

Office of the West Bengal Clinical Establishment Regulatory Commission

1st Floor, 32 B.B.D Bag, West Bengal, Kolkata – 700001.

Phone:- (033) 2262-8447 , Email: wbcerc@wb.gov.in Website: www.wbcerc.gov.in

Case Reference:WBCERC/SOU/302/2024-25

Mr.Debsankar Maiti..... Complainant

vs

Tata Medical Centre.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	28/04/2025	<p>This complaint would relate to a post surgical complication in a case of Adeno carcinoma resulting in death of the patient.</p> <p>The patient was admitted with an estimate of Rs. 4,50,000/- that might get escalated in case of complication four to five times. There had been post surgical complication followed by two more surgeries.</p> <p>The patient was admitted for 35 days in Private category under medical insurance of Rs. 20,00,000/- that got exhausted and the</p>



Case Reference: WBCERC/SOU/302/2024-25

1



complainant had to pay Rs. 4,67,758/- when the patient was shifted under Swasthya Sathi mode where the patient was under treatment for 24 days when the entire amount of Rs. 5,00,000/- got exhausted and the complainant had to pay Rs. 36,490/-. The patient was then transferred to general category for 3 days when she breathed her last and the complainant had to pay Rs. 50,000/- in the third phase of admission aggregating to Rs. 5, 54, 248/-.

Our esteemed medical members Dr. Sukumar Mukherjee and Dr. M. L. Saha have interactions with Dr. Amrit Pipara the concerned surgeon as well as Dr. Sanjay Kapoor, Medical Director.

Admittedly, there had been small bowel injury during surgical inadvertent that, despite two more surgeries, could not be taken care of and the





patient had gone to septic shock and ultimately breathed her last after about 62 days of admission.

Whether the injury was caused due to the negligence of the concerned surgeon or not, is a question that could be gone into before appropriate forum. We are not competent to do so. However, once the complication had arisen that too, during surgery by the surgeon under payroll of the CE the CE cannot avoid their responsibility.

The complainant would be at liberty to question the issue before the appropriate authority and if the negligence is established it would be possible for us to award adequate compensation to the complainant because of unfortunate loss of life of the patient.





At this stage, we are concerned with the financial loss that the complainant had after the post operative complication. The estimated cost exceeded multiple times. CE got the full amount of benefit of Rs. 20,00,000/- insurance and Rs. 5,00,000/- under Swasthya Sathi aggregating to Rs. 25,00,000/-. The complainant had to pay the balance amount of Rs. 5,54,248/-.

In our view, the said sum of Rs.5,54,248/- must be refunded to the complainant atonce.

We abundantly make it clear, refund of this amount would not in any way be considered while accessing the final compensation that the complainant would be entitled to in case the negligence is established before the appropriate forum.

Dr. Kapoor, took some time to consult the





management and ultimately expressed their inability to accede to such desire of the Commission.

We are unable to accept their stand.

We direct refund of the said sum to the complainant at once.

The complainant is directed to share his bank details so that amount can be transferred to his bank account.

In default of payment of the said sum within a reasonable period preferably within one month from date the complainant would be entitled to get the defaulted amount with interest at the rate of 8 per cent per annum until realisation.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson





Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) MakhanLalSaha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

Authenticated
[Signature]

Secretary
West Bengal Clinical Establishment
Regulatory Commission