

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: WBCERC/KOL/196/2024-25

Ms. Bandana Ghosh ..... Complainant

VS

Genesis Hospital and Apollo Hospital.....Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	12/12/2024	<p>The complaint would relate to most unfortunate incident. However, by the grace of God, the patient has survived miraculously.</p> <p>The patient was prescribed a planned surgery of gallbladder for which he was admitted on April 26, 2024 at Genesis Hospital, Kolkata. He was supposed to be discharged on April 28, 2024. According to the CE, the surgery was uneventful. However, there had been profuse discharge through drain for which he had to overstay. He was released on April 29, 2024. However, the records would reveal, the problem could be not be solved.</p> <p>Our esteemed medical members are of the opinion, the patient should not have been discharged on April 29, 2024 without taking step to stop the leakage.</p>



The patient again had to approach the CE. There had been four consecutive admissions at the same CE i.e; April 26, 2024 to April 29, 2024, May 2, 2024 to May 15, 2024; May 24, 2024 to June 7, 2024; June 18, 2024 to June 24, 2024.

There had been day care procedure by other two hospitals: Narayan Memorial Hospital where ERCP was done and Ruby Hospital for Endoscopy.

The patient was shifted to Apollo by the concerned surgeon where he was there for a substantial period.

On our request, Apollo has shared the medical records that our medical members have already evaluated. Although Apollo took appropriate steps for curative surgery the problem was not fully solved.

The patient went back to Genesis Hospital. However, the concerned doctor left the country without making any arrangement for treatment of the patient, as alleged by the complainant before us.

Having no other alternative they went back to Apollo. However, Apollo refused to treat the patient as



there had been huge outstanding that the complainant could not bear pay off.

Ultimately, the patient landed up at Liver Foundation where by three successive admissions the patient has been cured.

By the grace of God he is now well.

We received the complaint on November 22, 2024. We sent a copy thereof to the CE for their response through mail dated November 25, 2024. Up till now we have not received any reply although Mr. Simon Danlop representing the CE, would submit, he has already sent a mail yesterday evening. However, he is not sure about the timing. We however, did not get any mail within a reasonable period.

Be that as it may, we feel, the entire harassment emanated from the post surgical complication that would be squarely outside our domain. We however, feel, once the patient had profused discharge through drain and the concerned treating team did not discharge him on the day fixed they should not have discharged him immediately on the next day without taking full care of the problem



for which the patient had to come on repeated occasions.

We are told, the first admission was on a package for Rs. 80,000/- that the patient already paid at the time of discharge. The complainant being the wife of the patient, is also candid enough to say, the cost for the fifth admission could not be paid as she had no money. However, the second, third and fourth admissions have been fully paid.

We feel, the CE must not have charged for the second, third and fourth admission that must be refunded to the complainant.

We thus direct Genesis to refund Rs. 3,68,889 /- being the aggregate amount of second, third and the fourth bill at once on sharing of bank details by the complainant.

The complainant is given liberty to approach appropriate authority on the issue of medical negligence.

Before we part with, we would be failing in our duty if we do not bring this fact to the notice to the appropriate authority under the Department of Health and





Family Welfare, State of West Bengal.

We would request the Director of Health Services to initiate appropriate comprehensive investigation in the matter and take it to a logical conclusion upon intimation to the Commission.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Sri. Sutirtha Bhattacharya, IAS (Retd)- Member

Sd/-

Smt Madhabi Das – Member

*Authenticated*  
*[Signature]*  
Secretary  
West Bengal Clinical Establishment  
Regulatory Commission