

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

DISTRICT: AHMEDABAD

CIVIL APPLICATION NO. OF 2021

IN

WRIT PETITION [P.I.L] NO. 53 OF 2021

Amit Ajitbhai Chavda and Another ...Applicant

Vs.

Suo Motu and Others ...Respondents

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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

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CIVIL APPLICATION NO. OF 2021

IN

WRIT PETITION [P.I.L] NO. 53 OF 2021

1. Amit Ajitbhai Chavda

MLA, Anklaav Constituency

President of Gujarat Pradesh Congress Committee

Aged: 45 Years, Male

At: Keshavnagar, Anklaav,

District Anand.

2. Pareshkumar Dhirajlal Dhanani

MLA, Amreli Constituency

Leader of Opposition, Gujarat Legislative Assembly

Aged 44 years, Male

At: Maha Vishnu krupa Gajerapara,

Near Patelwadi Amreli, District Amreli.

...Applicant

[Third Party]

Versus

1. Suo Motu

To be served through

Registrar General

High Court of Gujarat

At Ahmedabad.

2. State of Gujarat

Notice to be served through

The Chief Secretary,

Gandhinagar.

3. Principal Secretary

Department of Medical, Health



and Family Welfare
Government of Gujarat,
Gandhinagar.

4. Union of India
Through the Secretary,
Department of Home,
Government of India, New Delhi.

5. Secretary,
Department of Health
Government of India
New Delhi.

...Respondents
[R1 is the Petitioner
and R2 to R5 are
original respondents]

**CIVIL APPLICATION FOR IMPLEADMENT /
INTERVENTION**

To,
The Hon'ble the Chief Justice and
other Hon'ble Judges of the High
Court of Gujarat at Ahmedabad.

The humble application of the
applicant above named

MOST RESPECTFULLY SHEWETH:

1. The Applicant no. 1 is Member of Legislative Assembly [MLA] from Anklav Constituency and is also a president of Gujarat Pradesh Congress Committee [GPCC]. The Applicant no. 2 is also an MLA from Amreli Constituency and is also a Leader of Opposition and is therefore the Leader of Congress Legislature Party. The applicants have been relentlessly and



tirelessly making efforts in whatever capacity that he can to alleviate the problems and issues of citizens during the time/s of corona. The applicants are not facing any contempt proceedings.

2. The applicants file the present Civil Application in a representative capacity representing 65 MLAs belonging to Indian National Congress [INC] elected in the year 2017 and will continue till the year 2022.
3. The applicants humbly state that every MLA has 01.50 Crore [i.e. Rupees One Crore and Fifty Lakhs] as MLA Fund to be utilized every year in respective constituency in accordance with Rules and Regulations applicable to MLA Funds. 65 MLA of INC in all has Rs. 97.50 Crore (65 x Rs. 01.50 Crore). Present application is filed to seek permission and direction of this Hon'ble Court to allow all MLAs of INC to utilize entire amount of Rs. 01.50 Crore for accounting year 2021-2022 in each constituency to meet with impending necessity in second surge. In previous week, the State of Gujarat allowed each MLAs to use amount upto 25 Lakhs out of Rs. 01.50 Crore.
4. This very amount is insufficient and therefore applicants humbly urge this Hon'ble Court to consider giving direction to the State of Gujarat to permit all MLAs including 65 MLAs of INC to utilize entire amount of Rs. 01.50 Crore in their own constituency in the interest of people at large and purely out of humanitarian consideration to try to overcome tsunami of Corona.
5. The applicants consulted 65 MLAs of INC and after assessing ground situation and ascertaining most urgent requirement to save people from dying and to provide testing who are infected and affected by Covid-19 admitted in hospital or being treated



otherwise, the applicants state and submit that this Hon'ble Court may be pleased to consider directing the respondents and respondent State of Gujarat in particular to allow MLAs and particularly 65 MLAs to utilize entire amount of Rs. 01.50 Crore from out of MLA for accounting year 2021-22 for:

- i. Purchase of Ambulances [cost of one ambulance is Rs. 20 Lakhs]
 - ii. Setting up of reasonable size and capacity of oxygen plant in each constituency to empower the Primary Health Centres and Community Health Centres at village and taluka level to provide effective treatment of Covid by providing oxygen at Primary Health Centres and Community Health Centres to covid patients [small size oxygen plant cost about Rs. 30 to 35 Lakhs]
 - iii. Purchase of oxygen concentrators [each cost around Rs. 35,000 to Rs. 75,000]
 - iv. Purchase of RTPCR units for testing [cost per unit is Rs. 25 Lakhs]
 - v. Purchase of Oxygen cylinders, flow meter and humidifiers
 - vi. Purchase of Ventilator [each BiPAP ventilator cost Rs. 01 Lakhs]
 - vii. Purchase of Medical beds
6. Therefore, the applicants may be required to be impleaded as a party respondents.



