

ITEM NO.83 Court 13 (Video Conferencing) 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

Miscellaneous Application No. 1805/2021 in W.P.(C) No. 539/2021

(Arising out of impugned final judgment and order dated 30-06-2021 in W.P.(C) No. No. 539/2021 passed by the Supreme Court Of India)

GAURAV KUMAR BANSAL

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION.

IA No. 147377/2021 - APPLICATION FOR PERMISSION

IA No. 146330/2021 - CLARIFICATION/DIRECTION

IA No. 146331/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 146332/2021 - EXEMPTION FROM FILING O.T.)

Date : 17-12-2021 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA**

For Petitioner(s) Petitioner-in-person

**Mr. Pranjal Kishore, Adv.
Mr. Aditya Jain-1, AOR**

For Respondent(s)

**Mr. Tushar Mehta, SG
Mr. K.M.Nataraj, ASG
Ms. Aishwarya Bhati, ASG
Mr. Rajat Nair, Adv.
Mr. Amit Sharma, Adv.
Mr. Sughosh Subramanyam, Adv.
Mr. Arvind Kr. Sharma, AOR
Mr. G.S. Makker, AOR
Mr. B. V. Balaram Das, AOR**

**Ms. Manisha Lavkumar, Sr. Adv.
Ms. Deepanwita Priyanka, AOR**

**Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. K.V. Girish Chowdary, Adv.**

**Ms. Diksha Rai, AOR
Mr. Shuvodeep Roy, Adv.
Ms. Ragini Pandey Adv.**

Mr. Abhinav Mukerji, AOR
Mrs. Bihu Sharma, Adv.
Ms. Pratishtha Vij, Adv.
Mr. Akshay C. Shrivastava, Adv.

Mr. Arun R. Pednekar, Adv.
Ms. Mukti Chowdhary, AOR

Mr. Anil Grover, Sr. AAG
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Sanjay Kumar Visen, AOR
Mr. Bhanwar Jadon Adv.
Ms. Sakeena Quidwai, Adv.
Mr. Arun Adhlakha, Adv.

Mr. Anil Grover, Sr. AAG
Dr. Monika Gusain, AOR

Mr. G.M. Kawoosa, Adv.
Ms. Taruna Ardhendumauli Prasad, AOR

Mr. G. Prakash, AOR
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. Anoop R, Adv.

Mr. Saurabh Mishra AAG
Mr. Nachiketa Joshi, Adv.
Mr. Manoj Kumar, Adv.
Mr. Sunny Choudhary, AOR

Mr. Rahul Chitnis, Adv
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

Mr. Siddhesh Kotwal, Adv
Ms. Ana Upadhyay, Adv
Ms. Manya Hasija, Adv
Ms. Pragya Barsaiyan, Adv
Mr. Akash Singh, Adv
Mr. Nirnimish Dube, AOR

Mr. Joby P. Varghese, AOR

Ms. Ranjeeta Rohatgi, AOR

Dr. Manish Singhvi, Sr. Adv.

Mr. Arpit Parkash, Adv.
Mr. Sandeep Kumar Jha, AOR

Mr. Ardhendumauli Kumar Prasad, AAG
Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mr. D.S. Mishra, Adv.

Mr. Rahul Verma, AAG
Mr. Vishwa Pal Singh, AOR
Mr. Vikas Negi, Adv.
Mr. Dinesh Kumar Mudgal, Adv.
Mr. Vikas Gothwal, Adv.
Ms. Kiran Bala Dewangan, Adv.
Mr. Jhingan Ashwani Omprakash, Adv.
Mr. Brijender Singh Dhull, Adv.
Mr. Arihant Mehta, Adv.

Mr. Suhaan Mukerji, Adv.
M. Raght Basant, Adv.
Mr. Vishal Prasad, Adv.
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Mr. Shaurya Sahay, Adv.
Mr. T.K. Nayak, Adv.

Mr. Upendra Mishra, Adv.

