

Office of the West Bengal Clinical Establishment Regulatory Commission

1st Floor, 32 B.B.D Bag, West Bengal, Kolkata – 700001.

Phone:- (033) 2262-8447 , Email: wbcerc@wb.gov.in Website: www.wbcerc.gov.in

Case Reference: WBCERC/SPG/237/2025-26

Mr. Sourav Mohonta Complainant

vs

CMRI.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	14/01/2026	<p>The complaint would relate to hospital negligence.</p> <p>An elderly patient aged about 71 years having injury due to RTA, was admitted on December 11, 2025. Initially she was treated conservatively and ultimately she was advised surgery to be done under ORIF method.</p> <p>The surgery was done on December 16, 2025, almost after five days of admission.</p> <p>According to the CE, the patient family was duly counselled about the procedure to be done and the cost involved in it.</p> <p>Paragraph 4 and 6 of the response are being relied upon. The same are quoted below:-</p>



"The patient was admitted under Star Health Insurance. Initially, an estimate of conservative management in ICU for 3 days was given to the patient relatives. Subsequently, when the patient was scheduled for surgery, a surgical estimate dated 15.12.2025 was prepared which included the cost of surgery, implant and bill amount till such date. The same was informed to the complainant herein over telephone on 15.12.2025. Even on 16.12.2025, the patient relatives were approached on their given contact number to collect the estimate copy, however, the same was not collected by the patient relatives. Both the estimates, are attached herein and marked as 'A'.

On 16.12.2025, under spinal anaesthesia, open reduction and internal fixation (ORIF) of the trimalleolar fracture of the right ankle was successfully performed after obtaining appropriate consent for the procedure and anaesthesia from the patient herself, prior to surgery. The patient was an adult, conscious, psychologically oriented, and competent to give consent. The consent



form was duly signed by the patient and Mr. Asit Das, son-in-law of the patient, who was present at the time of such consent, had signed as a witness. The risks, benefits, and alternatives of the surgical procedure were explained and documented at the time of taking consent”.

According to Dr. Gourdeep Bhattacharya, Medical Superintendent of the hospital, the patient family was duly counselled. Mr. Asit Das, the son-in-law of the patient, duly signed the consent form as witness to the consent given by the patient herself as would appear from the said document.

The complainant, being the son of the patient who admitted the patient would contend, he was neither counselled about the procedure to be done nor the cost component and the implant to be used in the procedure.

The CE would rely upon a call record done after the surgery. According to the CE, call was earlier made to the complainant asking him to collect the estimate details from the counter. It is thus clear, estimate was never



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		<p>given to the patient relatives.</p> <p>The complainant admitted the patient. The patient was attended by her son, the complainant as well as her daughter and the son-in-law. Initially, the CE was of the view that everything was being informed to the son-in-law however, Mr Das present online, would completely deny such assertion. According to him, even the day before the surgery they tried in vain to get information about the time of the OT that was not communicated to them.</p> <p>The admission was done under insurance mode. We find, estimate was submitted to Star Health, the TPA. Appropriate authorisation was taken from the insurance. The total bill amount was Rs. 3,97,602.81/-. After giving appropriate discount as per the policy for Rs. 9,692.42/-, the net bill amount was Rs. 3,87,910.39/- out of which the TPA authorised a sum of Rs. 3,36,343/- compelling the complainant to pay Rs. 51,567/-. The implant cost was also covered by the insurance policy.</p>
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		<p>We have examined the bill. We find, a sum of Rs. 28,248.30/- was charged on account of consumable that was not allowed by the TPA. Hence, the complainant would be entitled to 20 percent discount on the same. The TPA categorically, and in our view, very rightly, discarded the word consumable not being a dedicated service done to the patient. On that count, Rs. 2,500/- was wrongly collected.</p> <p>We find, despite the bill being routed through insurance, the complainant is entitled to refund of Rs 8,150/-. We direct the CE to refund the same.</p> <p>On the issue of hospital negligence, we find justification in the complaint. Even if the patient was admitted in insurance mode it was the boundant duty of the CE to counsel the patient relatives appropriately. We wonder, when an elderly patient traumatized due to RTA, was being looked after by her son, daughter and son-in-law the CE should not have procured the consent from her.</p>
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The son-in-law present online, would admit, he signed the consent form as witness however, he is not definite about the signature of his mother-in-law. He would admit, he was asked to sign paper for blood requisition and nothing else. He is clueless how the 4 page high risk consent form could be signed by him.

We impose a token penalty of Rs. 10,000/- to be paid to the complainant to be forwarded with a letter of regret from the CE.

We hope and expect, the CE would be cautious enough in future so that this kind of recurrence would not happen.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member



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