

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference:WBCERC/PUR/219/2024-25

Mr. Parimal Samanta..... Complainant

vs

Desun Hospital.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	09/01/2025	<p>The complaint would relate to excess payment taken from the patient directly in a case of planned surgery through WBHS. The complainant would contend, the 77 year old female patient was admitted on December 5, 2024 for a planned hip-joint replacement under WBHS.</p> <p>According to the complainant, at the time of admission, the CE never demanded any sum from the complainant. When he approached the corporate desk for admission he was assured, everything would be covered by WBHS.</p> <p>The patient was taken to the OT on December 9, 2024 for Orthopaedic intervention. At that time, the CE</p>





		<p>demanded Rs. 22,000/- being the difference in the price of the implant and the sanctioned amount under WBHS category.</p> <p>According to the CE, the implant would cost Rs. 77,000-. They have also relied upon an invoice to the said extent. Since the cost of implant is covered by WBHS with a maximum limit of 55,000/- they demanded Rs. 22,000/- and the complainant agreed to pay the same. In this regard, the CE would rely upon a written consent of the complainant duly signed by him on December 8, 2024 at 15:50 hours.</p> <p>The complainant admits his signature. However, he is not sure as to whether the date was put by him or not. He would assert, the money was demanded after the patient had been shifted to the OT and the complainant had to sign such declaration under a compelling circumstance.</p> <p>Dr. Soumendu Sen, representing the CE, would submit, the complainant had chosen a costlier implant that could not be covered by WBHS. He also agreed to</p>
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		<p>bear the additional cost as would appear from his declaration referred to above. Hence, the CE had gone for costlier implant and the differential amount was paid by the complainant, as agreed.</p> <p>We have considered the rival contentions. The parities are ad-idem to the extent, the patient was admitted on December 5, 2024 when there was no demand of any additional sum for the implant.</p> <p>According to the CE, the complainant agreed to pay the said sum on December 8, 2024 being the day prior to the surgery whereas the complainant would strenuously assert, he had to pay the amount under a compelling circumstance when the patient had already been taken to the OT on December 9, 2024.</p> <p>The controversy would arise as to the date appearing on the so called declaration, which according to the complainant, was signed under a compelling circumstance.</p> <p>Even if we give full credence to what Dr Sen would</p>
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		<p>say about the signing of the declaration that would not, in our view, change the situation.</p> <p>It is a case of a planned surgery. The patient must have OPD consultation prior to admission when decision was taken for the surgery. The patient was admitted on December 5, 2024. On either of those two occasions implant issue could be solved. It was not done.</p> <p>WBHS facility is a comprehensive procedure and question of additional payment by the patient party could not arise.</p> <p>Evaluating the factual scenario as discussed above, we feel, interest of justice would be sub-served if we direct refund of at least 50 per cent of the said additional amount.</p> <p>The complainant is directed to share his bank details with the CE so that CE could refund the said sum of Rs. 11,000/- being 50 per cent of the additional cost, to the complainant.</p> <p>Before we part with, we caution the CE. In a case of</p>
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planned surgery it is common practice that an estimate is prepared and is signed by the party. Even if it is not done at the OPD stage the CE must go for it at the time of admission to avoid such unnecessary unpleasant situation that has surfaced before us through this complaint.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

Authenticated
[Signature]
Secretary
West Bengal Clinical Establishment
Regulatory Commission