# Twitter Thread by Bar & Bench

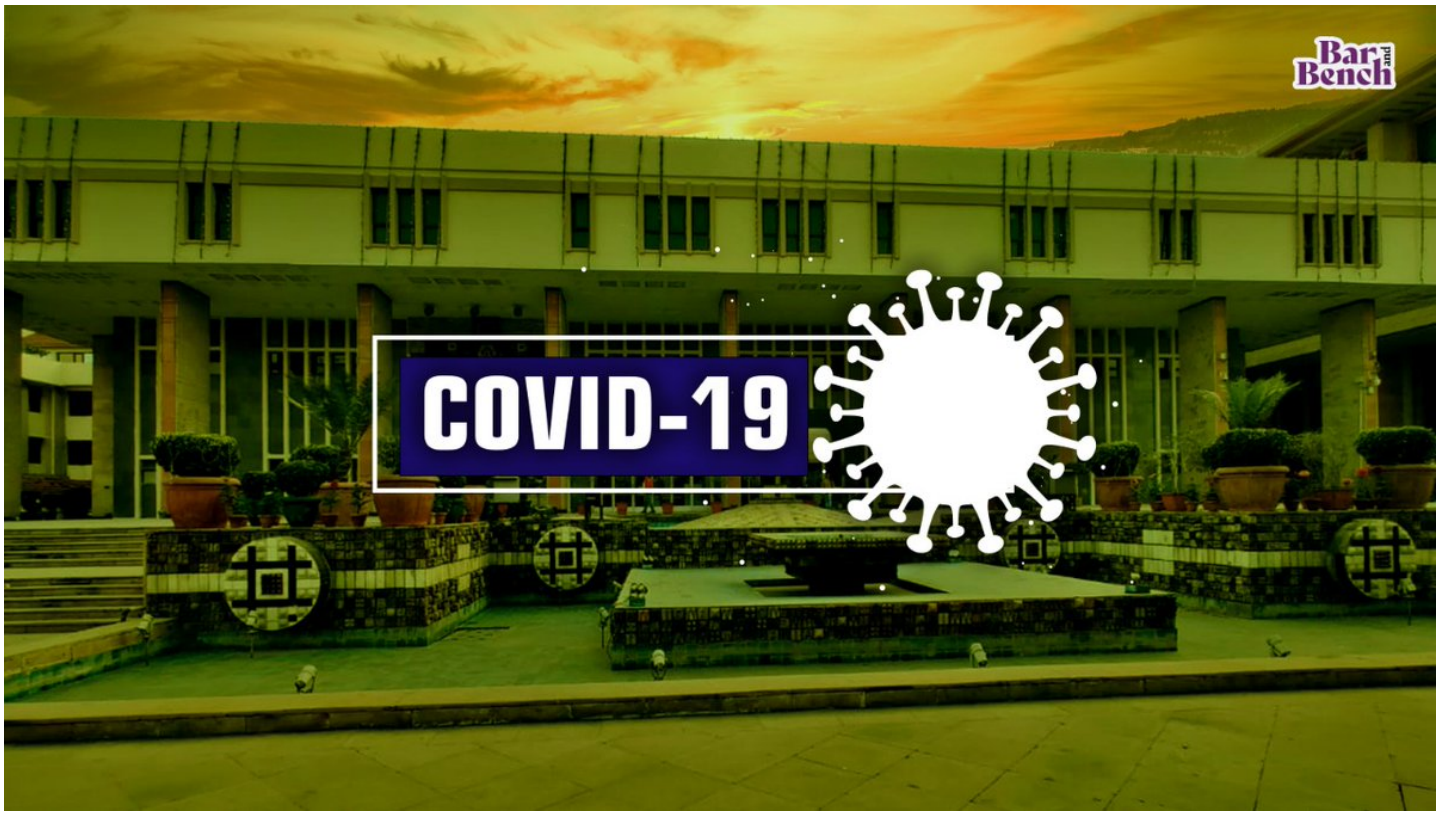
**Bar & Bench**
@barandbench

**Delhi High Court begins hearing plea concerning #COVID19 situation in the national capital.**

**Hearing before Justices Vipin Sanghi and Rekha Palli.**

**#OxygenCrisis #OxygenShortage**

**@CMODelhi @MoHFW_INDIA**




Any orders passed by the Supreme Court: Court

It is listed today. As of now I have no instructions: ASG Chetan Sharma

It will be taken up once item 301 is over : Counsel

We will proceed. Did the meeting take place : Court

Yes, it did. Mr Mehra is appearing before Surpreme Court: Adv Satyakam urges Court to take up the matter little later.

