

IN THE SUPREME COURT OF INDIA

ORIGINAL CIVIL JURISDICTION

I.A. No. of 2020

WRIT PETITION (C) NO. 1292 OF 2020

IN THE MATTER OF

Ajay Agrawal
Advocate Supreme Court ... Petitioner- in- person

Versus

Union of India & Anr Respondents

INTERLOCUTORY APPLICATION

TO
HON'BLE THE CHIEF JUSTICE OF INDIA AND
HIS LORDSHIP'S COMPANION JUSTICES OF
THE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF
THE PETITIONER-IN- PERSON
ABOVENAMED.

MOST RESPECTFULLY SHOWETH:-

1. That the applicant has filed in large public interest, the abovenoted Writ Petition for the following relief :-

"direct the Government of India to issue strict directive to all the State Government & Union territories and NCT of Delhi to fix the maximum rate for the RT-PCR test to Rs. 400/- uniformly all over India, instead of Rs. 900/ to Rs. 2800/- as fixed by different State Governments, UTs and NCT of Delhi, and to watch, monitor and review it in every fifteen days.

AND pass any other order or further orders which this Hon'ble Court feel fit and proper in the above facts and circumstances of the case."

2. That this Hon'ble Court issued notice on 24th November, 2020 in this matter returnable within two weeks. The order reads as under :-

"Permission to appear and argue in person is granted. Issue notice returnable within two weeks. Tag with W.P.(C)No. 863 of 2020."

Copy of the order dated 24.11.2020 passed by Hon'ble Court is marked as **Annexure-1.** (Page No. 11)

3. That the contents of writ petition were widely covered by the national Media and the whole Country including Chief Minister's of all the States, NCT of Delhi & UT's have come to know that actual cost incurred by these Private Labs and Hospitals is only Rs. 200 and the State Govts., NCT of Delhi and UT's have fixed exorbitant maximum rates for the RT-PCR test, some of which were mentioned in my Writ Petition and reproduced again as follows :-

1. Meghalaya Rs. - 3200/
2. Andhra Pradesh Rs. - 2800/-
3. Delhi Rs. - 2400 /-
4. Rajasthan Rs. - 2200/-
5. Telangana Rs. - 2200/-
6. Assam Rs. - 2200/-
7. Kerala Rs. - 2100/-
8. Tamil Nadu Rs. - 2000/-
9. Gujarat Rs. - 1500/-
10. West Bengal Rs. - 1500/-
11. Karnataka Rs. - 1200/-
12. Jharkhand Rs. - 1050/-
13. Maharashtra Rs. - 980/-
14. Haryana Rs. - 900/-

4. That this Hon'ble Court on 24th November, 2020 tagged the matter with Writ Petition No. 863 of 2020 titled Sachin Jain Vs Union of India which is listed for hearing on 11.12.2020.
5. That after the issue of notice in this matter on 24.11.2020, by this Hon'ble Court, which has been given wide publicity by the national media, some of the State Governments including N.C.T. of Delhi has lowered and re-fixed the maximum rates for this RT-PCR test for detection of coronavirus. Two Notifications issued by Government of NCT of Delhi and Uttar Pradesh are available on internet and these are enclosed herewith as **Annexure-2** (Pg. No. 12-13)
6. Some of these States which has re-fixed the maximum rates to be charged by Private Labs and hospitals as follows :-

States/UT's	Date	Maximum rate if a person visits lab	Maximum rate for the home collection
Delhi	30.11.2020	800/-	1200/-
Rajasthan	28.11.2020	800/-	N.A.
Gujarat	01.12.2020	800/-	1100/-
Uttar Pradesh	01.12.2020	700/-	900/-
Bihar	01.12.2020	800/-	1100/-
Orissa	02.12.2020	400/-	N.A.

7. That Govt. of Orissa has fixed the maximum rate of this test at Rs. 400/- which is prayed by the present applicant in this Writ Petition. And the contention of the applicant stands vindicated.

A news published the Hindustan time.com in this regard is reproduced below as under :-

"RT-PCR tests to cost Rs 400 in Odisha

According to a notification issued by the health and family welfare department, anyone undergoing the RT-PCR test at private laboratories within the state will now have to pay a maximum of Rs 400 including the GST.

The Odisha government on Wednesday capped the price of RT-PCR tests, the best available so far for detection of COVID-19, in private laboratories at Rs 400, the lowest in the country. According to a notification issued by the health and family welfare department, anyone undergoing the RT-PCR test at private laboratories within the state will now have to pay a maximum of Rs 400 including the GST. The decision followed a reduction in the cost of testing kits and other accessories, a senior official said.

The cost of an RT-PCR kit now stands at Rs 46 instead of Rs 1,200 earlier, while that of the RNA extraction kit has also come down, and laboratories have to spend a maximum of Rs 200 towards the cost of the kits and accessories, he said. The official hoped that reduction in the price of the test will lead to an increase in testing. The price of RT-PCR test at private laboratories and hospitals which was initially pegged at Rs 4,500, was capped at Rs 2,200 in July and Rs 1,200 in August.

The tests will be conducted by private laboratories under the supervision of Regional Medical Research Centre (RMRC), Bhubaneswar, following the ICMR (Indian Council of Medical Research) guidelines, the notification said.