7. The applicants have not filed any other application either in this Hon'ble Court or in the Hon'ble Supreme Court or in any other Court with regard to the subject matter of this application.
8. The applicants crave leave liberty of this Hon'ble Court to add, amend, delete or rescind any of the aforementioned paragraphs as and when necessary in the interest of justice.
9. The applicants therefore pray that this Hon'ble Court may be pleased:
 - A. To allow the present application for impleadment/ intervention and thereby permit the applicant to be impleaded as party respondent in the Suo Motu Writ Petition [PIL] No. 53 of 2021 and/or permit the applicants to intervene in the Writ Petition [PIL] No. 53 of 2021;
 - B. Be pleased to consider giving direction to respondents and respondent State of Gujarat in particular to allow 65 MLAs to utilize entire amount of MLA Fund to the tune of Rs. 01.50 crore per constituency for accounting year 2021-22 for purchase of and setting up of health and medical infrastructure, equipments and other medical items stated in para. 5 of the application at the earliest and further direction be given to State of Gujarat to take decision in this regard as soon as possible preferably within a period of three days from the date of order;
 - C. To allow the applicants to make oral as well as written submission on the subject matter of the petition;
 - D. To grant such other and further reliefs that may be deemed fit and proper in the interest of justice.





Place: Ahmedabad

Anand Yagnik

Date: 04.05.2021

Advocate for the Applicant

AFFIDAVIT

I, Amit Ajitbhai Chavda, MLA, Ankla Constituency, President of Gujarat Pradesh Congress Committee, Aged: 45 Years, Male, At: Keshavnagar, Ankla, District Anand. do hereby solemnly affirm and state that what is stated in Paragraphs 01 to 08 are true to the best of my knowledge, information and belief and Paragraph 09 is the prayer clause made on the basis of legal advice, which I believe to be true and correct.

Solemnly affirmed at Ahmedabad on this 4th Day of May, 2021.

_____sd/-_____

Deponent

Explained, interpreted and
Identified by me:



Advocate/Clerk.

VAKALATNAMA

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
DISTRICT: Ahmedabad

SCA/ WRIT PETITION (PIL) /SCRA /
FA /SA /RA /AO / MISC.CRIA. NO. _____ OF 2020

C.A No. _____ of 2021 in WP [PIL] No. 53 of 2021

Amit Ajitbhai Chavda and Another

Applicant
Petitioner/
Appellant

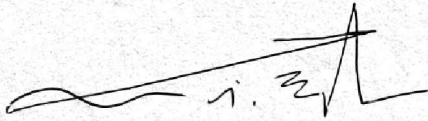
VERSUS

Suo Motu and Others

Opponent/
Respondent

I/we, undersigned do hereby appoint and retain **Shri Anand J. Yagnik**, to act, appear and plead for me/us in the above matter and in all proceeding that may be taken in respect of any application connected with the same or any application for Review, to file and obtain return of documents, to transfer the matter to other Advocate and to deposit and receive money on my/our behalf in the said matter and in application for Review and to compromise, settle and/or withdraw or to agree to withdrawal of the said matter or any proceedings arising therein to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the above-named **ADVOCATE** in pursuance of this authority.

Dated this 4th Day of May of ~~2020~~ 2021

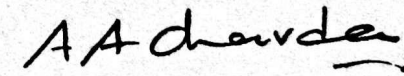


ANAND J. YAGNIK

ADVOCATE

Code no. 1372

**3rd Floor, Panchani Chambers,
Opp. Asia School, Drive in Road,
Thaltej, Ahmedabad 380054.
Ph: 07927480034 Fax: 27480082
Mob: 9825068179**



ACCEPTED

APPELLANT(S)/ PETITIONER(S)
RESPONDENT(S)/ OPPONENT(S)

[Amit Ajitbhai Chavda]

[Applicant No. 1]



VAKALATNAMA

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

DISTRCT: Ahmedabad

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FA /SA /RA /AO / MISC.CRIA. NO. _____ OF 2020

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Amit Ajitbhai Chavda and Another

Applicant

Petitioner/

Appellant

VERSUS

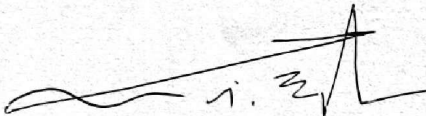
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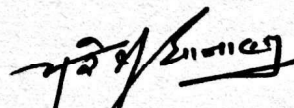
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ACCEPTED

APPELLANT(S)/ PETITIONER(S)

RESPONDENT(S)/ OPPONENT(S)

(**પરેશકુમાર દીરાજલાલ ધાનાણી**)

(Pareshkumar Dhirajlal Dhanani)

[Applicant No. 2]