

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>

			<p>We direct refund of the entire amount of Rs. 2 lakhs forthwith on sharing of the bank details by the complainant.</p> <p>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.</p> <p>With regard to treatment protocol, we permit the complaint to approach the West Bengal Medical Council if he is so desirous.</p> <p>In case he is successful therein, he would be at liberty to approach us afresh for appropriate compensation.</p> <p>The complaint is disposed of accordingly.</p> <p>Sd/- The Hon'ble Chairperson</p> <p>Sd/- Prof. (Dr.) Sukumar Mukherjee – Member</p> <p>Sd/- Prof. (Dr.) Makhan Lal Saha – Member</p> <p>Sd/- Sri. Sutirtha Bhattacharya, IAS (Retd)-Member</p>
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Antibiotic

Secretary
West Bengal Clinical Establishment
Regulatory Commission

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