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Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: WBCERC/NAD/302/2025-26

Mr. Aishik Das..... Complainant

vs

**Bhattacharyya Orthopaedics And Related Recovery Centre Pvt.
Ltd.....Respondent/ Respondents**

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	13/04/2026	<p>The complaint would relate to hospital negligence.</p> <p>The complainant wanted to have orthopaedic intervention of the patient who was a WBHS beneficiary.</p> <p>According to the complainant, since the patient was a WBHS beneficiary there could not be any question of payment to be made to the hospital. CE demanded Rs. 50,000/- as advance</p>





payment that was subsequently reduced to Rs. 40,000/-.

The patient was initially admitted. Since the complainant had doubt with regard to financial aspect he applied for LAMA. The discharge was unusually delayed.

We asked for response. The CE has given their response. According to them, the patient was admitted on a Friday under Dr. Rajat Banerjee. As per the advice of the doctor the patient was being planned for surgery after reduction of swelling. However, the complainant insisted for urgent surgery that was planned on the very next day of admission. At 7.30 a.m the patient was wheeled to the OT and anaesthesia procedure started when the complainant applied for LAMA. Hence, the hospital took some time to undo the



procedure and complete the discharge process. According to the CE, they discharged the patient at 10.30 a.m however, the medical records would show, the discharge was at 11.53 a.m.

After receipt of the copy of the response the complainant however raised additional issues in his rejoinder that we do not wish to consider as it was not mentioned in the complaint.

We have heard the parties at length.

The complainant would also question the eligibility and qualification of the concerned doctor.

In course of the hearing, we come to know, the complainant himself visited the chamber of Dr. Rajat Banerjee in OPD.

Issue of eligibility is nothing but an



afterthought. In any event, such issue is outside our domain.

The complainant would narrate his ordeal for the sufferings of the patient during his Echocardiography done at a different establishment suggested by the CE where proper infrastructure was not available.

This question is also not mentioned in the complaint. We direct the CE to send a letter of regret to the patient for his sufferings.

It is true, the delay was caused due to undoing of the procedure that had already started. We feel, the CE should have been more vigilant expediting compliance of necessary protocol for discharge.

Dr. Nandi, our medical expert, is of the



opinion, there might have been some delay however, it cannot be construed as refusal.

We however find a serious issue that crept in the medical record. Specific amount was mentioned for package. According to the CE, such mention was made giving option to the patient for better implant.

We fail to appreciate.

The patient was a WBHS beneficiary. The CE is an empanelled hospital for such procedure. The patient is concerned with his treatment. He is not at all concerned as to how much cost would be involved herein as the entire treatment cost would be borne by the State under an agreement between the CE and the State.

This incident would raise doubt as to the



unethical financial involvement in a case of
WBHS admission.

We ask Mr. Avik Roy, Executive, Finance
Department, Medical Cell, present online, to
make a thorough investigation and see that this
type of irregularity does not recur.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Sri. Sutirtha Bhattacharya, IAS (Retd)- Member

Sd/-

Smt Madhabi Das – Member

Authenticated

[Signature]
Secretary
West Bengal Clinical Establishment
Regulatory Commission