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Office of the West Bengal Clinical Establishment Regulatory Commission

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**Case Reference:WBCERC/NOR/56/2025-26**

Mr. Sanjoy Sadhukhan..... Complainant

vs

Megacity Nursing Home, Barasat.....Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	01/12/2025	<p>The complaint would relate to final compensation in a case of death of a very young lady who lost her life due to medical negligence at the CE.</p> <p>The matter came up before us on February 15, 2021 when we granted interim compensation of Rs. 2,00,000/- by giving liberty to the complainant to approach the West Bengal Medical Council as against the treatment protocol.</p> <p>The CE filed a writ petition before the Hon'ble High Court. The Hon'ble High Court vide</p>



judgment and order dated April 09, 2025 dismissed the same.

The CE filed an appeal before the High Court that has also been dismissed.

In the meantime the complainant approached the West Bengal Medical Council where the doctor was dealt with and penalised after holding that there had been a medical negligence.

The concerned doctor filed a writ petition. The Learned Single Judge declined to pass any order of stay.

The Doctor filed an appeal as against the said order of refusal to stay the order of West Bengal Medical Council along with an application for stay. The appeal was also dismissed vide order dated April 21, 2025. The writ petition is



however, pending.

The complainant has now come up for final compensation pursuant to the liberty granted by us vide our order dated February 15, 2021.

Today, the medical negligence stands proved. The death was caused due to medical negligence. Hence, The CE is obliged to pay appropriate compensation.

As per the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017 the minimum compensation prescribed in the said Act of 2017 is Rs.10,00,000/-.

After dismissal of all the proceedings before the Hon'ble High Court the CE had to pay Rs. 2,00,000/- hence, we direct the CE to pay the



balance sum of Rs. 8,00,000/-.

The unfortunate child who lost her mother during her birth, is entitled to the compensation.

The Learned Advocate submitted, unless and until the appeal filed by the concerned doctor is disposed of no compensation should be allowed to be paid.

Such submission is without any basis particularly when the application for stay was dismissed on merit. Hence, such submission is rejected.

The CE would contend, that they are not in a position to pay the said sum of Rs. 8,00,000/- at a time. They are praying for some concession.

Rs. 10,00,000/- is the minimum compensation to be awarded under the said Act of 2017. We



have no power to reduce the same. However considering their prayer, we grant liberty to pay the said sum by 10 equal monthly instalments commencing from December 15, 2025 and thereafter on the 15th day of each succeeding month.

The complainant is directed to open a bank account with any nationalised bank in the name of minor child and share the bank details with the CE so that money could be directly transferred to the account of the minor child.

The concerned bank is directed to keep it in a suitable interest bearing fixed deposit to be kept renewed until she attains her majority.

The complainant is also directed to make a fixed deposit in the name of the unfortunate child for the said sum of Rs. 2,00,000/- that he has



already received from the CE, if not already done.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

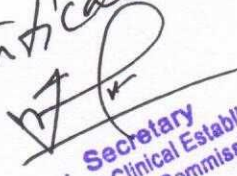
Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

*Authenticated*  
  
Secretary  
West Bengal Clinical Establishment  
Regulatory Commission

*BS*