Mr. P.S. Negi, Adv.
Mr. K. Kharlyngdoh, Adv.
Mr. Surjendu Sankar Das, AOR

Mr. Amit Anand Tiwari, AAG
Mr. D. Kumanan, AOR

Mr. Chirag M. Shroff, AOR

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

1. Ms. Aishwarya Bhati, learned ASG, has placed on record the Chart giving the particulars with respect to 10 States, namely, the Andhra Pradesh, Assam, Bihar, Gujarat, Jammu and Kashmir, Madhya Pradesh, Punjab, West Bengal, Rajasthan and Tamil Nadu.

1.1 State of Andhra Pradesh:

From the Chart, it appears that so far as the State of Andhra Pradesh is concerned, against 14,471 deaths recorded, after the earlier order passed by this Court, the State has received approximately 36,205 claims. It is reported that against 36,205 claims received, the State has paid the compensation/*ex gratia* to 11,464 Claimants only. It also does not appear that any wide publicity is given by the State, as ordered earlier.

Therefore, we direct the State to complete the process and make the actual payment of compensation/*ex gratia* to the remaining Claimants within a period of one week from today.

We also direct the State to give wide publicity while giving advertisement in local newspapers having wide circulation and also in the vernacular language as similar to that of the Gujarat advertisement, which shall contain the full particulars with respect to the portal on which the application can be sent; the

particulars with respect to the format of the form and the particulars with respect to the Grievance Redressal Committees constituted in each District. Such wide publicity shall be given within a period of one week from today.

1.2 State of Assam:

Ms. Diksha Rai, learned counsel appearing on behalf of the State of Assam has assured the Court that the advertisements in the similar format as per Gujarat shall be published in the newspapers having wide publicity as well as in vernacular language in all the Districts within a period of one week from today and the same shall be repeated. She has also stated at the Bar that wide publicity shall be given with respect to the compensation/*ex gratia* to be paid to the family member(s) of the deceased who died due to Covid-19.

We direct the State to complete the process and make the actual payment of compensation/*ex gratia* within a period of one week from the date of receipt of such claims.

1.3 State of Gujarat:

Insofar as the State of Gujarat is concerned, Ms. Manisha Lavkumar, learned Senior Counsel, has submitted that against the total deaths recorded of 10,094, as on today, the State has received 40,467 claims out of which 26,836 claimants are already paid and the compensation/*ex gratia* to the remaining Claimants shall be paid within a period of one week from today

The State is directed to act accordingly.

1.4 State of Punjab:

Insofar as the State of Punjab is concerned, it is seen from

the Chart that despite the fact that 16,234 deaths were registered only 5,431 claims are received and 2,840 Claimants have been paid the compensation.

Ms. Ranjeeta Rohatgi, learned counsel appearing on behalf of the State has submitted that recently on 15.12.2021 the advertisement has been given in the local newspapers having wide publicity and the fresh advertisement has been issued as per the Gujarat format on 17.12.2021 and the same shall be repeated periodically so that more and more claimants can avail the benefit of *ex gratia*.

The State is directed to make the payment to the remaining Claimants at least to those cases where the deaths are registered with the State Government.

1.5 State of West Bengal:

Similarly, so far as the State of West Bengal is concerned, against the total deaths registered which are 19,630, payment is made only to 3,355 Claimants. Even the applications received were very less i.e. 5445. When 19630 deaths, as such, were registered with the State the particulars of those persons are already with the Government and therefore the Government shall have to see that the payment of compensation is made at the earliest at least to those persons whose particulars are already with the State Government. All efforts shall be made by the State Government to pay the *ex gratia*/compensation to at least those cases in which the deaths are registered and the particulars of which are already available with the State Government within a period of 10 days from today.

1.6 State of Rajasthan:

Insofar as the State of Rajasthan is concerned, no particulars are given with respect to how many claims are received.