*The state has four ICMR approved laboratories where RT-PCR tests can be done. The state government is also planning to reduce the price of rapid antigen tests from the current Rs 450. Both the tests are conducted at government laboratories and hospitals free of cost. The RT-PCR tests at private laboratories in Uttar Pradesh were recently capped at Rs 700 and Rs 800 in Delhi, Gujarat and Rajasthan.” **Annexure-3** (Page No. 14-15)*

8. That Govt. of Orissa, after working on all the statistics, And after examining all the aspects came to the conclusion that the actual cost incurred by the Private Labs and Hospitals is not more Rs. 200/- which vindicated the stand of the applicant also, and after allowing to take hundred percent profit on it, the maximum rates to be charged were fixed at Rs. 400/-.
9. That for the last several months these Private labs and Hospitals were looting the poor people of this Country. Like in Delhi the notification was issued on 18.6.2020 fixing the maximum rate 2400/- and the cost of the kit and other things used in the test has gone down in the month of April-may itself, at the rate which is available at present. A copy of the notification issued by Delhi Govt. dated 18.6.2020 is marked **Annexure-4.** (Page No. 1)
10. Therefore these Private labs and Hospitals have very exorbitantly charged from the innocent and poor people of this Country to the extent of Rs. 3000/- around when this test was charged @Rs. 4500/- while the total cost of the test including its kit comes to somewhere between Rs. 800/- and 1200/- and afterwards the amount charged over and above Rs. 400/- when the total cost of the test comes to less than Rs.200/-and it was acknowledged by the State of Orissa which has already fixed the prices of this test to Rs. 400/- adding hundred percent profit after doing due diligence in this matter. This exorbitant over and above amount charged from poor and innocent people of this Country needs to be refunded immediately as it is not only unrealistic and unreasonable but is shocking. In a Country like India where crores of people are living Below Poverty Line and Country's GDP

has gone down to minus 23.9% (-23.09%) during the lockdown period and therefore this over charged amount be refunded to the affected people forthwith. Therefore exorbitant money taken from the people of this Country is nothing but extortion and for this whoever is responsible or guilty must be appropriately punished and the over charged amount be refunded to the individuals/victims at the earliest.

11. That the people of the country are shocked and feeling befooled and cheated not only by these Private labs and Hospitals but by the political executives and officials of this country who are either totally insensitive towards the 135 crores population by not inquiring or investigating that why this test is so expensively charged and how much are the actual expenses incurred on this test or they have done it deliberately in connivance with the Private labs and Hospitals.

PRAYER

Under the circumstances stated above this Hon'ble Court may graciously be please to :-

- i. Order for fixing a uniform maximum rate of Rs. 400/- for the RT-PCR test across India on the principle of parity and one nation-one rate policy as is prayed in the original Writ Petition, and responsibility be fixed of the concerned officials or persons in all the States, NCT of Delhi and UT's for remaining insensitive deliberately or negligently to the cause of 135 crores people of this Country.

- ii. Order for the earliest refund of additional amount charged to the extent of Rs. 3000/- around when this test was charged @Rs. 4500/- across India, while the total cost of the test including its kit comes to somewhere between Rs. 800/- and 1200/- and afterwards when it was charged by Meghalaya @Rs.3200/- Andhra Pradesh 2800/-, Delhi @Rs.2400/- and so on, the entire amount charged over and above Rs. 400/- be refunded since the total cost of the test comes to less than Rs.200/-and it was acknowledged by the State of Orissa which has already fixed the prices of this test to Rs. 400/- adding hundred percent profit after doing all due diligence in this matter.
- iii. pass such other order or orders as this Hon'ble Court may deem fit and proper.

AND FOR THIS ACT OF KINDNESS YOUR HUMBLE PETITIONER AS
IN DUTY BOUND SHALL EVER PRAY.

(AJAY AGRAWAL)
Applicant in Person

Dated :- 05.12.2020

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ORIGINAL CIVIL JURISDICTION

I.A. No. of 2020

WRIT PETITION (C) NO. 1292 OF 2020

IN THE MATTER OF

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Versus

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APPLICATION FOR EXEMPTION FROM FILING NOTARY/OATH
COMMISSIONER ATTESTED AFFIDAVIT

TO

HON'BLE THE CHIEF JUSTICE OF INDIA AND
HIS LORDSHIP'S COMPANION JUSTICES OF
THE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF
THE PETITIONER-IN- PERSON
ABOVENAMED.

MOST RESPECTFULLY SHOWETH:-

1. That the present petitioner is a practicing advocate in this Hon'ble Court. He is a public spirited person and in large public interest filed the abovenoted case before this Hon'ble Court under Article 32 of the Constitution of India for violation of Art. 14, 19 and 21 of the Constitution of India.

2. That the applicant is unable to furnish oath commissioner attested affidavit of interlocutory application annexed.

PRAYER

It is therefore most humbly and respectfully prayed that in the interest of justice this Hon'ble Court may kindly be pleased to:

- i. Exempt the applicant from filling notarized/oath commissioner attested verified affidavit from duly appointed oath commissioner; and/or
- ii. pass such other order or orders as this Hon'ble Court may deem fit and proper.

AND FOR THIS ACT OF KINDNESS YOUR HUMBLE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

(AJAY AGRAWAL)
Applicant in Person

Dated :- 05.12.2020