

Present: Mr.Sudhir Malhotra, Advocate for the petitioner

Mr.SP Jain, Addl. Solicitor General of India with
Mr.Dheeraj Jain, Senior Counsel for UOI
respondent Nos. 1 to 3

Mr.Anshuman Chopra, Advocate for respondent No.4

The matter has been taken up through video-conferencing in the light of the pandemic Covid-19 situation and as per instructions.

Vide order dated 21.5.2021, Mr. SP Jain, Addl. Solicitor General of India had sought time to seek instructions in the light of order dated 7.5.2021. The learned Senior counsel pleads no specific instructions but states that the decision is yet to be taken by the competent authority. The present petition was filed on 15.6.2020, however, the grievance of the petitioner has not been addressed by the authorities. This extreme technicality in difficult times of Covid-19 pandemic is highly deplorable. In fact, the State ought to have facilitated import of the ventilators. Thousands of people, who are lying admitted, are not getting oxygen or ventilators, which is very vital for the treatment of Covid patients. The oxygen and ICUs are required here and now. Any delay by the administration in providing the ventilators shall definitely result into fatalities.

In the circumstances, when the nation is witnessing huge number of deaths everyday and certain deaths have happened for want of ventilators, the denial of permission to import the ventilators by the

administration is not in the interest of the patients. Therefore, we order that the import of ventilators in question be allowed without further delay, in case the same carry certification from the manufacturer. However, in the larger interest of the patients and to ensure that the ventilators received are as per the specifications prescribed by the competent authority, the petitioner is directed to inform within 24 hours after their receipt to the competent authority to inspect the same with regard to quality thereof. On receipt of such information, the competent authority shall depute concerned official to determine the factum that the ventilators are fit to be utilized. In case, the same are found to be deficient as per the specifications laid down by the Government of India, the same be not put to use. However, the petitioner shall pay all duties admissible on such goods, and it will be only after the certification by the competent authority, the ventilators in question be put to use.

To come up on 29.6.2021.

[JITENDRA CHAUHAN]
JUDGE

[VIVEK PURI]
JUDGE

28.5.2021
gsv