

Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: **WBCERC/NOR/ 56 2025-26**
(Old Case No NPG/2019/000746)

Mr. Sanjoy Sadhukhan..... Complainant

vs

Megacity NursingHome,Barasat.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	11/06/2025	<p>The complaint would relate to unfortunate death of a young lady who was under constant gynaecological check-up of Dr. Gouranga Kumar Ghatak. On the advice of Dr. Ghatak, the patient was admitted at Megacity Nursing Home Private Limited for delivery.</p> <p>According to the CE, the delivery was done by caesarean C - section at about 9 am in the morning on October 28, 2019 and a female child was born. The patient was shifted to bed. Subsequently,</p>



there had been fall of blood pressure at about 1 p.m. that could be managed. However, the patient became critical and ultimately went into ventilation at about 5 p.m. and died at 5.30 pm.

The incident was disastrous.

The complainant came to us with a complaint as against the hospital negligence in 2019 (746 of 2019).

The compliant was heard by us finally on February 15, 2021. Our esteemed medical members of the panel examined the medical records as well as the post mortem report where it revealed, the death was due to "*ante partem haemorrhage from Caesarean Section wound.*"

The Primarily negligence would be of the treating doctor for which the complainant had already approached the West Bengal Medical

Council that was awaiting adjudication. We also observed, when her condition started deteriorating and the concerned surgeon, despite call, did not attend the patient it was also the duty of the hospital to take care of the patient. They did not do so.

We imposed a penalty of Rs. 2,00,000/- as against the CE and granted liberty to the complainant to approach us again for final compensation after the matter was adjudicated upon by the West Bengal Medical Council.

The nursing home has not yet paid the compensation.

CE filed a writ petition no WPA 9246 of 2021 before the Hon'ble High Court that was heard and disposed of by the Learned Judge vide order dated April 9, 2025. His Lordship dismissed the

writ petition holding the hospital responsible for the unfortunate incident.

The relevant part of the order of the Hon'ble High Court at Calcutta is quoted below:-

“From the observations made by various medical experts, it prima facie appears, even to a layman, that there was a deficiency in post-operative care. The post-mortem report indicates that the bleeding occurred due to excessive hemorrhaging from the caesarean wound. As previously noted, although the operation itself was claimed to have gone well, the patient's blood pressure suddenly dropped, and she ultimately passed away on the same day. There is sufficient evidence indicating that despite being called, the attending doctor did not attend to the patient on that day.”

Being aggrieved, the nursing home filed an appeal however, failed to obtain any stay.

West Bengal Medical Council initially referred the issue to Dr. Subesha Basu Roy, Associate Professor, SSKM & IPGMER Hospital as an expert. Paragraph 10 of the expert report is quoted below:-

*“No proper management was done to revive the patient there after in so called Mega City Hospital
“Human Slaughter House.””*

The West Bengal Medical Council considered the issue and held the doctor responsible for the negligence and suspended his licence for two years from the date of communication of the said order.

The concerned doctor approached the appellate authority when upon consideration of

each and every contentions of the parties, the Principal Secretary, Director of Health and Family Welfare, Government of West Bengal, the appellate authority, rejected the appeal and upheld the order of suspension of two years.

The concerned surgeon approached the Hon'ble High Court filing a writ petition that was rejected vide judgment and order dated February 10, 2025.

The surgeon filed an appeal as well as an application for stay that was also rejected vide order dated April 21, 2025 however, the appeal is pending and awaiting its disposal.

In this scenario the complainant has come exercising the liberty granted by us vide order dated February 15, 2021 for final compensation.

Mr. Dribendra Basu, Administrator, Mega

City Nursing Home, present online, would try to contend, the patient was admitted under the advice of Dr. Ghatak and surgery was done by the concerned doctor. The hospital had no responsibility. Hence, no compensation could have been awarded as against the hospital. Appeal before the Division Bench is pending hence, we should stay our hands.

The complainant would, however, insist compliance of the earlier order as well as payment of further compensation.

We have considered the rival contentions. Facts appearing from the records as well as the judgments of the Hon'ble High Court at Calcutta would not deserve any favourable consideration for the CE.

In course of hearing, Mr. Basu would offer



deposit of the said sum of Rs. 2,00,000/- and pray for adjournment of the hearing of the application for final compensation till the disposal of the Hon'ble High Court proceedings.

On such concession being made we direct Mr. Basu to forthwith pay Rs. 2,00,000/- to the complainant who would keep the same in a Fixed Deposit, free from lien, to be renewed from time to time until further orders.

A copy of the fixed deposit receipt would also be sent to Megacity for their information. Needless to mention, Mega City would be obliged to pay the said sum positively within a fortnight from date to the complainant by bank transfer on sharing of bank details by the complainant.

The matter is adjourned sine die. The parties are directed to inform the Commission about the

result of the Hon'ble High Court proceedings.

In case of default of payment of the said sum of Rs. 2,00,000/- within the period aforesaid the entire money would become due and payable from the initial date of order dated February 15, 2021 together with interest at the rate of 7 per cent per annum until realisation.

CMOH, 24 Parganas (North) is directed to issue order of suspension of license forthwith and see to it that the establishment remains closed unless and until the said sum of Rs. 2,00,000/- are paid off.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member



Sd/-

Dr.Maitrayee Banerjee – Member

Sd/-

Dr. Indrajit Saha(DME) - Member

Sd/-

Smt Madhabi Das – Member

Authenticated

[Signature]
Secretary
West Bengal Clinical Establishment
Regulatory Commission