

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: WBCERC/KOL/66/2025-26

Mr. Kamalesh Halder Complainant

vs

KPC Hospital.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	18/06/2025	<p>The complaint would relate to medical negligence resulting death of a female patient aged about 77 year old.</p> <p>The patient was admitted through Emergency on April 28, 2025. The patient was drowsy but arousable. She came with severe breathlessness and history of four days fever. She had type -2 respiratory failure.</p> <p>The patient was ventilated on April 30, 2025. On May 8, 2024 she was found to have multi drug resistant Klebsiella, hospital acquired infection.</p> <p>We have perused the BHT that would have record upto 9.20 a.m. of May 10, 2025.</p> <p>The complainant would contend, when the patient</p>

was in ventilation on May 12, 2025 the treating team decided to have tracheostomy. Treacheostomy was done that was uneventful. However, on May 17, 2025 when there had been a mechanical intervention for change of tube condition of the patient deteriorated that ultimately resulted death of the patient.

The complainant would raise issue as to whether the decision to change the tube after four days of tracheostomy was essential and whether there had been any negligence while doing the mechanical intervention.

This issue can effectively be gone into by the West Bengal Medical Council.

We permit the complainant to approach the appropriate authority raising such issue.

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

Before we part with, we express our strong

displeasure as to the conduct of the CE.

We received the complaint on May 27, 2025. After registration, we forwarded the mail to the hospital on May 30, 2025 with a request to share all medical records and submit response. The hospital submitted their undated response on June 9, 2025 through mail. Our office asked them to send the hard copy of the medical records that was belatedly submitted on June 16, 2025.

On perusal of the said records we find that the BHT from May 11 onwards have been conspicuously withheld.

We impose a penalty of Rs. 50,000/- to be paid to the complainant on that score.

We abundantly make it clear, penalty of Rs. 50,000/- would have no bearing on the final compensation if any, to be decided by the Commission in case the complainant succeeds before the West Bengal Medical Council and approaches us afresh.

The complaint is disposed of accordingly.



Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

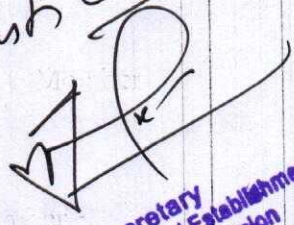
Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

Authentic copy


Secretary
West Bengal Clinical Establishment
Regulatory Commission