Maharaja Agrasen Hospital, adv Alok Aggarwal: We have ICU beds and emergency beds. We don't charge emergency patients for oxygen. There is a notice to Hospitals saying we have to attend to all emergency patients within 10 mins and give them oxygen and medicines.

There is no one who is able to tell us there are people supposed to go if we can't admit them. We are full. They can't keep on occupying emergency area.. I can't kill a person because I've to admit another patient : Aggarwal

Please take instructions. There seems to be some disconnect.. and as if you're living in a different world, out if sync. How hospitals are dealing with it. Why do you pass these orders : Court to Delhi Government

You may take action against a particular hospital (for lapse).. you don't seem to take into account oxygen: Court

All issues are inseparable. Order says treat them for 10-15 mins.. : Satyakam

You think you have discharged your duty with this think of order? This is nothing more than a paper exercise and satisfying your own conscience: Court

I will take instructions: Stayakam

Provide it to us so that we can provide to them : Aggarwal

Don't be unreasonable. You can't win this wat by issuing (such directions) sitting in your office.. you are only compounding your problems: Court to Delhi Government

Please retrace your steps : Court

If it (Supreme Court) is over, we will take it up at 12:30 : Court

Yesterday, cylinder vendors didn't attend the meeting.. Smaller onces are dependent on cylinders.. if the chunk of cylinders could be filled, smaller hospitals could cater to large number of people: Senior Adv G Tushar Rao for a hospital.

If govt can supply more, my hospital can put 10 more ICU beds.. if we can maintain continuity, we would help a large number.. smaller hospitals are also standing with people for refilling of cylinders: Rao

We've understood. This is another aspect we will deal with : Court

I'm in special bench. If the court can pardon by absence: SG Tushar Mehta

Court says it will await outcome of Surpreme Court.

Hearing to resume after Surpreme Court finishes the suo motu hearing.

Hearing to resumes at 2:30 pm, court master informs.

#DelhiHighCourt

#COVID19

@CMODelhi @MoHFW_INDIA

Hearing begins.

#DelhiHighCourt

#COVID19

@CMODelhi @MoHFW_INDIA

There are some compliances on part of Centre: ASG Sharma

We have also filed a detailed affidavit: Senior Adv Rahul Mehra for Delhi Govt

Senior Adv Maninder Singh for Shanti Mukund hospital: Our allocation oxygen has bene reduced. We are without oxygen.

Chief Secretary could place the facts of the meeting..where are we headed. We have tried to accomodate almost everybody: Mehra

Let us first deal with this : Court

My allocation is 3.2MT. demand is 4MT. They allocated 2.69 MT. Inox is gone. It is Linde. We have no allocation order : Singh for Shanti Mukund

How much oxygen is to be given to a patient can't be decided by the babu sitting in office : Singh

You have to procure it and with some certainity : Singh

Centre has issued order on usage of oxygen: Court

They say this is the usage of ICU and non ICU. They have a formula. That yardstick is adopted by the Delhi govt : Court

We will come to quantity later but who is my supplier and when will it reach: Singh

We are not at all adversarial to what Mr Singh is saying. To tide over this issue, we spent 2 hours : Mehra

Chief Secretary Delhi (CS) : more than 130 participants were there...it went in a cordial manner. We must ensure that existing contractual agreements should be honoured. We said yes.. we will ensure those are taken care of.

We want to ensure that hospitals have certainity. We requested all suppliers that now that they know how much tankers they have.. you should give us daily, for next three days how much will be you arrival in Delhi. We will then allocate quota for three days : CS

By today evening, we are going to issue order based on data from hospital. Quota is yet to be finalised. Order is going to come. in case hosps still have grievances, we would be open to change: CS

In the meantime, what is the position today? : Court

Position is not disrupted: CS

Singh says Delhi govt had his writ petition for the last 3 days.

