

Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: INT/KOL/2024/092

Ms. Subhra Dey Complainant

vs

Pulse Diagnostics Pvt. Ltd..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	25/04/2024	<p>The complaint would relate to post colonoscopy complication.</p> <p>The patient had perforation during colonoscopy examination that ultimately resulted acute abdominal pain that was not properly taken care of by the diagnostics centre.</p> <p>The complainant would contend, test was done in the evening when the centre was about to close and they were pestering for transferring the patient elsewhere instead of giving emergency care.</p> <p>Dr. Deborshi Bose, the concerned doctor who did the colonoscopy examination, is present online.</p>

According to him, the patient had problem that revealed during examination and they arranged for ambulance to transfer him to any proper setup.

The response that we received, would however, say otherwise. According to the diagnostic centre, the complaint was not only "*baseless but also not truthful.*" Dr. Bose is candid enough to admit, it was not so. The patient had problem and they sent him by ambulance.

Our esteemed Medical Members Dr. Sukumar Mukherjee and Dr. M.L Saha, both present at the hearing, are unanimous of the view, this is a known complication, although rare. However, once this happened it was the duty of the concerned diagnostic centre to take care on emergency basis including x-ray and help the patient to be transferred to appropriate set up for such surgical intervention that was not done.

The patient was accompanied by two female members of the family being the mother and wife as there was no male member with them. They initially approached a



private setup who immediately advised surgery. Since they did not have sufficient financial resource the patient was taken to ESI hospital. The Surgery was done on the next day.

The patient is now having a stoma fixed after the curative surgery.

We understand, the patient was doing a private job outside the State. Since he is bedridden at Kolkata he is not having any income. He is the sole earning member of the family having ailing parents and a seven years old child who is deprived of his regular education as he is not able to attend school which is situated at the work place of his father outside the State.

It is a fit and proper case where we should direct appropriate compensation as against the diagnostic centre.

We feel, interest of justice would be sub-served if we direct a sum of Rs. 3,00,000/-, lump sum, as compensation.

Ms. Jayoti Chowdhury, Learned Advocate, representing the CE, however, pray for waiver of the compensation.

We are not impressed by her submission. Although we do not find any negligence while doing the colonoscopy we cannot be a mere on-looker when we find, the diagnostic centre failed to discharge their responsibility towards the patient after such complication had happened.

There is one more salient feature that Dr. Saha would point out. The colonoscopy report did not mention about any complication that had happened soon after the colonoscopy as explained to us by Dr. Bose.

Considering such irregularity and that too, a total denial of the incident in their response by saying that the complaint was "*baseless and not truthful*" we feel, appropriate compensation must be given considering the facts and circumstances as referred to above.

At this juncture, Ms. Chowdhury, would pray for



eight instalments that we grant.

Let the diagnostic centre pay Rs. 40,000/- per month except the last one which would be Rs. 20,000/- .

The first of such instalment would be paid on or before May 7, 2024 and thereafter on the seventh day of each succeeding month.

In default, of payment of any one instalment the balance amount would become immediately payable along with interest @ 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/-

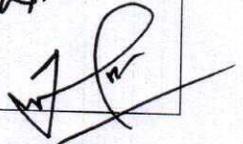
Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

Authenticated


Secretary

West Bengal Clinical Establishment
Regulatory Commission

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