

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: INT/NPG/2024/096

Mr. Pritam Saha Complainant

vs

Apollo Hospital.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	29/04/2024	<p>The complaint would relate to over billing. The patient was well covered by an insurance policy. The total bill amount was Rs. 3,20,995/- out of which TPA sanctioned Rs 2,37,257/- that compelled the patient to make co-payment for Rs. 83,738 /-.</p> <p>Substantial amount were disallowed on the ground, the charges are above the UCR rate, (Usual Customary and Reasonable).</p> <p>The complainant would strenuously contend, the hospital has charged for OT more than the charges that the doctor charged for the surgery he is also pointing out several discrepancy in the bill.</p> <p>Since the entire treatment was well covered by the</p>

policy of insurance we refrain from making any comment on the bill save and except, the pharmacy and consumable items that would be outside the policy.

We would find that the amounts covering item no 10, 11 and 12 of the deduction memo being Rs. 11,018/- Rs. 8,238/- and Rs. 8,235/- would attract discount of Rs. 5,082/- as per Advisory No. 14.

Ms Ghosh, Vice President, Apollo would contend, such Advisory would not be applicable in view of the judgment and order dated June 14, 2023 in WP No. 3858 of 2022 passed by the Hon'ble High Court, Kolkata where advisories have been set-aside by the Hon'ble High Court.

We have already held earlier in another Apollo case being **Case Reference: INT/EMID/2024/030 Mr. Amvika Ranjan Tripathy vs Apollo Hospital**, paragraph 40 and 41 of the Judgment read together, would clinch the issue and there is no fetter on the medicine and consumable discount in case of a cash patient, as per advisory no 14.

Here, the patient did not get benefit of the amounts being not covered by the policy. Hence, we treat him as cash patient on that score and direct refund of Rs. 5,082/- in this regard.

So far balance amount is concerned Ms. Ghosh, in her usual fairness, would extend all cooperation to the complainant before Ombudsman Insurance, if approached for reimbursement.

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
[Signature]

Secretary
West Bengal Clinical Establishment
Regulatory Commission