

Case Reference: INT/KOL/2023/226

Mr. Binay K. Bhattacharyya Complainant

vs

G D Hospital & Diabetes Institute.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	27/12/2023	<p>The complaint would relate to Swasthya Sathi refusal.</p> <p>The complaint would reveal, the patient was admitted on October 11, 2023 when admittedly Swasthya Sathi Card was not taken into account. The complainant, in his usual fairness, would admit, no formal complaint was lodged with the Department contemporaneously.</p> <p>The patient was too critical. He was admitted in ICU. After about six days, on October 16, 2023 at about 1.40 am the complainant sent a mail. The contents are quoted below:-</p> <p><i>“ As is being advertised by the Government of West</i></p>

Bengal, every citizen-cum consumer knows that a Swasthya Sathi Card of the Government of West Bengal is required to be accepted by any hospital, either public or private, throughout the length and breadth of West Bengal.

With this information with me, on 11 October, 2023 I went to your hospital to get my father-in-law Dr. Bimalendu Chatterjee(A super senior citizen of India of 95 years) admitted therein, while your concerned section had refused to accept my family's Swasthya Sathi Card for no lawful reason whichsoever, and thus compelled me to opt for cash mode of payment.

In this situation any one can simply conclude that EITHER the said advertisement of the Government of West Bengal is crime-coated OR the said refusal of your hospital is crime-coated.

I, therefore, advise you to defend the said refusal of your hospital BY TODAY POSITIVELY to enable me to drag the appropriate crime-doer before the appropriate court of law for the appropriate action/ actions."



		<p>On a combined reading of the mail, it would appear, according to the complainant, they tried to produce the card at the time of admission that the hospital refused. The complainant would further contend, no reply to the said mail has yet been received by him.</p>
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		<p>By a mail dated December 5, 2023 the complainant made the complaint to us. We sent a copy of the same to the CE for their response. The CE responded to the said complaint. According to them, the issue of Swasthya Sathi was brought to the notice of the hospital for the first time through that mail dated October 16, 2023. Unfortunately, the patient died on October 19, 2023. At the time of discharge, a discount of Rs. 21, 245/- was given on account of medicine and consumable as per the guideline of the Commission. The management also agreed to give further refund of Rs. 20,000/- showing respect to the deceased patient as he was a doctor and senior citizen, in addition to the waiver already given aggregating to Rs. 41,245/- .</p>
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		<p>The complainant is present online. According to him,</p>
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		<p>from the day one, he was trying to admit the patient under Swasthya Sathi Scheme, however, the CE did not allow him to do so. Hence, he made the complaint on December 16, 2023.</p>
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As per the Swasthya Sathi Scheme card has to be produced right at the time of admission or within 24 hours of provisional admission.

The patient was admitted on December 11, 2023. Even if we give full credence to what the complainant would say, he should have made a complaint with the Swasthya Sathi Department or the Commission within 24 hours of admission. He did not do so. The complaint was belated and made after six days of admission.

At the time of hearing, the complainant would contend, in case the CCTV footage is called for the truth would come out.

The incident happened on October 11, 2023 whereas we received the complaint on December 5, 2023. We sent it to the CE on December 12, 2023. It is common knowledge of all, CCTV footage, unless preserved,



would not be available normally after a fortnight.

The CE was also at fault. When they received the mail on December 16, 2023 they should have interacted with the complainant, that they did not do. They could have contacted the department or the Commission in this regard so that the admission could be transferred to Swasthya Sathi mode with effect from December 16, 2023 that was not done. We deprecate the conduct of the CE.

The total amount comes to Rs. 3,07,657/-. The patient had treatment for three days after receipt of the said mail. Considerable amount was billed as we find on examination of the detailed bill sent to us.

We feel, interest of justice would be sub-served, if we direct refund of Rs. 50,000/- to the complainant.

It is further made clear, the said sum would also take care of Rs. 20,000/- that has already been offered by the CE. In short, the complainant would be entitled to Rs. 50,000/- (Rs. 20,000+ Rs. 30,000/-).



We direct the complainant to share his bank details with the CE so that money could be transferred to complainant at once.

Mr. Aditya Bikram Sikder representing the CE, would pray for two instalments of Rs. 25,000/- each.

The first of such instalment be paid within one week from date and the second and last one would be paid on February 1, 2024.

Mr. Bhattacharyya objects to the prayer for instalment.

Such prayer is considered and rejected.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

Authenticated


Secretary
West Bengal Clinical Establishment
Regulatory Commission

