

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: INT/BIR/2023/211

Mr. Joydeep Sarkar Complainant

vs

JBCH Nursing Home.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	05/12/2023	<p>The complaint would relate to medical negligence as well as hospital negligence. The patient was admitted under Swasthya Sathi. Yet, a sum of Rs. 2 lakhs was taken in addition to Swasthya Sathi payment realised from the Department.</p> <p>The CE has offered a part of amount to be refunded as according to them the cost of implant has to be borne by the party.</p> <p>We are not at all impressed with the explanation given by the CE. Under Swasthya Sathi admission there is no scope for any amount to be realised from the patient party.</p>

We direct refund of the entire amount of Rs. 2 lakhs forthwith on sharing of the bank details by the complainant.

We direct the Swasthya Sathi Department to cause an enquiry and initiate appropriate proceeding against the CE for such illegal realisation of money from the complainant.

With regard to treatment protocol, we permit the complaint to approach the West Bengal Medical Council if he is so desirous.

In case he is successful therein, he would be at liberty to approach us afresh for appropriate compensation.

The complaint is disposed of accordingly.

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

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[Signature]
Secretary
West Bengal Clinical Establishment
Regulatory Commission

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