

Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: INT/KOL/2022/219

Mr. Dipankar Chakrabarti **Complainant**

VS

Charnock Hospital and Spandan Hospital, VIP Road..... **Respondent/
Respondents**

ORDER SHEET

Office Note	Order No.	Date	Order
	3.	24/05/2024	<p>The complaint would relate to medical negligence as well as hospital negligence that would be overlapping each other.</p> <p>The complaint would relate to unfortunate death of a 31 years old young girl. Incidentally the ill-fated father of the deceased girl is a medical practitioner who is before us as complainant.</p> <p>We heard the complaint on December 23, 2022 where despite our best efforts we could not ensure the presence of the complainant. We tried to contact him over phone he did not pick it up. After repeated phone calls</p>



		<p>we were constrained to hear and dispose of the complaint in his absence.</p> <p>We held a detailed hearing of both the CEs involved herein. We considered the complaint and ultimately observed as follows:-</p> <p><i>“We have considered the complaint. In our view, the principally complaint would relate to questioning the treatment protocol that would be clearly outside our domain. The complainant would be free to approach the appropriate authority against the treating team questioning treatment protocol, if he so desires.</i></p> <p><i>As we do in all other cases, we have examined both the bills. The patient was in Charnock for a brief period. Intubation was done and emergency medicines were given. The patient was billed for Rs. 1,700/-. We do not find any scope to interfere.</i></p> <p><i>We have examined bill of Spandan Hospital where we would find some amount charged in excess. We have</i></p>
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shared of our calculation with Spandan. They agree to refund a sum of Rs. 17,438/- charged in excess, to the complainant."

From the paragraph quoted supra it would appear, we granted liberty to the complainant to approach the appropriate authority questioning the treatment protocol that would relate to medical negligence. We also noted that the case would involve other issues. We also examined the bill and directed one of the establishments to refund Rs. 17,438/- that we found charged in excess.

The complainant approached us for rehearing as he was not present at the earlier hearing. Although we were not impressed by the reason of his absence, for end of justice, we placed the matter for further hearing on January 30, 2023 when we held a de-novo hearing in presence of the complainant as well as both the CEs.

After hearing of the parties we disposed of the complaint without any further interference as by that time he had already approached the Consumer Forum.



		<p>We observed, there could not be two parallel proceedings at the same time. However, we granted liberty to the complainant to approach us afresh after disposal of the complaint before the West Bengal Medical Council, if approached.</p> <p>The complainant is still not happy. He started writing to us for a fresh physical hearing.</p> <p>Since Covid regime the Commission is hearing all complaints online in virtual mode hence, we do not wish to make any departure.</p> <p>We cannot sit on appeal over our own judgment.</p> <p>Today, the complainant would contend, in course of hearing of the Consumer Forum proceedings few documents have revealed hospital negligence that could be independently dealt with by the Commission.</p> <p>We are not at all impressed.</p> <p>If any document and / or evidence revealed in a co-lateral proceeding the said Forum would decide the issue</p>
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		<p>accordingly.</p> <p>He cannot misuse the liberty that we have given to approach us afresh.</p> <p>We do not find any scope to reopen the case again. This would only harass both the CEs who are summoned before us for the third time.</p> <p>We understand, the complainant has already approached the West Bengal Medical Council as informed by Dr. Soumitra Das the treating doctor attached to Spandan Hospital.</p> <p>Let him pursue his remedy there.</p> <p>Office is directed not to place this issue again for hearing that would unnecessary harass the CEs involved herein.</p> <p>Sd/- The Hon'ble Chairperson</p> <p>Sd/- Prof. (Dr.) Makhan Lal Saha – Member</p>
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Authenticated

[Signature]

Secretary
West Bengal Clinical Establishment
Regulatory Commission

			<p>Sd/- Dr. Maitrayee Banerjee – Member</p> <p>Sd/- Smt Madhabi Das – Member</p> <p><i>Authenticated</i> <i>[Signature]</i></p> <p>Secretary West Bengal Clinical Establishment Regulatory Commission</p>
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