They are not sending the oxygen. You need not wait for order to send one communication to Linde to send oxygen to Shanti Mukund: Singh

If my friend wants some brownie points..: Mehra.

We are not here for brownie points.. we are here to save lives: Singh

Nobody's entire requirements are being met.. we will meet their requirements: Mehra as asks counsel for the hospital to get in touch

Linde has point blank refused to give oxygen cylinder: Singh

Have it (2.69) delivered right away : Court

I'll report to my lord in half an hour. I can apologize : Mehra

You apologize today. I hope you don't apologise tomorrow: Singh

I would urge CS to place the order on supplier first : Singh

We are not going to supervise. You have to issue and then place it before us : Court

The intension was never that we need to seek order of the court. CS is aware...we wanted to draft and pass the order last night but due to lack of.. : Mehra

You have (the data) now.. you pass it right now. We hope in the meantime, the supplies are not stopped : Court

It is very clear: Mehra

To tell Mr Singh, supply of 1 ton is on the way. 1.4 ton was sent yesterday : Aseem Chaturvedi for Inox

Uncertainty must go: Singh

What would have been happening if your lordships were not intervening: Singh

We crossed 400 barrier yesterday.. it was 407.96: Mehra

There is a jump of 102 MT. It's substantial jump. With all the tankers at disposal, the situation would not deteriorate. : Mehra

Mehra says there are 13 additional tankers at disposal and 18 more are to be imported.

Venkateswara Hospital is to run out of oxygen. Nodal officer is not answering his call : Adv Sachin Puri

This is constant complain. Which means there is truth in it : Court

@CMODelhi

Why is everyone going to Mr Bhiduri : Mehra

Have you given contacts of other officers, Court asks

I'll take instructions. Why are these calls not going there (to others) : Mehra

What is the point of creating infrastructure when they have to come here : Court

Now you know about Venkateshwara: Court

Mehra says he will facilitate.

We were informed cylinder vendors did not attend the meeting: Court

One representative was there. There are 10-14 of them. We repeatedly asked : Mehra

Are they present here? : Court

In case these people are not falling in line.. you better take action: Court

If we take action in these times..: Mehra

You take over the plant. Take these people in custody. You have all the power..these cylinders are being sold in black market for lakhs of rupees: Court

Let your officers be there : Court

Mehra says action will be taken by evening.

SG Tushar Mehta points out the power of govt under Disaster Management Act.

We were not supposed to act because they were to be present here : Mehra

Were they informed by you? : Court

I'll take instructions: Mehra

What about individuals who want to get their cylinders filled? : Court

They are the same centres. Across India there are no cylinders now..: Mehra

If they can just put one officer..if they are able to fill hospital cylinders..it may become smoother: Rao

This cylinder buisness is complete mess and you have to put your house in order. People have to buy it in black for lakhs: Court to CS

Let them see what we are going to do. We are going to direct you to take over the plant and run it.. : Court to CS

We have told them that they need to join the proceedings: CS

Senior Adv Malvika Trivedi for intervenor mentions her application on shortage of medicines and oxygen.

There has to be a mechanism for individuals because the black market is causing this problem. If police is also impleaded in the matter : Trivedi

Mehra says that two of this friends who are willing to supply oxygen but are sacred that they would be prevented by the local police there.

One friend's factory has been taken over by Rajasthan, says Mehra

We can't advise them what to do.. you can take it to the war room: Court

We have written to the war room: Mehra

How can we direct those officers (in Punjab and Haryana) to release the cylinders : Court

Mehra says if SG Mehta can use his good offices.

Aggarwal again raises the issue of emergency patients and the oxygen usage for them is not being accounted for.

We cannot take more patients in after the Delhi govt order. We don't have medicines. These will lead to more legal medical issue later: Aggarwal

I want to read the entire order : Mehra

Aggarwal shows the April 25 notice in question.

I want to tell what is the intent behind it : Mehra

The order directs hospitals to attend patients in triage area within 10 mins.