Dr. Manish Singhvi, learned Senior Advocate for the State has submitted that he has no information on how many claim forms are received. The State Government must have the information available with respect to the claim forms received so far. However, unfortunately, no particulars are furnished. Learned Senior Advocate has stated at the Bar that the advertisements in the local newspapers in the vernacular language as well as having wide publicity in the entire State and the respective Districts shall be given separately as per Gujarat model within a period of 2 days from today and the same shall be periodically repeated. He has stated that he shall get the information on how many claim forms are received so far and the same shall be placed on record before the next date of hearing.

We direct that as and when the claim forms are received, the process shall be completed and the actual payment shall be made within a period of 7 days from the date of receipt of such claim forms positively.

1.7 State of Tamil Nadu:

Insofar as the State of Tamil Nadu is concerned, Shri Amit Anand Tiwari, learned AAG appearing for the State, has stated that 36,481 deaths were registered in the State and till date the State has received 31,850 claim forms out of which the payment to the 17,448 Claimants have been made. He has assured that the payment to the remaining Claimants shall be made within a period of one

week from today. He has also stated at the Bar that the State shall give wide publicity by giving advertisement as per the Gujarat model.

The State is directed to act accordingly.

1.8 State of Maharashtra:

Insofar as the State of Maharashtra is concerned, despite our earlier strong observations made against the State, it appears that against the total registered deaths of 1,41,025 approximately 8,000 Claimants have been made the payment.

Mr. Rahul Chitnis, learned counsel appearing for the State has stated at the Bar that the payment to the remaining Claimants/family member of the person who has died due to Covid-19 shall be made within a period of one week from today, as assured earlier.

We direct the State of Maharashtra to make the payment to the remaining Claimants after completing the due procedure within a period of one week from today failing which a very strict view shall be taken.

1.9 State of Kerala:

With regard to the State of Kerala, it is still a very sorry state of affairs that against the total registered deaths of 40,855, 10,778 claim forms have been received and the actual payment has been made to 548 Claimants. As a welfare State it is the duty of the State to pay the compensation/*ex gratia* to the persons who have already suffered.

We direct the State to comply with our earlier directions and we further direct the State of Kerala to complete the process with

respect to the remaining Claimants and make actual payment within a period of one week from today.

The State also must give wide publicity like other States by giving advertisements in the local newspapers as per the Gujarat format within a period of one week from today and the same be periodically repeated.

Learned counsel for the State of Kerala to submit a status report before the next date of hearing.

1.10 State of Telangana:

Insofar as the State of Telangana is concerned, it is reported that after this Court intervened, few more Claimants are paid the compensation. Mr. P.Mohit Rao, learned counsel for the State has stated at the Bar that so far as the remaining Claimants are concerned they shall be paid the claims within a period of one week from today.

He has also stated at the Bar that wide publicity shall be given on the scheme by giving advertisement in the local newspapers etc. as per the Gujarat model within a period of one week from today and the same shall be repeated periodically so that more eligible beneficiaries can avail the benefit.

The State is directed to act accordingly.

1.11 State of Chhattisgarh, Karnataka and NCT of Delhi:

We issue notice to the Chief Secretary of the State of Karnataka, NCT of Delhi and the State of Chhattisgarh by directing them the concerned States to file the status report on how many deaths related to Covid-19 were registered, how many claims are received and how many claims are sanctioned/paid. Notice be made

returnable on 17.01.2022.

1.12 So far as the remaining States are concerned, we direct their Chief Secretary to send the Status Reports to the Union of India/NDMA by 12.01.2022 on how many deaths related to COVID-19 have been registered, how many claims are received and how many claimants are paid the ex-gratia/compensation. We also direct all the States to give wide publicity including by giving advertisements in local News Papers having wide circulation as per the Gujarat format, so that more beneficiaries are made aware and get their legitimate entitlement.

2. Put up on 17.01.2022 so as to enable the respective States to file the updated Stats Report. Updated Status Report be filed on or before 12.01.2022.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER