

Case Reference: INT/KOL/2025/040

Mr. Sambhu Paul Complainant

vs

Tata Medical Centre, Kolkata.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	18/09/2025	<p>The patient had tongue and throat cancer. He approached the CE at his stage IV status. He was advised radiation. He could complete three cycles when his condition deteriorated. CT Scan was advised to find out whether there was any metastasis in liver. The CT scan was delayed. Ultimately the Doctor advised for palliative care. The complainant was asked to take the patient back home. Since they were from outside the State on their request, the patient was kept on condition, no aggressive treatment would be done. The patient breathed his last at the CE.</p>

The complainant has raised five issues.

The first three would relate to delay. According to the complainant, they could not get immediate appointment at OPD that had delay of 11 days. Even for radiation they had to wait for one and half months. When the Doctor advised for CT Scan there had been delay because of the long wait. This delay must have caused deterioration of the patient that ultimately resulted in death.

The fourth issue would relate to palliative care. According to the complainant, the CE was reluctant to keep the patient admitted. At their request, the patient was kept for palliative care on condition that the hospital would not be responsible for his ultimate death as the patient would be without any treatment.

The last issue would relate to bed side





training protocol that the hospital was undertaking for the students studying at the post graduation stage. Such training was given without the consent of the patient family.

We have heard Dr. Kapoor in response.

With regard to the first three issues pertaining to delay, we do admit this is really a serious issue. This particular establishment is a uni-speciality centre treating cancer patients. They are not only treating patients of the State but also patients coming from eastern and north eastern part of the country as well as Abroad. They have their limitations. Delay might have caused deterioration of the patient's condition.

Dr. Kapoor would say, CT Scan was advised however, that could not have changed the situation even if it was done earlier. He would



add, when the patient became critical and came to the Emergency CT Scan was done on emergency basis.

With regard to palliative care, we feel, there should be proper counselling for the palliative process so that the patient relatives would understand that the patient would not be given any advance treatment as according to the Doctor there was no scope for any curative treatment and the patient should be given a peaceful journey towards the end. Possibly, there had been some misunderstanding for which the complaint has been made.

With regard to the training, we feel, the medical students must go through such process and we do not find any irregularity on that score.

Our esteemed medical member Dr. M.L.



Saha would add, before any such examination is done for the students a prior consent should have been obtained from the patient and /or the patient relatives.

The patient died despite best efforts of the treating team. We fully appreciate the pain of the patient family however, considering the issues as discussed above, we have hardly any scope to interfere.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

Arulambikated

[Signature]
Secretary
West Bengal Clinical Establishment
Regulatory Commission