

**Office of the West Bengal Clinical Establishment Regulatory
Commission**

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Case Reference: NPG/2017/000267

Mr. Basant Kumar Damani.....Complainant

-vs-

Medica Superspecialty Hospital & Others.....Respondent/ Respondents

ORDER SHEET

| Office Note | Order No. | Date | Order |
|-------------|-----------|------------|---|
| | 2. | 28/03/2018 | <p>Having perused the petition of the complainant, considering the contents thereof and hearing the complainant who appears in person.</p> <p>We find on the face of the allegation made therein, a prima facie case of medical negligence by the treating doctor tends to have been made out.</p> <p>On our specific query the complainant conveys that he has no grievance against the Clinical Establishment.</p> <p>Now, in view of the 1st proviso to Section 38 (iii) of the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017, our authority to adjudicate, the question of medical negligence on the part of a medical practitioner is statutorily prohibited.</p> <p>In the result, this case stands closed.</p> <p>We make it clear that we have not entered into the merits of this case and if so advised, complainant may</p> |

approach the concerned State Medical Council for necessary relief.

Sd/-

The Hon,ble Chairperson.

Sd/-

Dr. Sukumasr Mukherjee, Member.

Sd/-

Dr. Madhusudan Banerjee, Member.

Authenticated

[Signature]

20/4/2018

Secretary

West Bengal Clinical Establish-
Regulatory Commission

