

Office of the West Bengal Clinical Establishment-Regulatory Commission
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Case Reference: WBCERC/KOL/251/2024-25

Ms. Sarmistha Ghosh Complainant

vs

Manipal Hospital (Medica Superspeciality Hospital).....Respondent/
Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	05/03/2025	<p>69 year old female patient was advised for a gynaecological procedure for which she was admitted on August 3, 2023. The surgery was done on the next day i.e, August 4, 2023. There had been post operative complication that was detected at a very later stage.</p> <p>On August 6, 2023 she was diagnosed having bowel perforation due to the injury caused during surgery. Re-exploration was done that was unsuccessful. Despite a prolonged treatment, the patient expired on August 20, 2023.</p> <p>The patient was admitted under a mediclaim policy of Rs. 8,00,000/-. The total bill was Rs. 23.3 lakhs. The</p>



TPA sanctioned the entire amount of Rs. 8,00,000/- by directing a discount of Rs. 70,000/-. The patient relatives paid Rs. 1.9 lakhs. The balance 13 lakhs due and payable, were virtually waved off by the hospital as we find from the reply where they contended that they did not escalate the issue of outstanding amount.

We hope and expect, they would not do so in future.

The complainant would submit, the patient was admitted a day prior to the elective surgery. The patient and the patient relatives should have been properly counselled while taking the consent form submitted for surgery. According to her, it was signed 2-3 minutes before the patient was wheeled to the OT.

Our esteemed members Dr. Sukumar Mukherjee and Dr. M.L. Saha present at the hearing, are Ad-idem on the issue, in case of elective surgery the counselling should have been done appropriately and that too well ahead of the actual surgery being done. However, in case



of medical emergency there might be departure where time would be the essence.

In the instant case, the CE, in most uncertain terms, conceded that there had been perforation for which re-exploration was done that would indicate injury during surgery. Whether that was due to the negligence of the surgeon or not, is a question to be decided by the appropriate authority.

Dr Saha would observe, bowel perforation is not unusual in case of abdominal surgery. However, it must be diagnosed without any delay. In this case, it was diagnosed almost 48 hours after the surgery. By that time, the complication resulted deterioration of the patient status. However, this is our prima facie view that must not influence the future proceeding, if initiated before the appropriate authority on the issue.

The complainant is free to approach appropriate authority questioning the surgical procedure or the post operative treatment.



In case she is successful therein she would be at liberty to approach us afresh for appropriate relief as against the CE.

The complaint is disposed of.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

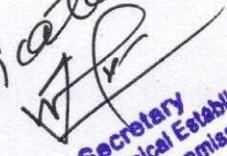
Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

Authenticated

Secretary
West Bengal Clinical Establishment
Regulatory Commission