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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C)2944/2021

COURT ON ITS OWN MOTION

..... Petitioner

versus

UNION OF INDIA AND ORS.

..... Respondents

Through:

Mr. Chetan Sharma, ASG and Mr. Anil Soni, CGSC with Mr. Amit Gupta, Mr. Vinay Yadav, Mr. Akshay Gadeock, Mr. Sahaj Garg & Mr. R. Venkat Prabhat, Advocates for the respondent/ UOI.

Mr. Sanjoy Ghose & Ms. Urvi Mohan, Advocates for respondent/ GNCTD.

Mr. Vipin Nair & Mr. Sughosh Subramanyam, Advocates for Bharat Biotech International Ltd. (BBIL).

Mr. Hitesh Jain, Ms. Pooja Tidke, Ms. Malvika Kapila Kalra & Mr. Pranav Sarthi, Advocates for Serum Institute of India (SII).

Mr. Rakesh Khanna, Senior Advocate with Mr. Rakesh Malhotra, Advocate, along with Mr. Vishnu Sharma, Co-Chairman, for Bar Council of Delhi (BCD).

Mr. Mohit Mathur, President and Mr. Naginder Benipal, Member Executive, for Delhi High Court Bar Association (DHCBA).

Mr. Mukul Gupta, Mr. Ramesh Gupta & Ms. Geeta Luthra, Senior Advocates and Mr. Amitabh Chaturvedi & Mr. Ankit Monga, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

04.03.2021

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1. In response to the notice issued by this Court, the respondents are



represented. Besides the respondents, the Delhi High Court Bar Association (DHCBA) and Bar Council of Delhi (BCD) are also represented. A few other lawyers interested in the issue arising in the present matter have also joined the proceedings being held through VC.

2. On our query, learned counsel for both the Serum Institute of India (SII) and Bharat Biotech International Ltd. (BBIL), i.e., respondent nos. 3 and 4, state that as of now they have capacity to manufacture in excess of the present demand.

3. Let the respondent nos. 3 and 4, i.e., SII & BBIL, file their respective affidavits disclosing the following facts & figures:

- (i) Their capacity to manufacture the COVAXIN and COVISHIELD Vaccine respectively on a daily/ weekly/ monthly basis;
- (ii) They should also disclose the daily off-take of the vaccines from their respective institutes and how much excess quantity of the vaccine is lying unutilised, and;
- (iii) They should also indicate whether they can scale-up their capacities, if the need arises.

4. The Union of India (UOI), respondent no. 1 should also file an affidavit disclosing:

- (i) The capacity to transport the vaccines while maintaining the cold chain, particularly in the NCT of Delhi;
- (ii) The extent to which the said capacity is presently utilized should also be indicated;
- (iii) The rationale behind keeping a strict control over the class of persons



who can be presently vaccinated;

- (iv) As noticed in our last order, under the present arrangement persons above the age of 60 years and those falling in the age group of 45-60 years with serious co-morbidities alone can receive the vaccinations. The rationale for such a classification should also be disclosed.

5. The DHCBA and the BCD shall also file their respective affidavits disclosing the strength of the Bar Association and the members enrolled in the Bar Council as that would give a fair idea as to how many people would need vaccination within the judicial system in Delhi. The affidavit should also indicate as to how many of them are likely to be covered by the existing policy.

6. In the meanwhile, we direct the GNCTD to inspect the medical facilities presently available in all the Court Complexes in the District Judiciary and to report whether vaccination centres could be created in those facilities. The shortcomings in respect of the said facilities, if any, should also be disclosed.

7. All parties shall file their respective affidavits by 09.03.2021 after exchanging copies with each other.

8. List on 10.03.2021.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 04, 2021

B.S. Rohella