In case of non availability it medical facility, pateint should be referred to other hospital, says order

This kind of notice will lead to legal issues later on : Aggarwal

Are you govt hospitals following this ?: Court

I'll file it on affidavit. Is someone come to you in emergency..: Mehra

The culture of issuing order which are not called for ..and tomorrow just to tell people if passed these order.. is that the objective..: Court

A patient must be attended to immediately: Mehra

Generally to issue such orders in not called for. Doors of the hospitals are open. This proceeds on assumption that hospital are not going their jobs : Court

Court may take judicial notice.. : Mehra

Of what: Court

The intent is not that someone wants to take action : Mehra

It's like saying everyone has to pay GST. Of course one has to : Court

Mehra says patients are being denied treatment.

It is just an advisory: Mehra

We are not serving any useful purpose. We are unnecessarily putting pressure of hospitals.. you think doctors, nurses are sitting idle.. is that the position according to you? What was the ocassion to issue? : Court

Patients were not being attended to. They were complaining about it : Mehra

It is a mere advisory to that extent. It should be taken in that spirit: Mehta

Aggarwal shares pictures of his emergency room.

Two people are in one bed. There are people everywhere. How will we do it : Aggarwal

The intent was to sensitise the hospital : Principal Secretary Health, Delhi government

These are exceptional circumstances. We also had feedback from patients. Entire hospital system.. the promptitude was not there..the order was issued in this spirit: Sec

This is a continuum of other orders on clinical refinement. The rise is steep. Scale has overwhelmed the health system. : Sec.

This appears to be .. only as a window dress only to satisfy the patient. You don't see the other side. Your own hospitals are not achieving this. Are any of them able to to this? : Court

You are not able to deal with numbers. Nobody is able to. If there is an instance, by all means issue a communication to the hospital. This order assumes that hospitals are deliberately failing to achieve this : Court

This was not the intent: Sec.

My hospital has been allocated 2 MT. For seven years we have been getting oxygen. From 22-27th, we got zero oxygen in cylinders : Aggarwal

On 23rd why that order was passed.. we have been constantly asking this question from refillers. We have been wanting an audit but they are not willing to : Mehra

Satyakam informs that refillers can't join.

Court asks non essential people to exit the meeting.

Rakesh Malhotra raises issues of Remdesivir m

Let Remdesivir be given as per allocation like oxygen: Malhotra

Malhotra says there's a circular saying that Remdesivir is to be given only to admitted patients.

This itself is arbitrary. What will happen to those being treated at home: Singh

Even after the order patients' families are made to go to get it. We have suggested a centralised portal. Beds, oxygen supply, medicine problem can be solved : Trivedi

All this can be dealt with.. 100 calls a day. Each one of us are dealing with it when the govt should be dealing with it : Trivedi

Because of this lapse black market is thriving today. It is the biggest problem: Trivedi

Malhotra says a patient needs 6 vials but there's no certainty on whether one would get.

An Advocate mentions that his family member is not being able to get treatment in Maharaja Agrasen.

We have kept him in Emergency. We don't have ICU beds. We are doing all that we can : Aggarwal

If hospitals run out of oxygen next, we are in for a big trouble: Aggarwal

Court asks Mehra if there can be a centralised portal.

#DelhiHighCourt

We have to see if the supply line is there: Mehra

What is the supply chain. There are manufacturer and distributors. Who should know .. what is the supply being made per day. That transperancy should be maintained and reflected: Court

#DelhiHighCourt

Remdesivir is somewhat similar to oxygen. If it's not there, it's not reaching: Mehra

It is only a very small fraction which needs Remdesivir.. your order says you won't give it to anybody being treated at home .. is wrong. You are taking somebody's life : Court

Today you don't have a bed for a rich man or a poor man. How can you say you won't get Remdesivir because you don't have a bed : Court

Nobody is saying you have to take it on your own. Why are you supposing that people will take it on their own. People are taking online prescription: Court

It is only logical what is falling from court : Mehra

There is definite hoarding going on : Court

#DelhiHighCourt

Hoarding is going on.. I will place how many raids . it's not as if my drug control officers are sitting: Mehra

All of this is happening.. we have taken over shops and supply chains. There are unlawful infiltrators from other States: Mehra

There are not enough remdesivir: Mehra

If hospital pharmacies can give a list of how much have they been supplied... automatically hoarding and black marketing will come out : Trivedi