

5

Office of the West Bengal Clinical Establishment Regulatory Commission

1<sup>st</sup> Floor, 32 B.B.D Bag, West Bengal, Kolkata – 700001.

Phone:- (033) 2262-8447 , Email: [wbcerc@wb.gov.in](mailto:wbcerc@wb.gov.in) Website: [www.wbcerc.gov.in](http://www.wbcerc.gov.in)

**Case Reference:WBCERC/KOL/251/2025-26**

Mr.Sankar Banerjee ... ..... Complainant

vs

TRA General Hospital,Kolkata.....Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	05/02/2026	<p>The complaint would relate to surgical complication for which the patient is still having acute pain.</p> <p>A 77years old female patient was examined by Dr. S. R. Mitra who advised orthopaedic intervention. Dr. Mitra, advised patient to take admission in TRA hospital for such surgical intervention. The patient was admitted on January 2, 2026. On the next day, the patient was taken to the OT.Soon after commencement of the surgical</p>

protocol the C-Arm machine "got failure". Dr. Mitra, however, continued surgery and fixed the nail without being C-Arm guided. Very next day, the patient was discharged with a discharge summary where Dr. Mitra categorically observed that he had to conclude the surgery without the help of any X-rays as portable X-ray was not available even on the date of release.

The patient is still having acute pain. The complainant, the relative of the patient, would submit, they have taken a second opinion where they were advised not to go for further surgery because of her advanced age. Hence, this complaint.

After receipt of the complaint we sent a copy of the same on January 15, 2026 to the TRA hospital for their response. TRA gave their

response on January 24, 2026.

On going through the response, we find that there is a conflicting stand on the part of the doctor and the hospital.

According to Dr. Mitra, as per the discharge summary he had to conclude the surgery without the help of C-Arm machine or any portable X-ray as portable X-ray was not available whereas the hospital would contend, the C-Arm machine got serviced on December 30, 2025 and the incident happened on January 3, 2026. They have portable X-ray machine however, the concerned doctor did not ask for the same. OT sister also informed them that the doctor continued the surgery without making any requisition for the portable X-ray machine hence, such facility could not be made

available.

On our request Dr. Mitra, is also present online over phone on speaker mode.

Dr. Mitra, would categorically contend, as the hospital did not have any support to do X-ray it was not possible for getting such benefit hence, he had to conclude the surgery as by that time the muscle had already been cut.

We have considered the rival contentions.

Our esteemed member Dr. Maitrayee Banerjee would point out, the entire treatment was guided by the doctor himself on a particular budget and the hospital had no role to play. This system is not appreciated. Be that as it may, CE cannot shirk their responsibility on the issue.

We impose a compensation of Rs. 5,00,000/-

on the CE.

We abundantly make it clear, in case the complainant goes for curative surgery they would be entitled to recover the cost from the CE after giving credit to the said sum of Rs. 5,00,000/- to be received as compensation.

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/-

SmtMadhabi Das – Member

*Authenticated*  
*[Signature]*  
Secretary  
West Bengal Clinical Establishment  
Regulatory Commission

*[Signature]*