

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: KOL/2017/000210

Mr. Binayak Bhattacharya..... Complainant

vs

Sri Aurobindo Seva Kendra..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	15/12/2017	<p>The complainant of the case is present but none on behalf of the clinical establishment.</p> <p>On 14th October, 2015, the day on which the mother of the complainant expired allegedly due to negligent treatment and for deficiency in service, the West Bengal Clinical Establishments (Registrations, Regulation and Transparency) Act, 2017 (in short '<i>the said Act</i>') was not in existence. Subsequently, <i>the said Act</i> came into force on March 17, 2017, and the Commission was instituted and under section 33 and 38 of <i>the said Act</i>, the Commission was statutorily empowered to adjudicate the complaint of negligence in treatment, deficiency in service, unethical trade practice and other allied matters on the part of the clinical establishment and to award compensation.</p> <p>According to the case of the complainant/ In the instant case, the cause of action arose, on the day of occurrence i.e. October 14, 2015, nearly two years before the West Bengal Clinical Establishments (Registrations, Regulation and Transparency) Act, 2017 was enacted. We are, therefore, unable to proceed with this complaint for lack of jurisdiction and the case stands closed.</p>



It be noted further that already the complainant has approached Medical Council and accordingly the case no.5107/C 2017 dated 27/11/2017 has been registered and the council is seisin of the matter.

Sd/-

The Hon'ble Chairperson

Sd/-

Dr. Sukumar Mukherjee, Member

Sd/-

Dr. Madhusudan Banerjee, Member

Sd/-

Dr. Makhan Lal Saha, Member

Sd/-

Dr. Gopal Krishan Dhali, Member

Authenticated

[Signature]
20/4/2018.

Secretary
West Bengal Clinical Establishment
Regulatory Commission

