

Office of the West Bengal Clinical Establishment Regulatory Commission  
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**Case Reference: INT/HOW/2024/101**

Mr. Manas Shaw ..... Complainant

vs

Sanjiban Hospital, Fuleswar Howrah.....Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	13/05/2024	<p>The complaint would principally relate to medical negligence. However, on examinations of the complaint and upon hearing the rival contentions of the parties we also find gross hospital negligence that we would be discussing hereinafter.</p> <p>We received the complaint on April 23, 2024. We immediately sent a copy of the same to the CE with a request to give their response as well as all medical records and the breakup bill. We sent a second notice through Mail intimating the date of hearing. We also contacted the CE over phone.</p> <p>Despite all attempts being made, the CE has neither given any response nor shared any medical records as</p>

asked for by the Commission.

Today, at the hearing Mr. Nirmal Saha, Head of the Administration is present to represent the CE. Mr Saha could not reply to the queries made by our esteemed medical members.

From the available records that the complainant has shared along with his reply it appears that the patient was admitted on 2<sup>nd</sup> March 2024 and he was under constant treatment till March 29, 2024 when he breathed his last. There was no interval in between. Yet, the death certificate would show the date of admission as March 15, 2024. It now reveals, although the patient was admitted on March 2, 2024 and continued to stay without any interruption till his death the CE has shown it as two admissions to avail the Swasthya Sathi benefit twice.

Mr. Pijush Biswas, Learned Advocate, represents the CE. Mr. Biswas, would contend, since the complaint would principally pertain to medical negligence that would be outside the domain of the Commission. He



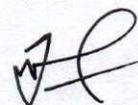
would also point out, the complaint is also accompanied by medical records, so there is no need for further records. He also submits, the Chairman of the CE is indisposed. Hence, it was not possible to submit any record as asked for.

However, he does not deal with the issue of shown readmission referred to above.

It is common knowledge of all, medical negligence would be outside the domain of the Commission. The Commission never decides on such issue and there is no scope for making any departure in this case. The complainant would be free to approach the appropriate authority questioning the treatment protocol if he is so advised.

In case the complainant approaches the appropriate authority questioning the treatment protocol and he is successful therein he would be at liberty to approach us afresh as against the CE.

However, we record our strong displeasure about



the conduct of the CE. The CE is a five hundred bedded hospital. They must have sufficient staff to handle the administrative and medical part.

We are sorry to hear, the Chairman is indisposed. That cannot be a ground to avoid sharing of medical records. The records annexed to the complaint are not sufficient enough to understand what actually happened during the stay of the patient in the hospital.

The Commission is entitled to inspect records of the CE. Withholding of records without any plausible reason is a serious irregularity. We are not at all impressed by the submission of Mr. Biswas on the issue that the records have already been shared by the complainant. The complainant has shared his copy of the investigation reports that he has from the CE. The medical records must include bed-head ticket, Nursing Assessment Register and other patient related records that the Commission is entitled to examine.

Mr. Biswas would now contend, they can share



those documents in course of the day.

If they could do so there was no reason why it was withheld so long.

We impose penalty of Rs 20,000/- on the CE. The CE must deposit the said amount with the Commission within a week from date.

This particular CE faced complaints in the past and they are habitual defaulter in the case of giving response. We record our strong displeasure on the issue.

There has been serious irregularity on the Swasthya Sathi admission recorded above. We refer it to the Department of Health and Family Welfare (Swasthya Sathi Division) to inquire and take appropriate measure in this regard.

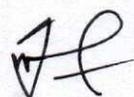
The complaint is disposed of.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member



Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Sri. Sutirtha Bhattacharya, IAS (Retd)- Member

Sd/-

Smt Madhabi Das – Member

*Authenticated*

*W/B*  
Secretary  
West Bengal Clinical Establishment  
Regulatory Commission

*AI*