Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: INT/EMID/2024/030

Mr. Amvika Ranjan Tripathy . ..... Complainant

vs

Apollo Hospital..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	27/02/2024	The complaint would relate to billing. The patient has undergone a Histopathology Procedure under a package of Rs. 15,000/-where she was charged Rs. 13,000/- for consumable and 7,440/- for subsequent Biopsy cost. The complainant, being the husband of the patient, has come to us with the complaint as against the investigation charge of Rs. 7,440/-. According to him, the concerned Gynaecologist advised so many investigations before the surgery. Hence, there could not be any further investigation and the amount realized was wrongful.

			At the hearing, the complainant would add, he wanted to have procedure done under WBHS that was denied. The CE is represented by Dr. Bhatia and Ms Yosodhara Ghosh. We have heard the parties at length. With regard to the investigations charge, possibly the complaint arises due to misunderstanding. The investigations that were done prior to the Gynaecological procedure, were required for the procedure. It was done under general anaesthesia and routine tests were advised accordingly. The charge for histopathology biopsy for Rs. 7,440/- has thus been billed. We do not find any scope to interfere. While going through the bill we cannot be a mere onlooker when we notice, for a procedure under a package of Rs. 15,000/- the CE has billed Rs. 13,000/- on account of consumable apart from the

			investigation cost as mentioned above. Once a patient is advised to do a procedure under a package it is expected everything would be explained to her what she would be entitled to under the package and what not. Dr. Bhatia would submit, the patient family have already signed required papers where it was properly mentioned. In our view, proper counselling could be the only solution to avoid this type of complaint and such counselling must be documented to avoid further complication. We also feel, at the time of counselling the patient should also be given an option to get the biopsy done from outside that would be less costlier than the amount charged. The patient was a cash patient. Hence, our Advisories would squarely apply. As per Advisory No

			14 consumable would attract 20 per cent discount. Hence the patient is entitled to a discount of Rs. 2,600/-. Ms Ghosh, Vice President, Apollo would contend, they are fortified by the judgment and order dated June 14, 2023 in WP No.3858 of 2022 passed by the Hon'ble High Court, Kolkata where such advisories have been set-aside by the Hon'ble High Court. We beg to differ. Paragraph 40 and 41 of the judgment and order read together, would clinch the issue. What have been touched upon, are some of the investigation rates which the Hon'ble High Court quashed. The matter is sub-judice before the Hon'ble High Court, at Kolkata. We do not find any order of restraint so far the discount on consumable is concerned. However, we may add, in case the CE does not

			want to give any discount they would be at liberty to do so. In such case, they must give an opportunity to the patients to purchase consumable from outside that would be much less costlier than the consumable charged by the CE, that too, at MRP. **We direct Apollo to pay Rs. 2,600/- to the complainant on sharing of his bank details.** **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/-** **Dr.Maitrayee Banerjee – Member** **Sd/-** **Smt Madhabi Das – Member**

Authenticated

Secretary
West Bengal Clinical Establishment
Regulatory Commission