

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

Present: Justice Ashim Kumar Roy, Chairperson.

Dr. Sukumar Mukherjee, Member.

Dr. Abhijit Chowdhury, Member.

Dr. Madhusudan Banerjee, Member.

COMPLAINT ID: WMID/2017/000204.

Mrs. Sangita Saren MurmuComplainant.

-versus-

Satyam Sivham Nursing Home & others.....Respondents.

Date of judgment: 8th March, 2018.

J U D G M E N T.

According to the case of the complainant when his wife Mrs. Sangita Saren Murmu conceived she was under antenatal care of Prof (Dr.) Apurba Mondal at Satyam Sivham Nursing Home. On July 21, 2017 when the delivery pain started, they contacted Dr. Saha over phone but he expressed his inability to attend the patient and advised them to get her treated by any other doctor. Accordingly Dr. Amit Handa and anesthetist Dr. Pranotosh Mondal performed LOCS and a deformed child was delivered. It is the further case of the complainant that due to wrong treatment and improper advice of the doctors, they had to suffer these consequences and prayed for compensation.

2. Now on the face of the above allegation, a case of medical negligence against a medical professional tends to have been made out and, therefore, in terms of the first proviso to Section 38 (1) (ii) of the West Bengal Clinical Establishment (Registration, Regulation and

Transparency) Act, 2017, the case is to be adjudicated by the respective State Medical Council with whom the doctor is registered and not by this Commission.

Accordingly, the Commission regrets its inability to entertain this case.

Sd/-

Justice Ashim Kumar Roy
Chairperson.

Sd/-

Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Abhijit Chowdhury, Member.

Sd/-

Dr. Madhusudan Banerjee, Member.

Authenticated



[Signature]
8/3/2018

Secretary
W.B.C.E.R.C.
Kolkata-1