

(2021) 05 JH CK 0004

In the Jharkhand High Court

Case No : Cont. Case (Civil) No. 220 Of 2019, Writ Petition (C) No. 918 Of 2019,
01 Of 2021

Jyoti Sharma And Ors

APPELLANT

Vs

State Of Jharkhand and Ors

RESPONDENT

Date of Decision : 05-05-2021

Acts Referred:

Citation : (2021) 05 JH CK 0004

Hon'ble Judges : Dr. Ravi Ranjan, CJ; Sujit Narayan Prasad, J

Bench : Division Bench

Advocate : Vimal Kirti Singh, Rohitashya Roy, Saurav Arun, Anupam Lal Das,
Pandey Neeraj Rai, Rajiv Ranjan, Ashok Kumar Yadav, Rajiv Sinha, Sandeep
Kumar, Bharat Kumar, Vimal Kirti Singh, Rohitashya Roy

Judgement

1. Matters have been heard through video conferencing and there is no complaint whatsoever regarding audio and/or visual quality.

2. Reference may be made to order dated 3rd May, 2021.

Mr. Vimal Kirti Singh, learned counsel for the petitioner in W.P.(C) No. 01 of 2021 at the outset has submitted that in order dated 3rd May, 2021

there is some typographical mistake to the effect that instead of recording installation of medical gas (oxygen liquid tank) of the capacity of 5000

It has been typed installation of liquid oxygen plant of the capacity of 5000 MT.

We, after considering the aforesaid submission, deem it fit and proper to make necessary correction in order dated 3rd May, 2021 by passing an order

to the effect that installation of liquid oxygen plant of the capacity of 5000 MT shall be read as installation of medical gas (oxygen liquid)

tank of the capacity of 5000 It.

Accordingly, order dated 3rd May, 2021 is modified to the extent, as indicated herein above. The other part of the order shall remain intact.

3. Mr. Vimal Kirti Singh, learned counsel for the petitioner appearing in W.P.(C) No. 01 of 2021, in pursuance to the order dated 3rd May, 2021, has

submitted that order has been placed for supply of medical liquid oxygen storage tank before the company situated at Pune, where assurance has been

given that by the 1st week of June, 2021, the supply of medical liquid oxygen storage tank, will be made available. He has further submitted that State

Government, if will make endeavor on its part, the period of supply of the aforesaid medical liquid oxygen storage tank can be reduced.

4. So far as laying out of the oxygen pipe-line in the 2nd and 3rd floor of the newly constructed part of Sadar Hospital, Ranchi is concerned, it has

been submitted that the work of pipeline to flow oxygen to the beds is complete. So far as laying out of the oxygen pipe-line in the 4th and 5th is

concerned, it has been submitted that by today, it will also be completed.

5. We, after taking into consideration the aforesaid aspect of the matter about supply of medical gas (oxygen liquid tank) of the capacity of 5000 lt or

above in the first week of the month of June, 2021, has made a suggestion to the learned counsel appearing for the parties, particularly learned

Advocate General, who also happens to be retained counsel of Bokaro Steel Plant to seek appropriate instruction for making available a â??medical

gas (oxygen liquid tank) of the capacity of 5000 lt or above on temporary basis i.e., till the supply of such tank is being made available by Vijeta

Projects and Infrastructure Ltd, the company which has been entrusted with the work of supply of such tank.

6. Upon this, Mr. Rajiv Ranjan, learned Advocate General, who also happens to be retained counsel of Bokaro Steel Limited, has submitted that he

will seek appropriate instruction on the issue from the competent authority of the Bokaro Steel Limited and apprise this Court by tomorrow itself.

7. We, after considering the aforesaid submission and considering the urgent need of the storage tank to be installed in Sadar Hospital to facilitate the

oxygen toward the beds for smooth supply of oxygen to the persons suffering from Covid-19, deem it fit and proper to call upon the competent

authority of the Bokaro Steel Limited for interaction on the issue.

Accordingly, we direct Mr. Rajiv Ranjan, learned Advocate General also the

retained counsel of Bokaro Steel Plant, to communicate this order to the competent authority of the Bokaro Steel Limited for his appearance through on-line mode to assist this Court on the issue.

8. Mr. Rajiv Sinha, learned A.S.G.I has also participated in the proceeding and similar request has been made to him, as has been made in preceding

paragraph, to seek appropriate instruction from the competent authority of the Central Government to provide medical gas (oxygen liquid tank) of

the capacity of 5000 lt or above, upon which, he submits that he will come back tomorrow by seeking appropriate instruction from the competent

authority of the Central Government.

9. In course of hearing of the proceeding, learned counsel appearing for respondent no. 10 in W.P.(C) No. 918 of 2019 has submitted that he is the

sub-contractor of principal contractor, namely, Vijeta Projects and Infrastructure Ltd., who had issued a cheque of Rs. 3.8 crores in lieu of work

performed by it regarding installation of pipe-line for supply of oxygen etc. but the aforesaid cheque has been bounced.

Upon this, Mr. Vimal Kirti Singh, learned counsel for the petitioner- contractor, namely, Vijeta Projects and Infrastructure Ltd., has submitted he will

seek instruction in this regard from the principal contractor, namely, Vijeta Projects and Infrastructure Ltd.

10. So far as query made by this Court regarding utilization of the building of the H.E.C. Plant Hospital is concerned, Mr. Rajiv Ranjan, learned

Advocate General, who is also retained counsel of H.E.C., has submitted that the Deputy Commissioner, Ranchi has scheduled to visit today to look

into the feasibility to use the said building for creating oxygen supported bed to be utilized for the persons suffering from Covid-19 infection as such, he

has submitted that subsequent development with respect to utilization of the building of the plant will be apprised to this Court by tomorrow.

11. We, after taking into consideration the aforesaid aspect of the matter, direct to list these cases, on 6th May, 2021.