

Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: Appeal Case No-4


Care & Cure Nursing Home, Malda Complainant

vs

ADM(Health), Malda & Adjudicating Authority.....Respondent/
Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	22/04/2026	<p>The complaint would relate to an appeal preferred by the CE aggrieved by the order of the Additional District Magistrate (Health) directing closure of the establishment in view of various discrepancies that got noticed during surprise inspection.</p> <p>The ADM, Malda penalised the CE for Rs. 5,00,000/- however, gave them an opportunity to apply for reopening after removal of all deficiencies noticed and pointed out during</p>


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inspection.

Being aggrieved, the CE filed this appeal before us that we heard on February 5, 2026.

Upon hearing all concerned we granted liberty to the CE to deposit 50 percent of the penalty amount being Rs. 2.5 lakhs and directed the CMOH to cause an inspection to be done to find out whether the discrepancies noticed and pointed out, were removed or not.

We kept this matter pending awaiting report from CMOH Malda.

On March 18, 2026 the CMOH (Malda) constituted a team of medical experts who visited the nursing home and found that many of the deficiencies were removed however, there were still few issues that would come in the way of

reopening of the establishment.

We have carefully gone through the report. In our view, two of the issues referred to by the inspection team would definitely come in the way of reopening of the establishment:-

- i) Absence of fire safety certificate.
- ii) Satisfaction with regard to the qualification of the RMOs, Medical and Paramedical Staff.

The CMOH (Malda) present online, would submit, eight nursing staff engaged by the CE would be inadequate for a forty bedded nursing home.

The CE is represented by Mr. Jishu Ghosh. He would submit, they have repeatedly applied for reduction of the strength from 40 to 24 that is yet



to be considered by the Health Administration.

With regard to the penalty, Mr. Ghosh would pray for waiving off the balance 50 percent of the penalty amount.

We have considered the rival contentions.

Considering the fact, that the local people may need required health support from the CE we direct the CMOH(Malda) to send the inspection team again after removal of the discrepancies that were pointed out by the inspection team on March 18, 2025.

We also make it clear that CMOH must satisfy himself about the eligibility of the Doctors, Medical and Paramedical Staff working therein. He would also ensure that the CE would have a valid fire safety license from the appropriate

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authority.

Being satisfied as directed above, CMOH would withdraw the order of closure and permit the CE to function.

The CMOH (Malda) would however sympathetically consider their prayer for reduction of their strength before renewing the license for the future period.

With regard to penalty, considering the situation and the deficiencies found out on surprise inspection we do not feel inclined to reduce the amount however, considering the fact that the CE is closed for a considerable time we grant them opportunity to pay off the balance amount by easy instalments.

The CMOH (Malda) would permit the CE to



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reopen the establishment after compliance of the requirements mentioned above without insisting upon payment of the balancing 50 percent of amount of penalty which must be paid by 12 instalments commencing from the first day of the third month of reopening and thereafter on the first day of each succeeding month.

In case of default of payment of any one instalment the amount then outstanding, would become immediately payable along with the interest 6 percent per annum from the date of default until realisation.

The CMOH (Malda) is directed to send us report of compliance.

The appeal is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Smt Madhabi Das – Member

Authenticated
M. J. S.

Secretary
West Bengal Clinical Establishment
Regulatory Commission