

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: INT/SDJ/2024/081

Mr. Anarul Mia Complainant

vs

Susparsha Healthcare Pvt. Ltd.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	02/04/2024	<p>The complaint would relate to post surgical complication in a case of laparoscopic cholecystectomy.</p> <p>There had been bile duct injury that resulted in the complication. The patient was discharged from the CE with the advice, she should go to a higher set up at Siliguri for ERCP.</p> <p>At the time of discharge the patient was having discharged of 100 ml biles.</p> <p>Dr. M.L Saha, our esteemed member, is of the opinion when the patient was having 100 ml discharge of bile it was a confirmed case of bile duct injury and the patient could not have been discharged by the CE.</p>

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In case the CE was not equipped to do curative surgery it was their duty to have her treated at any government set-up or any higher set-up.

The patient however, proceeded to Hyderabad and then to Bangalore for curative surgery.

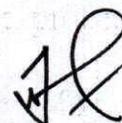
The patient has come back after discharge. She has been advised rest.

The complainant is now demanding compensation from the concerned doctor to the extent of Rs. 14,00,000/-.

We have heard the complainant as well as the CE. The complainant is inconsistent in his submission. He has initially submitted, the patient was advised to go to SAI Hospital, Siliguri, for ERCP. However, he proceeded to Hyderabad and thereafter to Bangalore for further treatment.

Subsequently, the complainant has changed his stand and tried to contend, he went to Bangalore on the

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advice of the concerned surgeon.

We have heard the parties at length. Our esteemed medical members are of the opinion, this is a known complication in a case of cholecystectomy. However, when the complication arose it was the duty of the surgeon as well as the CE to take curative measure.

In the instant case, the complainant was asked to approach higher set-up at Siliguri. He opted to go outside the State. Hence, he cannot claim additional expenses that the patient had to bear for curative treatment at Hyderabad and Bangalore.

Dr. Koushik Chaki, representing the CE would however, submit that it was a case of Swasthya Sathi admission. No money was taken from the complainant at the time of discharge. Mr. Motiur Rahman Mondal, a relative of the patient, at the time of discharge categorically wrote that the patient was being discharged on risk bond.

We are not at all impressed. Such written note might

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have been procured that would be apparent from the complainant's contentions that he has initially made before us as recorded above.

We feel, the complainant would deserve reasonable amount of further treatment cost that we assess at Rs. 2,00,000/- to be paid to the complainant in four equal monthly instalment.

The complainant is directed to share his bank details with the CE so that money could be transferred to him through bank transfer.

The first of such monthly instalment would be paid on April 15, 2024 and thereafter on 15th day of each succeeding month.

In default of payment of any one instalment the entire amount would become immediately payable @ 7 per cent per annum until realisation.

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

Authentic
W.B.
Secretary
West Bengal Clinical Establishment
Regulatory Commission

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