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Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: WBCERC/SPG/185/2025-26

Ipshita Maity Samanta Complainant

vs

Kakdwip Maternity Home.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	13/10/2025	<p>The complaint would relate to negligence.</p> <p>Five year old baby having fracture of her left limb, approached local doctor whose qualification is in doubt. The concerned doctor took the patient to the Kakdwip Nursing Home where after x-ray, the fracture could be located and patient was treated by plaster of paris casing. The patient had tremendous pain in the limb. She was again taken to the nursing home. After about two days, they removed the plaster when it was found that the limb had been severely damaged because of improper blood</p>





circulation due to tight casting.

The patient was referred to Diamond Harbour Medical College and subsequently to Trauma Care Centre, SSKM Hospital where the patient had to undergo repeated surgery. Her limb could be saved. However, the functionability of the hand is poor.

Our Medical expert Dr. Sujit Nandi is of the opinion, despite best efforts by the Trauma Care Centre the limb could be saved however, the functionability would be poor.

According to Dr. Nandi, this is a fit and proper case for appropriate compensation for loss of functionability of the limb.

Despite notice, the CE is absent. The Commission office contacted the CE. The management declined to take responsibility on





the ground that there had been a change of management and the incident had happened during the regime of the previous management.

We requested CMOH, Diamond Harbour to investigate. Deputy CMOH Diamond Harbour present online, would contend, they have already started investigation.

We are not concerned with the proprietorship of the nursing home. Whoever is in-charge of the nursing home at present, would have to take responsibility of such negligence.

We impose a penalty of Rs. 3,00,000/- on the nursing home.

The nursing home is directed to pay the amount to the complainant who would invest the same in the name of the victim, in a suitable interest bearing fixed deposit to be kept renewed



from time to time until she attains majority.

The complainant is directed to share her bank details with the nursing home so that money could be transferred to her account at once.

This compensation would not debar CMOH Diamond Harbour to complete the investigation and take it to a logical conclusion by taking appropriate steps as against the person responsible for the same as also the nursing home.

CMOH is directed to send us report of compliance.

Deputy CMOH present online, would assure us that they would see that the order is implemented.

CMOH would also assure, the child would be





given the physically handicapped certificate
from the appropriate authority.

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

Authenticated
[Signature]
Secretary
West Bengal Clinical Establishment
Regulatory Commission

[Signature]