

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

**Present: Justice Ashim Kumar Roy, Chairperson.**

**Dr. Sukumar Mukherjee, Member.**

**Dr. Makhan Lal Saha, Member.**

**Smt. Madhabi Das, Member.**

**COMPLAINT ID: KOL/2017/000202.**

**Ms. Ivy Das.....Complainant.**

**-versus-**

**Ruby General Hospital & others.....Respondents.**

**Date of judgment: 7<sup>th</sup> March, 2018.**

**J U D G M E N T.**

The complainant Ms. Ivy Das came before this Commission with her complaint in writing alleging that her mother while was admitted at Ruby General Hospital (in short "Ruby") under the care of Dr. Amitava Saha and Dr. Ajitesh Roy, they were quite negligent in her treatment and due to that her mother expired. She, however, made it clear that she had no complaint against the Ruby either of deficiency in patient care service or over the billing issue. She also made it clear that she only intended to proceed against the aforesaid two doctors for medical negligence.

2. Having regards to above, at the time of hearing, her attention was drawn to the provisions of first proviso to Section 38 (1) (ii) of the West Bengal Clinical Establishment (Registration, Regulation and Transparency) Act, 2017. Simultaneously, she is also apprised of the fact that in view of such expressed statutory mandate that the complaint of medical

negligence against medical professional will be dealt with by the respective State Medical Council, it is beyond the scope of adjudication by this Commission.

The above position of law has not been disputed by the complainant and she only prays that it be made clear that closure of this case before the Commission due to the above reasons would not preclude her to approach the respective State Medical Council against the treating doctor for negligence in treatment of her mother which resulted in her death.

3. In view of above, the hearing of this case stands closed and disposed of.

We make it clear that we have not gone into the question whether there was at all any medical negligence in the patient care service on the part of the two treating doctors which is within the domain of the respective State Medical Council.

Sd/-  
Justice Ashim Kumar Roy  
Chairperson

Sd/-  
Dr. Sukumar Mukherjee, Member.

Sd/-  
Dr. Makhan Lal Saha, Member.

Sd/-  
Smt. Madhabi Das, Member.

