

ITEM NO.20

Court No.1
(By Virtual Hearing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) Diary No(s). 10918/2020

SACHIN JAIN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH IA No. 51868/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT and IA No. 51683/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT and IA No. 48303/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT and IA No. 48304/2020 - APPLICATION FOR HEARING DURING VACATION and IA No. 59281/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 51677/2020 - EARLY HEARING APPLICATION and IA No. 49494/2020 - EARLY HEARING APPLICATION and IA No. 60658/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 49495/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 58200/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 51899/2020 - GRANT OF INTERIM RELIEF and IA No. 51866/2020 - INTERVENTION APPLICATION and IA No. 51682/2020 - INTERVENTION APPLICATION and IA No. 51673/2020 - INTERVENTION APPLICATION and IA No. 49491/2020 - INTERVENTION/IMPLEADMENT and IA No. 49493/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No. 48305/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 14-07-2020 The matter(s) was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Petitioner-in-person

For Respondent(s)/
Applicant(s)

Applicant(s)-in-person

Mr. Harish Salve, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Parul Shukla, Adv.
Mr. E.C. Agrawala, AOR.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rohan Talwar, Adv.
Mr. E. C. Agrawala, AOR

Mr. Tushar Mehta, Ld. SG
Mr. Kanu Agrawal, Adv.
Ms. Swati Ghilgiyal, Adv.
Mr. Rajat Nair, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Raj Bahadur Yadav, Adv.

Mr. Anand Grover, Sr. Adv.
Mr. Mihir Desai, Sr. Adv.
Mr. Irshaan Kakkar, Adv.
Ms. Nupur Kumar, AOR

Mr. Mihir Desai, Sr. Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard the matter at some length.

The basic prayer of the petitioner is that there should be a nation-wide cost related regulation for treatment of COVID-19 patients at private/corporate hospitals. It is alleged by the petitioner that the private/corporate hospitals are commercially exploiting the patients suffering from COVID-19 by charging exorbitant charges. As such, it is submitted that the patients, who cannot afford such huge costs, are deprived of proper treatment.

We completely agree that the cost of medical treatment for COVID-19 should not act as a deterrent to the patients suffering from the said pandemic resulting in denial of access to medical care. No one should be deprived of access to the medical care, because of the high cost towards the charges for treatment of COVID-19.

At the same time, we also fully agree with the submissions of Sri Harish Salve and Sri Mukul Rohatgi, learned senior counsel, appearing for the respondents that it is not possible to determine/lay down the uniform cost structure, for treatment of patients suffering from COVID-19 through out the country, inasmuch as the cost structure varies from State to State and Union Territory to Union Territory, depending upon the conditions and the availability of medical facilities. There is unanimity among all that the cost of treatment for COVID-19 is not and cannot be the same in all the States/Union Territories.

We, therefore, consider it inequitable to impose a ceiling on the charges for treatment of COVID-19.

The learned counsel have placed before us different models adopted by some States for regulating COVID-19 treatment in private/corporate hospitals. Sri Anand Grover, learned senior counsel and the petitioner - Sachin Jain have also brought to our notice that some States have notified the guidelines for treatment of patients of COVID-19.

There has been a debate before us about the suitability of various models adopted by States, particularly about which model should be recommended by Union of India to other States. However, there is a divergence of opinion on this issue which we are not inclined to go into because it is not possible for us to

determine which model is suitable for which State. Parties agree that the circumstances in each State are vastly different. We, therefore, decline to consider this aspect any further.

In absence of complete details from each of the States/Union Territories, it is not possible for this Court to decide which model is best, for treatment of COVID-19 patients.

Sri Tushar Mehta, learned Solicitor General appearing for the Union of India, submits that several issues raised by the petitioner in this Writ Petition, have already been addressed by the Government and further the Government is prepared to consider any further suggestions of the petitioner and others to take an appropriate decision.

In view of the submissions made by the learned counsel and learned Solicitor General, we permit the petitioner party-in-person, learned counsel or their representatives to make a representation in this behalf to the Secretary, Ministry of Health and Family Welfare, Government of India, who shall meet all the parties concerned of the present petition on 16.07.2020 at New Delhi and an appropriate decision may be taken within a period of one week thereafter. The decision of the said meeting shall be placed before this Court for further consideration of the matter before issuing directions/guidelines under the provisions of the Disaster

Management Act, to the various State Governments/Union territories. List the matter for further consideration thereafter.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR