

Case Reference: INT/WMID/2023/181

Mr. Suman Bera Complainant

vs

(i) Durga maternity & Child Care Centre (ii) Sushama Diagnostic Centre

(iii) Careful Diagnostic Centre..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	05/10/2023	<p>The complaint would relate to rarest of rare complications.</p> <p>The patient did not have any gallbladder from the birth.</p> <p>He had pain abdomen. He was advised to do USG. The first report came as gallbladder grossly contracted, a calculus noted in gallbladder lumen measuring 1.04 cm.</p> <p>The extract is given below: -</p> <p><i>“Grossly contracted. A calculus noted in gallbladder lumen, measuring- 1.04 cm. Wall thickness is normal. No evidence of peri-cholecystic collection or mass lesion noted”.</i></p>

The second report by another diagnostic centre would also observe "*Gallbladder is contracted. Wall is echo-shadow- chronic calculous cholecystitis*".

Based on both the reports the surgeon advised surgery. Surgeon ultimately discovered that there was no gallbladder. However, he has done appendectomy that was not consented to.

The medical part is outside our domain. The complainant would be free to approach appropriate body of experts questing the treatment protocol and/or the diagnostic protocol applied by the concerned radiologists and the surgeon.

Dr. M.L. Saha, our esteemed member is of the opinion, had there been any doubt expressed in the first report and/or the second report the misery could have been avoided. According to him, prima-facie, the surgeon was not at fault.

We leave it open for the appropriate body of experts to decide on the issue.

Mr. Garai, the owner of the Sushama Diagnostic

Centre, the first centre would offer reimbursement of the costs of first two USG and other incidental expenses pertaining to such surgery amounting to Rs. 5,000/- approximately.

We direct the complainant to share his bank details to Mr. Garai together with copies of all the money receipts that he had in his possession for such cost.

The entire process must be completed within one week from the date of receipt of the documents from the complainant by Mr. Garai.

The complaint is disposed of.

Sd/-
The Hon'ble Chairperson

Sd/-
Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-
Prof. (Dr.) Makhan Lal Saha – Member

Sd/-
Sri. Sutirtha Bhattacharya, IAS (Retd)- Member

Sd/-
Smt Madhabi Das – Member

Authenticated
[Signature]
Secretary
West Bengal Clinical Establishment
Regulatory Commission

[Signature]