

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: WBCERC/KOL/090/2024-25 & WBCERC/KOL/119/2024-25

Mr.Sujan Behari Roy Complainant

VS

Apollo Multispeciality Hospital.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	19/09/2024	<p>This complaint would relate to a total misunderstanding of the responsibility of the service provider as well as the insurer in case of a planned surgery through medi claim policy.</p> <p>The complainant, an aged person, wanted to have a planned surgery under PPN Package.</p> <p>Prior to his admission, the CE submitted an estimate before the TPA for Rs. 1.08 lakhs. The TPA, however, sanctioned Rs. 50,000/-. Such sanction clearly stated, the balance amount of Rs. 88,000/- would have to be paid by the insured. Unfortunately, the insured, being the patient herein, either overlooked the same or got swayed</p>

		<p>away by his insurance agent who assured that additional amount would subsequently be allowed.</p> <p>Surgery was done. The patient was discharged. At the time of discharge, knowing fully well that this amount may not be admissible, the CE submitted an additional bill for the balance amount that the TPA totally rejected. The complainant had to pay a sum of Rs. 71,488/-.</p> <p>We find from the bill, additional amount included the cost of mesh amounting to Rs. 13,488/- in a case of surgery of linguinal hernia.</p> <p>Our esteemed member Dr. M.L. Saha present online, would make it clear, mesh being a part of the surgery, is included in the PPN Package. The TPA should sanction the same. The CE should not recover the said amount from the patient.</p> <p>This issue can be effectively gone into before the appropriate forum provided under the insurance policy and / or the appropriate insurance laws of the land.</p> <p>We direct the CE to keep the said amount of Rs.</p>
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		<p>13,488/- in a suitable interest bearing fixed deposit until a proper adjudication is made by the Ombudsman Insurance if approached.</p>
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Needless to mention, the fixed deposit should be kept renewed from time to time till the disposal of the said proceeding, if initiated.

Such fixed deposit must be made within a month from date upon notice to the complainant as well as the Commission.

In case no such proceeding is made within a fortnight from the date of making of the fixed deposit the CE would be at liberty to encash the same and appropriate the proceeds thereof.

In case the complaint is made the proceeds would be appropriated in terms of the decision to be had in the said proceedings.

In default of making of the fixed deposit within the stipulated period, the said sum of Rs. 13,488/- would become immediately payable together with interest @ 6

per annum until realisation.

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]