

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: WBCERC/KOL/91/2024-25

Mr.Atanu Dey Complainant

vs

Charring Cross Nursing Home.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	22/08/2024	<p>The complaint would relate to an unfortunate accident that happened at the time of shifting of the patient from the OT to bed. When the patient was about to be taken inside the lift suddenly the lift started running without the patient's trolley fully in. As a result, both of her legs got severely injured.</p> <p>The patient was immediately taken to the ICU and had orthopaedic intervention by the CE. All costs were borne by the CE. At present, the patient is under home care. She is now not in a position to do her movement independently. She has to use support for her movement.</p> <p>On our request, Dr. Mukul Bhattacharya, HOD,</p>

		<p>IPGMER, is present online. He has evaluated the entire medical records. According to Dr. Bhattacharya, the patient was admitted for Uterus Operation that was completely uneventful. The injury was unfortunate. It was serious and the patient had to suffer for the same as both of her legs got severely injured due to such lift malfunctioning.</p> <p>We have heard the patient as well as the CE as well as the Learned Advocate representing for CE.</p> <p>According to the complainant, she was self-employed and she cannot freely move around to carry on her profession. She is now completely home bound and would have to take support even for her movement within the house. She would however admit, the CE has taken all steps for post injury treatment free of cost.</p> <p>According to the CE, initially the complainant demanded compensation for Rs. three lakhs. She alternately gave up her claim for compensation when she was assured free treatment.</p>
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		<p>We have gone through a letter dated March 26, 2023 that would speak otherwise. It was not a clean chit by the complainant or her husband to the CE.</p>
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The CE would also contend, they provided a bed as well as a wheelchair. The complainant would contend, the bed was unworkable and despite request they are yet to change the bed however, there was no complaint with regard to the wheelchair.

The Learned Advocate, representing the CE, would submit, since the entire cost of treatment was borne by the CE and all follow-up treatment are still carried on free of cost they should be relieved of the responsibility of the compensation.

With due respect to the Learned Advocate we are unable to agree with her submission.

We have considered the laws of the land. In a case of grievous injury a sum of Rs. 5,00,000/- is found just and appropriate. However, considering the fact that immediate treatment was done by the CE and is still





		<p>carried on we direct payment of Rs. 4,00,000/-.</p> <p>The complainant is unhappy with the amount and would ask for more amount.</p> <p>Considering the facts and circumstances we feel, Rs. 4,00,000/- would be just and appropriate.</p> <p>The CE prays for easy instalment. We understand, a criminal case has been initiated at the instance of the complainant that is yet to be taken to a logical conclusion.</p> <p>In our view, in case we direct payment by instalment there might be complication because of pendency of the criminal case which we would be directing to take it to a logical conclusion in view of our foregoing order for total resolution of the controversy upon payment of the full amount of compensation as directed above.</p> <p>We thus decline to accede to the request of the CE and direct transfer of the entire amount of Rs. 4,00,000/- directly to the complainant on sharing of her bank details</p>
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with the CE.

We permit the parties to approach appropriate forum where the criminal case is pending to have an amicable solution in view of the order passed by us including payment of compensation.

Such liberty can only be exercised upon payment of the full amount that must be done within a week of sharing of the bank details.

In case of the default in making payment of the amount of compensation within the time stipulated, the amount would carry interest @ 6 percent p.a. until realisation.

The complaint is disposed of.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

			<p>Sd/-</p> <p>Dr. Maitrayee Banerjee – Member</p> <p>Sd/-</p> <p>Sri. Sutirtha Bhattacharya, IAS (Retd)- Member</p> <p>Sd/-</p> <p>Smt Madhabi Das – Member</p> <p><i>Authenticated</i></p> <p><i>[Signature]</i></p> <p>Secretary West Bengal Clinical Establishment Regulatory Commission</p>
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