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Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: WBCERC/NPG/47/2026-27

Mr. Somenath Dutta Complainant

vs

Manipal Hospital Broadway.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	05/06/2026	The complaint would relate to hospital negligence. An elderly female patient having some nephrological problem suffered an injury when she was being taken for MRI. According to the CE, the injury was minimal. They applied ice pack. They wanted to do NCCT brain that was declined. The complainant would contend, no



such consent was ever asked for.

The patient was admitted at the ICU for her nephrological problem. She was admitted with fluid over load that was taken care of by the hospital. While she was in ICU, on the fourth day she became restless and according to her treating doctor that might have caused due to hospital psychosis and appropriate treatment was given by the critical care expert.

The complainant would contend, the patient is still suffering. Neurologist was consulted who confirmed that she had brain haemorrhage.

According to the complainant brain

haemorrhage must have caused due to injury suffered by the patient while she was under treatment at the CE.

The CE has given their response. According to them, there was no swelling noted over the area of injury. Ice compression was given as a safety measure. They wanted to do NCCT brain that the patient declined. However, the CE is unable to produce the any evidence of refusal as contended in the response.

Dr. Biswajit Mitra, Medical Superintendent of the CE, would rely upon the treatment record that would show, the patient did not suffer any serious injury.



		However, the patient relatives refused to give consent for NCCT brain and there was no subsequent problem caused due to such injury. Dr. Mitra would also submit that subsequent neurological problem suffered by the patient would have no relation with the injury that caused three month ago. We have considered the rival contentions. Even if we give full credence to what the CE would say, the factum of injury was an admitted situation. CE failed to disclose any concrete evidence to support their contention that the patient relatives refused to give consent for NCCT brain.
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		Our esteemed medical Member, Dr. M.L Saha is of the opinion, had the CT brain been done at that point of time it would definitely clinch the issue that was not done by the CE.
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Considering the above, we feel, interest of justice would be sub-served if we direct payment of compensation of Rs. 1,00,000/- to the complainant on sharing of his bank details.

The complainant is directed to share his bank details to the CE so that the money could be transferred at once.

The complaint is disposed of accordingly.



			Sd/- The Hon'ble Chairperson
			Sd/- Prof. (Dr.) Sukumar Mukherjee – Member
			Sd/- Prof. (Dr.) Makhan Lal Saha – