

Case Reference:WBCERC/PAS/117/2024-25

Mr. Rabisankar Sukul Complainant

vs

Peerless Hospital.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	12/09/2024	<p>The complaint would relate to unfortunate death of the patient because of surgical complication due to hepatic flexure perforation.</p> <p>The patient was admitted on April 18, 2024 under corporate category (IIT, Kharagpur) for gallbladder surgery.</p> <p>The surgery was done on the same day. The patient was accompanied by her daughter who stayed behind the patient all throughout. On the very next day, the patient had acute pain abdomen that was not taken care of as complained by her.</p> <p>The CE, in their response, submitted that the CT Abdomen was done on the next day which was far from</p>

truth. Dr. Mitra, representing the CE, in his usual fairness, would admit, it was done on April 20, 2024 and not on April 19, 2024.

The fact remains on the first post-op day, hardly any procedure was done to ameliorate the patient pain as we find from the records.

On April 20, 2024 when the perforation was detected through CT abdomen immediately curative surgery was done. However, the patient breathed her last on April 22, 2024.

The CE, in their response, claimed that bowl injury is "not uncommon". In support of such submission they relied on literature that would hardly support them. Literature would say, chance of detection of perforation is 30-50 per cent. CE carefully couched the sentence by jugglery of words. The author of the letter wanted to mean, the bowl injury during surgery was 30-50 per cent that is totally a wrong interpretation of the literature.

Dr. M. L Saha, our esteemed member, would make it explicitly clear, bowl injury in case of laparoscopy is

less than 1 per cent as per the literature.

Be that as it may, unfortunate incident had happened. It was taken care of belatedly. We are not sure, whether immediate steps could have save the patient or not. Such issue would be available to the complainant to raise before the appropriate forum. We are not competent to decide.

The complainant would also raise billing issue.

Dr. Mitra, in his usual fairness, would admit, there were some mistakes in the billing at the initial stage. Death was caused early in the morning when administrative office was yet to start functioning. Subsequently, the bill was corrected and it raised before the IIT, Kharagpur for a lesser amount of Rs. 1,12,770/- .

Dr. Mitra would also submit, in a case of cash patient they would have waived the cost of curative surgery. Since it was a corporate patient and the bill was made at the CGHS rate (as per the agreement) they would abide by the final decision of IIT, Kharagpur that is awaiting in view of the dispute raised by the complainant before

them.

We have considered the rival contentions. As observed hereinbefore, the principal issue would be available to the complainant to raise before the appropriate forum. In case they are successful therein they would be at liberty to approach us afresh.

Daughter of the patient, has expressed reservation for use of the word "baseless" in a mail dated April 25, 2024 sent by Dr. Partha Chattopadhyaya of Peerless. Unfortunately we do not have the mail right now. It was read out by the complainant.

According to Dr. Mitra, Dr. Partha Chattopadhyaya of Peerless wanted to state that the patient was duly attended.

Dr. M. L Saha, our esteemed member, on evaluation of the medical records, would notice only one note of the surgeon that the patient was fine and did not have any complain and planned for discharge next day, whereas the daughter of the patient is strenuously contending, the patient had acute pain abdomen.

In our view, the contentions might be rival. However, the CE must take adequate caution to have choice of words. "Baseless", in our view, is not the appropriate word to be used by the CE in this regard.

Before we part with, we express our piece of mind on the billing issue.

It is true, CE is bound by the agreement that they have with the corporate.

Dr. Saha has pointed out, the second curative surgery was split in two parts that was unethical. Dr. Mitra, would strenuously dispute such contention. We leave it open for the IIT, Kharagpur to decide while they would be reviewing the bill.

Dr. Mitra would admit, the non medical expense to the extent of Rs. 36,613/- has been realised from the complainant.

We feel, the CE should review their bill whether to waive the non medical expenses for the post surgery period and refund the amount accordingly.

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

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West Bengal Clinical Establishment
Regulatory Commission