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Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: WBCERC/NOR/244/2024-25

Ms. Syead Nayan Moni Complainant

vs

Desun Hospital.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	05/03/2025	<p>The complaint would relate to non-furnishing of the medical records despite request being made for months together.</p> <p>The patient was admitted on September 6, 2024 at Desun. The patient died on September 30, 2024. Soon thereafter, the complainant requested Desun to share all medical records that was totally ignored by the CE. They did not even send any reply acknowledging receipt of such application.</p> <p>The Law Officer of Desun, present online, would submit, since the complainant applied under RTI Act Desun replied to her lawyer that they are not amenable to</p>





the said Act.

The complainant would contend, initially she applied for medical records. Since CE did not adhere to such request she had to approach her lawyer who applied under RTI Act. In any event, no such reply has been received by her.

The CE is not in a position to produce any such reply at the hearing.

Even if we accept the contention of the Law Officer we fail to understand how the hospital could withhold medical records of a patient who died during treatment as per back on September 30, 2024.

We received the complaint on February 12, 2025. We mailed it to Desun on February 18, 2025. Within ten days, they replied sending all medical records that they withheld so long.

Dr. Sen, also representing Desun, would try to explain, since they had some problem with regard to corporate billing and the records were maintained by



third party they could not adhere to her request at the appropriate time.

We are not at all impressed.

The conduct of the Desun is deplorable. Initially Dr. Sen in his usual fairness would admit, there had been some delay however the other representative of the CE, is bent upon to justify their conduct.

We impose penalty of Rs. 5,000/- on Desun to be paid to the complainant at once.

The complainant would be at liberty to go through the records and if there be any omission she must point out the same to the CE. CE would be obliged to provide the same positively within a week thereafter.

The complaint is disposed of accordingly.

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>Smt Madhabi Das – Member</p> <p><i>Authenticate</i></p> <p><i>[Signature]</i></p> <p>Secretary West Bengal Clinical Establishment Regulatory Commission</p>
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