

Case Reference: WBCERC/HOW/113/2025-26

Mr. Surajit Banerjee Complainant

vs

Peerless Hospital.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	06/08/2025	<p>The complaint would principally relate to medical negligence. The patient was admitted at Peerless hospital with the history of abdominal pain. She was referred to Dr. Mainak Pal, Surgeon who advised surgery. Pertinent to note, the patient had already inguinal hernia repaired at a different establishment.</p> <p>By laparoscopic surgery, Dr. Pal repaired ventral hernia by fixing a mesh measuring about 12 cm.</p> <p>The patient had post surgical complication after discharge when Dr. Pal advised her for a</p>

CT scan as according to him the patient might need a curative surgery. The patient expressed her inability to go for CT scan and it would be too costly. She was then advised for USG.

She was doubtful as to the attitude of the concerned surgeon. She approached another CE outside the State where she is now on follow-up treatment.

Our esteemed Medical Member, Dr. M. L. Saha present online, has already examined the papers. According to him, as per investigation report there was a defect measuring 4.6 cm x 3.5 cm. As per surgeon note another defect was noted during the surgery. In view of the two defects a larger mesh size would have been appropriate. A 12x12 cm circular mesh is inadequate for such defect that might be the reason of early recurrence of hernia.



Dr. Sudipta Mitra, representing the CE, would submit, CT scan was not advised. As per record, the USG was advised.

Dr. Saha would opine, in this particular case CT scan was the only proper diagnostic procedure that was rightly suggested by Dr. Pal.

According to Dr. Mitra, the patient did not come for further follow up as such they should not be blamed for not taking steps as to the post surgical complication.

Medical negligence is outside our domain. However, we cannot blame the patient as she lost her faith to go for further procedure at Peerless. According to her, CE did not take the post surgical complication seriously.

In this type of cases we always advise the CE to take a pragmatic approach and do the curative surgery either free of cost or at least,





taking a lesser cost. When the complainant expressed her inability to go for CT scan paying Rs. 22,000/- at the CE no financial support was offered to the complainant.

Considering the entire situation and considering the fact that the complainant is not desirous to go to Peerless for further curative surgery we have felt, interest of justice would be sub-served if we direct refund of 50 per cent of amount of total cost of Rs. 2,56,756/- as and by way of financial support to the complainant so that she could go for curative surgery elsewhere as per her choice.

Dr. Mitra, is not agreeable to such suggestion. In such event, it would be proper for us to constitute a Medical Board to find out whether the surgery was properly done or not.

The surgeon was chosen by the hospital, not by



the patient herself. So hospital cannot avoid their responsibility. From that angle, we feel, we should not be mere on looker in deciding the issue.

At this juncture, Dr. Mitra would submit that we should refer it to an independent Medical Board other than anyone attached to SSKM Hospital as our esteemed medical member Dr. M. L Saha was attached to the said Hospital prior to his superannuation.

Such submission, in our view, is unwanted and humiliating. We deprecate the stand of the CE.

We request the Director, Medical Education, to constitute a Medical Board consisting of three surgeons.

The Medical Board should submit its report to us so that we can take appropriate steps in the matter.

The complaint would not be available before



August 31, 2025 hence, the Medical Board should hold sitting in September, 2025 as per their convenience.

Needless to mention, the representatives of the complainant as well as the CE, should be given a proper hearing by the Medical Board before submission of the report.

The complaint is adjourned for four months from date.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

Sd/-


Dr. Maitrayee Banerjee – Member

Sd/-

Sri. Sutirtha Bhattacharya, IAS (Retd)- Member

Sd/-

Smt Madhabi Das – Member

Authenticated


Secretary
West Bengal Clinical Establishment
Regulatory Commission

SK