

Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: WBCERC/NOR/122/2024-25

Ms.. Dimple Chatterjee..... Complainant

VS

Zenith Hospital.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	12/09/2024	<p>The complaint would relate to medical negligence as well as hospital negligence.</p> <p>A 77 year old female patient was admitted with a complaint of UTI infection. There had been earlier hospitalisations at least, on five occasions at the same CE between 2016 and 2021. Unfortunately, the patient breathed her last on November 4, 2021.</p> <p>The complainant has approached the West Bengal Medical Council on May 10, 2022 awaiting decision.</p> <p>In course of hearing of the complaint before the West Bengal Medical Council, the complainant has come to know that the hospital negligence would be available for</p>

adjudication before the WBCERC hence, the complaint before us by her on the hospital issue.

We have heard the complainant in detail.

The complainant would raise issues that are purely medical. The complainant would also raise issues which are overlapping each other. She would complain, the hospital unnecessary prolonged the hospitalisation and failed to diagnose the disease and proceed to cure the same without doing the necessary investigations.

In our view, this would be absolutely outside our domain and the West Bengal Medical Council would be the appropriate authority to decide as to whether the doctors were right in not prescribing the investigations as complained of by the complainant.

She has other issues with regard to paramedical staff those are ancillary and could be effectively dealt with by us, had there been successful adjudication by the West Bengal Medical Council in her favour on the issue.

Isolated hospital negligence that too, in 2021, would

not be appropriate to be decided by us in this complaint particularly when the West Bengal Medical Council proceeding is pending.

We refrain from interfering at this stage and grant liberty to the complainant to approach us afresh in case occasion so arises in future.

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