so far responded to the call given by this Court, this Court would have to issue necessary directions for making these companies wake up and answer the call of their duty. Accordingly, we direct the Divisional Commissioner, Nagpur and the Divisional Commissioner, Amravati to obtain the entire information as regards the availability of CSR funds with all the companies operating in their respective divisions. The Divisional Commissioner shall call for this information through the concerned Joint Director, District Industries Centre and verify through the Joint Director the correctness of the information so provided by these companies to him. We further direct the Divisional Commissioner, Nagpur and the Divisional Commissioner, Amravati to make a request for release of CSR funds which may be found to be available upon such verification with such companies. The whole exercise be completed and result of the same be placed before this Court on or before the next date.

6. Shri Bhanudas Kulkarni, learned counsel

for respondent No.10 submits that respondent No.10 has filed an application seeking directions of this Court to respondent nos. 1 to 7 in view of black fungus or Mucormycosis disease affecting several patients post recovery from Covid-19 disease. He submits that in last 15 days, 43 eyes have been removed and 26 deaths have occurred, all due to Mucormycosis. He further submits that in last 2 days new 109 cases of Mucormycosis has been reported. He further submits that IMA has obtained information of the experts in the field and after collating it, has summarized those opinion in this application which is filed today. He points out from the report that although the spores of this fungus, Mucormycosis, are present in the air, they badly hit the patients whose immunity has been reduced considerably on account of several factors. Some of the relevant factors in the present case include reduction of immunity on account of weakness which develops after recovering from Covid-19 and also due to misuse of steroids. He, therefore, submits that time has come now for the Government to launch an awareness campaign regarding cause and symptoms and issue an advisory on precautions which can be widely published and also issue modified SOP for treatment of this disease. He also submits that it is necessary that all the hospitals are directed to maintain stricter norms of hygiene.

7. We have gone through the application and also the annexures filed along with it. The annexures

broadly summarize the cause, symptoms and effects of Mucormycosis and the precautions which are required to be taken. It also points out the treatment to be given to the patients while highlighting the toxicity of some of the drugs which are available for treating this disease in current situation.

8. The Learned GP has submitted to this Court copy of Government Resolution, dated 18<sup>th</sup> May 2021, which directs inclusion of Mucormycosis patients for giving benefit of Mahatma Jyotiba Fule, Jan Arogya Scheme. This G.R is taken on record. Learned Counsel Mr.Anil Kumar appearing for the intervenor has placed on record the present SOP prevalent for treatment of Mucormycosis.

9. On going thorough the present SOP, it is seen that it does take care of the concerns expressed by the experts regarding toxicities of some of the drugs. However, considering the fact that some of the drugs are highly toxic and affect kidney, it is necessary that the detailed SOP for prescription and use of these drugs is issued by the Government. We accordingly, direct the State Government to consider issuance of a detailed and more specific SOP, if possible, preferably giving the contraindications.

10. It has been brought to the notice of this Court that the drugs which are being used for treating Mucormycosis patients are quite costly. It has also been informed to this Court that quantity and dosage

of these drugs are very high. If this is so, the treatment of this disease may be out of reach of several patients. Besides this, incidence of Mucormycosis has also risen alarmingly. In such a situation, it is necessary that some steps are taken by the Government for bringing down the prices of these drugs to affordable level. We would, therefore, request the National Pharmaceutical Pricing Authority to look into this aspect and issue directives, if possible, for reducing the prices of these drugs to affordable level. There is yet another problem arising from short supply of all these drugs used for treatment of Mucormycosis. It is reported that there are about 26 companies located at different places in India which are involved in manufacturing of the drugs used for treatment of Mucormycosis. It would be appropriate if the Central Government regulates the production and distribution of these drugs across India so that there may not be shortage of these drugs in future.

11. We, therefore, request National Pharmaceutical Pricing Authority and Central Drug Controller to issue necessary directions as regards regulation of production of the drugs, increase of production capacity and distribution of these drugs to different States of India, which would, of course be in relation to the number of caseload of each of the States.

12. So far as Vidarbha region is concerned, we

are of the view that the Division Commissioner, Nagpur and the Divisional Commissioner Amravati, can immediately start awareness campaign to acquaint members of public with the cause, effect and preventive measures to be taken to tackle Mucormycosis or black fungus disease. The IMA has already placed on record guidelines to be followed to safeguard patients from post Covid-19 black fungus disease. These guidelines, we direct, be given wide publicity in at least three languages Marathi, Hindi and English. This shall be done by the Divisional Commissioner Nagpur and the Divisional Commissioner, Amravati through Public Information Officer. The Commissioners of Municipal Corporations in Vidarbha Region shall also ensure that these guidelines are given wide publicity in Marathi, Hindi and English languages. The Posters of these guidelines be also prepared and be pasted at different places. These guidelines can be circulated on social media, which should also be done. The Civil application Stamp No.6323/2021 is disposed of accordingly.

13. Stand over to 27.05.2021 at 11 a.m.

**JUDGE**

**JUDGE**

*SSJaiswal*