

Case Reference: WBCERC/KOL/38/2025-26

Mr. Pallab Roy Choudhury Complainant

vs

Fortis Hospital.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	30/05/2025	<p>The complaint would principally relate to medical issue resulting death of a 73 years old patient who was admitted on April 13, 2025 with sudden loss of consciousness and vomiting. On presentation, his consciousness level was poor with frothing from mouth and aspiration for which the patient was intubated in the Emergency. CT brain with Angioplasty was done that revealed left MCA(Middle Cerebral Artery) infract with left MCA occlusion. Mechanical Thrombectomy was advised.</p> <p>The patient had undergone three major surgeries with short interval. The patient was declared “brain dead” on April 18, 2025.</p> <p>Within a span of four days of admission under a</p>

Mediclaim policy, the hospital billed a sum of Rs. 12,00,494.64/-.

On the request of the complainant, the hospital transferred him in WBHS category as the patient was a WBHS beneficiary.

The patient breathed his last on April 23, 2025.

The complainant would raise principally three issues:-

- i) Whether the patient needed three major surgeries that too, within a very short period. Pertinent to note, surgery was done on the first, second and third day of admission.
- ii) There had been unusual billing that was approved by the insurance only to the extent of Rs. 3,00,000/- compelling the complainant to pay the balance amount of Rs. 9,00,000/- until the patient was shifted to WBHS category under cashless mode.
- iii) On declaration of the brain death in the guise of counselling the patient's relatives were persuaded to go for organ donation. Ms. Trina, a non medical executive

and Dr. Gyan, RMO persisted them for organ donation until the issue was clarified by the Medical Superintendent Dr. Suchandra. This caused additional stress on the family of the ill-fated patient who was fighting for life, although declared "brain dead."

CE gave their response. According to them, all three surgeries were necessary.

Dr. Halder, the concerned surgeon, present online, has tried to clarify the issue to our esteemed Medical Member Dr. Sukumar Mukherjee.

On the issue of organ donation Ms. Trina, present online, would admit the incident. She would however, try to justify by contending, the main purpose was to counsel the patient relatives about the status of the patient when he was declared "brain dead."

Dr. Gyan, also present online, would deny any such conversion although the complainant has shared phone call records, with the Commission on the issue.

On the billing, Mr. Sahin Biswas, representing the CE, would contend, since there was no specific issue



raised on that score their billing executive is not present.

We have considered the issue.

Our esteemed medical member Dr. Sukumar Mukherjee, has interaction with Dr. Halder. Dr. Mukherjee is of the opinion, it is not clear why all the three major surgeries were done that too, within a short interval.

Since the medical issue is outside our domain we grant liberty to the complainant to approach appropriate forum on the issue. In case he is successful therein he would be at liberty to approach us afresh on that score.

On the organ donation issue, we have also considered the call recording sent to us. It is clear, the issue was raised by CE unnecessarily. Dr. Halder present online would also agree with Dr. Mukherjee that a 73 years old patient having co-morbidities, was not fit for organ donation except Retina.

We feel, once Dr. Halder would agree that the patient was not fit for organ donation the CE could not have any



occasion to escalate such issue particularly when the patient relatives were in shock coming to know about the “ brain death” of their dearest and nearest one .

We direct the CE to send a letter of apology from Ms. Trina and Dr. Gyan to the complainant as well as the ill-fated widow of the patient positively within a week from date.

That would leave us with only issue of billing.

For the first time in the history of the Commission we come across a bill of Rs. 12,00,000/- for four days of admission. We feel, the bill has to be reconsidered by a body of experts. We thus constitute a committee as follows:

1. Dr. Makhan Lal Saha- Member, WBCERC
2. Dr. Swapan Soren Director, Health Services, State of West Bengal
3. Mr. Arshad Hasan Warsi, Secretary, WBCERC

The committee would examine the bill and interact with the executives of the Billing Department as well as



the treating doctors and would come to a logical conclusion.

The Committee would also be at liberty to consult Dr. Subhasis Ghosh and Dr. Biman Kanti Roy renowned Neuro Surgeon and Neurologist respectively.

The CE would be obliged to refund the amount to be found due and payable by the Committee to the complainant.

Until the Committee would decide on the issue the CE would set apart Rs. 6,00,000/- to be invested in a suitable interest bearing Fixed Deposit of any Nationalized Bank of their choice in the name of the ill-fated widow of the patient.

The complainant is directed to cooperate with CE to have the Fixed Deposit done.

A copy of the Fixed Deposit be handed over to the complainant for his information.

Fixed deposit would be renewed time to time till a decision is arrived at by the Committee.

After a decision is taken and amount is adjudicated upon by the Committee the CE would be entitled to encash the Fixed Deposit and hand over the proceeds to the widow along with accrued interest thereon.

Before we part with, we notice unnecessary and unpleasant words used by both the parties being the complainant as well as the CE.

Those are pointed out to the respective persons at the hearing. We hope and expect, there would be no such recurrence.

The complaint is disposed of accordingly.

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