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Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: WBCERC/KOL/240/2024-25

Mr. Ujjal Sen Complainant

vs

Desun Hospital.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	2.	22/04/2026	<p>31 year old female patient was admitted at Desun with burn injury while cooking.</p> <p>According to the complainant, her husband, she got 40 percent burn injury however, according to Desun, they received the patient with 60 percent burn injury.</p> <p>The patient got admitted on January 12, 2025. The complainant was not happy with treatment. He wanted to transfer his patient to higher set-up and applied for DAMA on January 20, 2025. He</p>



		<p>would contend, despite DAMA being applied for, the patient was not released.</p> <p>The complainant asked for our intervention. We requested Desun to release the patient. Ultimately the patient was released on January 25, 2025, after about five days of his DAMA application.</p> <p>Desun raised a bill of Rs. 6,81,958/- however, gave discount of Rs. 1,46,630/-. Out of the net bill amount of Rs. 5,35,328/-, the complainant paid Rs. 4.22 lakhs, as also a post-dated cheque of Rs. 1 lakh to get the patient transferred to M R Bangur Hospital where the patient breathed her last.</p> <p>The complainant made a formal complaint before us on February 2, 2025. The CE gave their response on February 4, 2025.</p> <p>We heard and disposed of vide Order dated</p>
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February 27, 2025.

CE did not share the response with the complainant. We imposed Rs. 5,000/- as penalty for the same.

Considered the entire bill we observed, once the DORB had been duly signed on January 20, 2025 the CE could not have any authority to delay discharge and bill for the additional period for five days when the patient was detained. We also found, huge amount of pharmacy bill was made on M.R.P.

The medical records were also not given to the complainant as they complained.

We directed the CE to revise the bill by deducting the treatment cost of additional five days.

With regard to medical issues we permitted the complainant to approach appropriate authority for the same and come back to us for appropriate relief in case he was successful therein.

The problem arose thereafter.

The complainant would allege, neither the CE furnished medical records to enable him to make complaint before West Bengal Medical Council nor they revised the bill as per the direction of the Commission.

The complainant approached our office. We asked Desun to solve the issue. There had been interactions between the parties however, that yielded no result.

Desun would contend, at the time of discharge they considered the entire issue including the complainant's dissatisfaction resulting DORB and

gave discount of Rs. 1,46,630/-. If they are to revise the bill by making it up to January 20, 2025 they would withdraw such discount and claim Rs. 59,930.38/- as the outstanding amount on the bill.

The calculation furnished by Desun vide their letter dated May 30, 2025 is set-out below:-

Particulars	As per Desun Final Bill (25.01.2025) (RS.)
Bill (12.01.2025 to 25.01.2025)	6,81950.41
Discount (Refund of Medicine)	16,320.74
Less cost of Hospitalisation (21.01.2025 to 25.01.2025) with discount on medicine and consumables (162217.99-2614.70)	159603.29
Total Payable	506026.38
Payment Received	422000.00
Cheque(PDC) amounting to Rs. 1,00,000/- not deposited as per the instruction of WBCERC and validity of the cheque is over, hence not considered	
Total discount on Medicine @ 10% total Rs. 12426/- & consumables @20 % total Rs. 11670/-(12.01.25 to 20.01.25) as per WBCERC Advisory.	24096.00
Discount upon request of Patient Party during final payment on 25.01.2025 has not been considered	
Total Payable to Desun Hospital by Ujjal Sen till date	59930.38

With regard to medical records, according to Desun, they already supplied all records to the complainant. They also sent records by post that came back un-served in absence of proper address.

We could have intervened in the meantime however, the complainant started sending immense number of mails making allegation against the Commission and its officers.

Initially we ignored the mails considering the situation that the complainant lost his dearest and nearest one that too, at her prime age however, the situation became worse when the complainant raised his voice through immense number of mails to the Commission as well as other authorities including social media.

We are thus compelled to place this matter to try to bring the issue to a logical conclusion.



Hence, we have placed the matter today for further hearing upon notice to the parties.

The parties are present. Mr Ujjal Sen, the complainant, would categorically submit, he has immense grievance as against Desun and he is crying for justice and in desperation, he might have hurt our sentiment. He has tendered unqualified apology for the same.

We have categorically asked him whether we should continue to try to bring the issue to a logical conclusion on merits. He has agreed.

We accept his regret and proceed with the matter on merit.

Mr. Sen would raise principally two issues:-

- i) The pharmacy bill was unnecessarily exaggerated that would raise doubt as to



the genuineness of actual use. He would submit that on the second day of admission 58 injections and altogether more than 238 injections were billed that is quite absurd. He would rather assert that had the BHT been provided it would be clear as to whether those injections were advised by the treating doctor and applied by the paramedical staff to the patient.

Dr Soumendu Sen, representing CE, would submit, all the injections were advised by the doctors initially by the Emergency Medical Officer and thereafter by the treating doctors and those were applied to the patient as would appear from the medical records.

We have considered the rival contentions.

With regard to bill we do not agree with Desun



on their stand as contended in the letter dated May 30, 2025 referred to above.

Patient was discharged on DORB. At the time of discharge the hospital gave a discount.

The hospital might have in their wisdom already discounted the bill to the extent of Rs. 1,46,630/- that cannot be subsequently withdrawn. We never permitted them to do so. The demand of Desun for Rs. 59,930.38/- is totally absurd. On the contrary Rs. 62,274/- is due and payable by Desun to Mr. Sen as refund in terms of our order dated February 27, 2025. We direct Desun to refund the said sum to the complainant on sharing of his bank details.

With regard to the medical records we direct the complainant to authorise someone who would visit Desun on prior appointment and meet Dr. Sen, Medical Director of Desun who would hand





over the un-served medical records that would include BHT, medicine card and other related papers.

The authorised representative would give the CE a receipt therefor.

The entire process would be videographed by Desun and a copy of the same through pen drive, be sent to the Commission by Desun after compliance.

Around Rs. 2,70,000/- was charged on account of pharmacy bills.

The complainant would be free to file fresh application to us in case any of the pharmacy items found not having proper backed-up medical records before us.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

			<p>Sd/- Prof. (Dr.) Sukumar Mukherjee – Member</p> <p>Sd/- Prof. (Dr.) Makhan Lal Saha – Member</p> <p>Sd/- Smt Madhabi Das – Member</p> <p><i>Authenticated</i> <i>[Signature]</i> Secretary West Bengal Clinical Establishment Regulatory Commission</p>
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