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Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: WBCERC/DAR-SMP/101/2025-26

Manojit Lahiri..... Complainant

vs

Neotia Getwel Multispeciality Hospital, Siliguri.....Respondent/
Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	13/10/2025	<p>An elderly female patient having the history of cardiac arrest, was brought to the CE at 7 p.m. on May 12, 2025. After emergency care, the patient was admitted at about 11 p.m. under Dr. Tarun Kumar Baid (Pulmonology) and Dr. Rajesh Nanda (Cardiology). The patient was admitted for about 4 days.</p> <p>The complainant was not happy with treatment. He wanted to have discharge on LAMA. He applied for discharge on LAMA at about 2 p.m. on the 4th day of admission. The patient was released after about six hours.</p> <p>She was admitted in another nursing home where she breathed her last.</p>





The complainant has already approached West Bengal Medical Council questioning the treatment protocol.

The complainant has approached us alleging hospital negligence. He has raised four issues before us:-

- i) CE demanded Rs. 30,000/- at the time of admission as advance. The complainant had only Rs. 5,000/-. The hospital was reluctant to admit the patient however, on his insistence, the patient was admitted with the advance of Rs. 5,000/-.
- ii) The patient was admitted under Dr. Baid who misbehaved with the complainant moreover, there had been difference of opinion between two doctors, Dr. Nanda and Dr. Baid, that caused confusion to the complainant.
- iii) At the ICU where the patient was kept a waste bin was placed bedside that might have triggered deterioration of the patient.
- iv) There was unusual delay in discharge of the

		<p>patient.</p> <p>We have heard Dr. Sarkar, Facility Director of the CE.</p> <p>Considering the situation they relaxed their procedure and accepted Rs.5,000/- as deposit.</p> <p>With regard to misbehaviour, Dr. Baid would also strenuously dispute such allegation of the complaint.</p> <p>Dr. Sarkar would contend, that they follow hygiene protocol and no dustbin was placed bedside and the allegation made by the complainant is not correct.</p> <p>Relating to delay in discharge, Dr. Sarkar would admit, they usually take 4 to 6 hours to prepare the case summery as well as bill.</p> <p>We have considered the rival contentions.</p> <p>The patient was admitted with deposit of Rs. 5,000/-. We do not wish to escalate the issue.</p> <p>With regard to mis-behaviour, we are unable to go into the question in absence of appropriate evidence.</p>
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On the dustbin issue, we direct CMOH, Darjeeling to make a surprise inspection to find out veracity of the allegation and submit a report to us at an early date.

We are not impressed with the stand taken by the CE with regard to delay in discharge.

When the patient relatives of a critically ill patient would ask for LAMA or DAMA it would be the duty of the CE and/or the treating team to properly counsel the patient relatives as to the risk involved in the transfer process and such counselling must be documented.

In this case, we do not find any such attempt made by the CE. The complainant submitted the LAMA application at 2 p.m. and the patient was discharged at 8 p.m. after about 6 hours.

We deprecate this practice. Despite being cautioned about the risk involved, if the patient relatives want to shift the patient somewhere else CE must take immediate step to have the patient transported to the other establishment. Such process has to be followed in



all such cases.

The complainant has already approached the West Bengal Medical Council as against the treating protocol. We do not wish to escalate the issue being outside our domain.

We impose a penalty of Rs. 20,000/- because of the unusual delay caused by the CE in discharge of the patient.

The complainant is directed to share his bank details with the CE so that money could be transferred to him at once.

We hope and expect, CE would henceforth try utmost to expedite the process of discharge, be it LAMA or DAMA or any normal discharge.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member



			<p>Sd/-</p> <p>Dr.Maitrayee Banerjee – Member</p> <p>Sd/-</p> <p>Smt Madhabi Das – Member</p> <p><i>Authenticated</i></p> <p><i>[Signature]</i></p> <p>Secretary West Bengal Clinical Establishment Regulatory Commission</p>
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