

Case Reference:WBCERC/KOL/110/2025-26

Ms. Alka Roy ..... Complainant

vs

Bellona Nursing Home & Diagnostic Centre Private  
Limited.....Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	3.	08/09/2025	<p>The complaint would relate to serious hospital negligence.</p> <p>On May 1, 2025 the complainant visited the nursing home with pain abdomen. She was seen by a person namely, Mr. Avinash Kumar posing to be a doctor. Mr. Kumar prescribed Dynapar injection and he himself administered the medicine. Subsequently, the pain subsidised however, the patient later on suffered miscarriage.</p> <p>The complainant went to the police station. The police has not taken any active step in the</p>



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matter as complained of by the complainant.

We heard the complaint on August 6, 2025.

We imposed a penalty of Rs. 1 lakh on the nursing home. The complainant was generous to donate it at Ramakrishna Seva Prathistan. With her consent, we directed the nursing home to deposit the money to Ramakrishna Mission Seva Prathistan that the nursing home did as we understand from the receipt.

We also asked the nursing home authority not to admit any new patient and directed the licensing authority to make a thorough investigation after suspending the license of the nursing home and submit report for our final consideration.

On the prayer of the owner of the nursing home, Dr Kasem, we permitted him to continue treatment of the patient already admitted therein





however, asked him not to admit any new patient until further orders.

After the said order had been passed the nursing home authority filed an application for review on August 11, 2025 with a complete different story.

The review application was accompanied by Annexures to show that Mr. Avinash Kumar was a homeopath doctor having appropriate license from the Homeopathy Council as well as notifications of the government allowing Homeopath Doctors to prescribe medicines in case of urgency.

Those documents annexed to the review application, were not sent to the complainant despite directions given by us on August 6, 2025 when we heard the review application.

The complainant would contend, the application accompanied by all the documents



have been received by her only on September 4, 2025. She could not file any response to the same due to delayed service.

We do not permit the nursing home authority to use those annexures and proceed with the application without any annexure as if those documents were not annexed to the review application.

At the hearing the Learned Advocate representing the CE, would contend, upon receipt of the complaint on July 17, 2025 they held a meeting of the Board of Directors on July 18, 2025 and decided to show cause Mr. Kumar and ultimately terminated his service vide order dated July 26, 2025.

No document has been produced before us in support of such contentions.

The Learned Advocate would also state, the



FIR has been lodged by the Nursing Home Authority against Mr. Kumar only on August 18, 2025.

The steps, in our view, even if taken by the authority belatedly, are nothing but an afterthought. No proactive action had been taken by the nursing home authority on urgent basis despite receiving the complaint made by the complainant until we passed the drastic order on August 6, 2025 restraining the nursing home to admit any new patient.

Dr. Kasem has taken three inconsistent stand before us. On the first day he contended before us, Mr. Kumar was his assistant. In the review application, he contended that Mr. Kumar is a homeopathy doctor. Today at the hearing, Dr. Kasem would say, Mr Kumar is his compounder.

We have now received a copy of the inquiry



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report from the Director of Health Service through his team. We have gone through the same, a copy of the same be shared with the complainant through her Whatsapp.

The report would recommend as follows:-

**“RECOMMENDATION**

1. The CE wing may refer the case to Homeopathy council as the concerned person is a BHMS degree holder to seek clarification.
2. The CE wing may enlighten on whether the existing license to be suspended and all Clinical activities to be stopped or only patient admission to be kept suspended as the CE is continuing their OPD based consultations & services.
3. The CE wing should probe on how non MBBS clinician can work as an assistant in



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a CE without any information to the CE wing/permission from the CE wing”.

With regard to the action against Mr. Kumar by Homeopathy Council, we do not feel any necessity to escalate such issue for the reason stated above.

Our earlier direction for suspension of license be kept on hold.

The Nursing Home Authority would submit a written declaration to be verified through an affidavit affirmed before a first class magistrate to the effect that they would not engage any medical person other than having at least, MBBS qualification to act as RMO or Emergency Officer.

We request our esteemed Members Dr. M.L. Saha, Dr. Maitrayee Banerjee and Ms Madhabi Das to make a thorough inspection of the Clinical



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Establishment and submit report by October 8, 2025.

After we receive the report we shall consider final disposal of the review application.

The hospital may continue the Dialysis, Pathology and diagnostic procedure as done before.

Dr. Kasem would submit, for Dialysis purpose, the patient has to be formally admitted under Swasthya Sathi mode.

Let him do so for the purpose of Dialysis, that too, only for Swasthya Sathi and WBHS patients.

The nursing home authority may also extend ICU facility in case of any critical situation in the process of Dialysis.

The complainant is also permitted to



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submit any response if she so desires.

Place it for further hearing in October 2025.

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*  
*[Signature]*  
Secretary  
West Bengal Clinical Establishment  
Regulatory Commission