

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: INT/HGY/2024/106

Mr. Tapas Mondal Complainant

vs

Gopinath Arogya Niketan, Kalna..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	24/05/2024	<p>The complaint would relate to post-surgical complication as foreign body was left unnoticed while closing the abdomen.</p> <p>The patient had pain abdomen however, the concerned surgeon did not go for USG immediately. Had it been done so the problem could be detected earlier. Ultimately, when it was detected the patient lost confidence in the treating team and went outside the State and got the surgery done outside. It also reveals, apart from the foreign body, part of the Gallbladder also remained that was removed by the curative surgery.</p> <p>Due to such complication the patient required resection of the part of the intestine that became</p>

perennial discomfort for the patient.

We have examined the OT sister who could not properly satisfy us as to whether there had been proper recounting of the OT materials at the time of the closure of the surgery.

The complainant would claim compensation for Rs. 15, 00,000/- as they already spent Rs.10,00,000/- for subsequent treatment outside the State. Moreover, the patient has become immobile having lost his means of livelihood.

We have considered the issue. Once the foreign body was detected in the USG Report done at Kolkata the patient could have approached any appropriate set-up within the State that could give him substantial reduction in the cost of the treatment. It is unfortunate, he had to spend a lot of money outside the State however, that cannot be the guiding factor in deciding the amount of compensation.

We feel, interest of justice would be sub- served if we direct payment of Rs. 5,00,000/- as lump sum



compensation to be paid by the Clinical Establishment.

We make it clear, this award of compensation would not debar the patient to ventilate his grievance as against the surgeon, before the appropriate forum if he is so advised.

Sri Abhijit Sarkar, representing the nursing home would pray for some time.

We understand, it is a fifteen bedded nursing home in the district of Burdwan. It would be fit and proper, they should be given easy instalments to clear off the amount.

We direct the payment of the said sum of Rs. 5,00,000/- by monthly instalment of Rs 40,000/- save and except the last one.

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

In default of payment of anyone instalment the entire amount then remaining due, would become



immediately payable along with interest @ 7 p.a. until realization.

The patient is present online. Let him share his bank details with the nursing home so that money can be transferred to his bank account every month.

The complaint is disposed of.

Sd/-
The Hon'ble Chairperson

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