

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: INT/KOL/2023/189

Mr. Indra Nath Dawn Complainant

vs

Dreamland Nursing Home.....Respondent/ Respondents

ORDER SHEET

| Office Note | Order No. | Date | Order |
|-------------|-----------|------------|--|
| | 1. | 13/10/2023 | <p>This complaint would relate to admission refusal of a patient who has breathed her last just few hours before we hear this complaint at a different CE.</p> <p>The case has a checkered history.</p> <p>The concerned patient, an aged lady of 88 years, was admitted earlier at the CE under WBHS category. The CE unnecessarily escalated the bill for consumable that was payable by the patient. We considered the bill and directed refund of 20% as per our Advisory.</p> <p>When the lady again approached the CE for admission second time initially, the CE provided ambulance to bring the patient at the CE. According to the complainant,</p> |

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on arrival, they realised same patient had come back for whom the CE had to make refund the patient was refused admission.

Such contention has however been disputed by the CE in their response dated October 10, 2023. By the said response the CE has admitted, there was vacancy however, the concerned staff expressed doubt as to whether the aged lady who would need critical care, could be given appropriate treatment due to deficient infrastructure.

The patient was subsequently admitted in another CE. Today, we have received the e-mail from the complainant that his mother passed away at 03.15 am today, at a different hospital.

Mr. Prasanjit Ghosh, Manager of the CE, would contend, reason for refusal as stated by the complainant, was not correct. Due to misunderstanding the patient could not be admitted, as explained by them in the third paragraph of their response.



We deprecate the attitude of the CE. Even if we give credence to what they would say in their response, that could not be the right approach when a critically ill patient that too, aged about 88 years, approached them for treatment and was refused dead at night.

We direct the CE to immediately express unqualified apology and regret to the complainant in writing. We impose a token penalty of Rs. 5,000/- that must be paid in course of the day along with the letter of apology.

Before we part with, we would be failing in our duty if we do not express our strong displeasure as to the language used in the response where the CE has threatened the complainant for court litigation claiming damage for alleged defamation.

The Commission is a creature of the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act 2017. It is a social welfare legislation. Patient and / or patient family has a statutory right to



make grievance before the Commission in case they would find any negligence on the part of the CE. Whether such grievance is genuine or not has to be adjudicated by the Commission. There is no question of any defamation as wrongly threatened by the CE in their letter of response.

We hope and expect, the CE would give a complete relook to the issue and withdraw the letter of response with communication to the complainant.

The complaint is disposed of.

Sd/-

The Hon'ble Chairperson

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Sri. Sutirtha Bhattacharya, IAS (Retd)- Member

Sd/-

Smt Madhabi Das – Member

Authentic
Secretary
West Bengal Clinical Establishment
Regulatory Commission

AP