

**THE WEST BENGAL CLINICAL ESTABLISHMENT
REGULATORY COMMISSION.**

Present: Justice Ashim Kumar Roy, Chairperson.

Dr. Sukumar Mukherjee, Member.

Dr. Madhusudan Banerjee, Member.

Dr. Maitrayee Banerjee, Member.

Smt. Madhabi Das, Member.

COMPLAINT ID: HOW/2017/000228.

Mr. Santosh Kr. Tiwari.....Complainant.

-versus-

AMRI Hospital & others.....Respondents.

Date of judgment: 7th March, 2018.

J U D G M E N T .

The daughter of the complainant aged about 2 years 6 months, a caesarian baby, on August 24, 2017 was admitted at AMRI, Mukundapur under ESI Scheme. It appears from the medical records that it was diagnosed as known case of neurofibromatosis type 2, presented with MRI findings of plexiform neurofibroma with volume loss of cervical cord at C3 & C4- possibly myelomalacic change. That the child had delayed developmental milestones. That mother noticed a swelling at right side of neck for last 3-4 months which increased in size gradually. That baby was admitted in pediatric ward on August 24, 2017 for surgical management. At the admission baby was conscious, alert, hemodynamically stable but had respiratory distress. The patient was operated, under GA by a Neuro Surgeon for Quadriplegia with neurofibromatosis after the decompression of C3, C4. The child could not recovered and

was put on ventilation for breathlessness. Since August 24, 2017 till the date of closure of the hearing, she is in the hospital on ventilator support.

2. An affidavit has been filed by the Medical Supdt. of AMRI, Mukundapur that according to the medical opinion, the baby still needs ventilator support and regular physiotherapy and Intensive Neuro Rehabilitation and although the AMRI is not equipped with such facilities viz Intensive Neuro Rehabilitation still they are providing treatment to the patient at their best.

3. It be noted that the father of the baby made the complaint before the Commission alleging that there was gross medical negligence, unfair trade practice and deficiency in service on the part of the Clinical Establishment and claimed for compensation. It is an admitted position that the baby is being treated at AMRI under ESI Scheme and the entire expenses of the treatment is to be borne out by ESI.

4. Now, going through the medical records, we do not think that the father of the baby, the complainant herein has able to establish the charge brought against the Clinical Establishment. Accordingly, the case stands closed and disposed of.

Sd/-
Justice Ashim Kumar Roy
Chairperson

Sd/-
Dr. Sukumar Mukherjee, Member.

Sd/-
Dr. Madhusudan Banerjee, Member.

Sd/-
Dr. Maitrayee Banerjee, Member.

Sd/-
Smt. Madhabi Das, Member.



7/3/2018
Secretary
W.B.C.E.R.C.
Kolkata-1