

101/201

CRM-W-560-2021 &  
CRWP-242-2021

Rishi Vs. State of Haryana & ors.

Present : Mr. Rupinder Khosla, Sr. Advocate with  
Mr. Sarvesh Malik, Advocate as amicus curiae.

Mr. Baldev Raj Mahajan, Advocate General, Haryana with  
Mr. Ankur Mittal, Addl. A.G. Haryana.

Mr. Atul Nanda, Advocate General, Punjab with  
Mr. Vikas Mohan Gupta, Addl. A.G. Punjab  
Ms. Amanat Chahal, AAG Punjab.

Mr. Pankaj Jain, Senior Standing Counsel with  
Mr. Jaivir Chandail, Addl. Govt. Pleader for U.T. Chd.

Mr. J.S. Toor, APP for U.T. Chd.

Mr. Satya Pal Jain, Addl. Solicitor General of India with  
Mr. Dheeraj Jain, Advocate for the UOI.

Mr. Anupam Gupta, Sr. Advocate with  
Mr. Pradeep Sharma, Advocate for the applicant  
in CRM-W-560-2021.

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Case has been taken up on Video Conferencing in view of COVID-19  
Pandemic.

Mr. Rupinder Khosla, learned amicus curiae has drawn our attention to exorbitant rates charged by the laboratories in covid times. According to him, charges of tests relating to this particular disease need to be reduced by private labs as every citizen cannot have the access to Government facility which is already overburdened. He further submits that the proposal to put in place a system for teleconsultancy has not so far borne any fruit leaving the citizens in lurch. He has also referred to recent spread of black fungus in the region. According to him, steps need to be taken to curb this at the initial stage itself.

Mr. Atul Nanda, learned Advocate General, Punjab submits that main emphasis of the Government at present is providing help in the villages for which Health Wellness Centres have been set-up. According to him, the issue of telemedicine is being examined separately for which this court may issue appropriate directions. As regards the spread of black fungus, he submits that the drug namely Amphotericin B is available of which 30,000 vials have been ordered by the State of Punjab from a reputed drug company.

Mr. Pankaj Jain, Senior standing counsel representing U.T. Chandigarh has drawn our attention to a publication made by it whereby Chandigarh has been divided into five zones for the purpose of teleconsultancy. A perusal thereof shows that the U.T. Chandigarh has been segregated into five zones and doctors have been assigned to each zone. Their phone numbers are mentioned in the publication itself. Even sector wise and village wise break up has been given in the same with help desk for every particular zone. According to him, this facility is functional at present. As regards security for oxygen cylinders, same has been slashed to ₹8,000/- and rates for CT and HRCT have been reduced from ₹2,000/- to ₹1900/-. However, Mr. Anupam Gupta, learned senior counsel as well as Mr. Rupinder Khosla, learned amicus curiae submit that this reduction in the rates for HRCT, which is very frequently advised in covid cases, is cosmetic in nature. We, therefore direct that the U.T. Chandigarh may impress upon the private diagnostic centers to reduced it further to ₹1800/- for HRCT.

Mr. Satya Pal Jain, Additional Solicitor General has pointed out that there are five mobile service providers in the State of Haryana. Their particulars are as below:-

| Name of Service Provider | Nodal Officer of Service Provider |
|--------------------------|-----------------------------------|
| 1. M/s BSNL              | Sh. Kamal Kishore (9416010410)    |
| 2. M/s RJIL              | Sh. Braj Mishra (8130073262)      |

3. M/s Airtel Sh. Ashutosh Kalia (9888770800)
4. M/s VIL Mr. Hussain M. Zaidi (9990035224)
5. M/s RCOM Present not providing the services

He submits that an Officer of Government of Haryana can be in touch with the said companies to explore whether telephone numbers of Doctors/Medical experts available in the particular local area can be publicized through these companies. Mr. Mahajan submits that needful shall be done in consultation with the concerned Ministry of Government of India. Mr. Jain further submits that every State from which request for more ventilators/containers is received is processed by the Central Control Room forthwith and immediate steps are taken.

Union of India may apprise the court of progress in this regard on or before the next date of hearing.

A question regarding the spread of black fungus has arisen during the course of hearing. At the outset, Mr. Nanda submits that he shall consult the experts whether any preventive measures can be taken for the spread of menace of the black fungus. In case any such steps are possible, same be taken immediately and this court be apprised on the next date of hearing.

It is evident that States of Punjab, Haryana and U.T. Chandigarh have placed orders for the supply of drug known as Amphotericin B for the treatment of patient stricken by black fungus. As per the stand of Government of India, five more companies have been licensed to manufacture the drug. At present eleven pharmaceutical companies have been licensed to manufacture the said drug. However, concern of this court is as regards preventive steps, if any, possible. State of Punjab, State of Haryana, U.T. Chandigarh and the Union of India would assist this court on the issue.

Lastly the issue of over-charging by certain laboratories except those operating as NGO's and for charitable purpose needs to be addressed. It is not clear whether any regulatory mechanism is in place for the purpose. Learned counsel submit that they shall examine this aspect and address the court.

Adjourned to 25.05.2021.

Registry is directed to split the paper-book into three manageable parts before the next date of hearing.

(RAJAN GUPTA)  
JUDGE

(KARAMJIT SINGH)  
JUDGE

May 21, 2021  
*Ajay*



सत्यमेव जयते

