

# VERDICTUM.IN

ITEM NO.25

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 : 18-11-2021 These matters were called on for hearing today.  
CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Pranjal Kishore, Adv.  
Mr. Aditya Jain-1, AOR

For Respondent(s) Mr. Tushar Mehta, SG.  
Mr. K.M. Nataraj, ASG  
Mr. Rajat Nair, ADV  
Mr. Amit Sharma, Adv  
Mr. Sughosh Subramanyam, Adv  
Mr. Arvind Kr. Sharma, AOR  
Mr. B. V. Balaram Das, AOR

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

UPON hearing the counsel the Court made the following

### O R D E R

Having gone through the notification dated 29.10.2021, we feel that the same is just contrary to the directions issued by this Court in order dated 04.10.2021. It appears that an attempt has been made to overreach the directions issued by this Court. The directions issued by this Court for payment of compensation to the family members of the persons who died due to COVID-19 are very

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clear. There was no requirement at all of constituting the Scrutiny Committee for the purpose of awarding the compensation. The direction was to constitute the Grievance Redressal Committee in case the compensation is not paid and the family members are aggrieved and/or they are aggrieved with respect to the death certificate issued. There was no direction at all for the purpose of constituting a Scrutiny Committee for the purpose of issuing certificate for getting the compensation. Our direction was very clear that the amount of compensation to be paid on production of RT-PCR certificate and the death certificate showing that the death has occurred within 30 days. There was no further requirement at all. It was very much made clear that even in a case where in the death certificate the cause is not shown as death due to COVID but if found that the deceased was declared positive with COVID-19 and he has died within 30 days, automatically, his/her family members are entitled to the compensation without any further conditions. No further condition and/or requirement is provided. Still, such a notification has been issued without application of mind which can be said to be over-reaching the directions issued by this Court. Even the procedure for compensation should be simplified and the form should be very simple and should not be a clumsy.

An advance copy of this application is given to Shri Tushar Mehta, learned Solicitor General who will file response to the present application.

Put up on 22.11.2021 so as to enable Shri Tushar Mehta, learned Solicitor General to take remedial steps and come out with a clear and simplified formula/notification so that the amount of compensation as ordered by this Court is paid to the victim at the earliest and without any further harassment. The notification/circular must be in accordance with the directions issued by this Court in its order dated 04.10.2021. Any deviation shall be viewed very seriously.

(NEETU SACHDEVA)  
COURT MASTER (SH)

(NISHA TRIPATHI)  
BRANCH OFFICER

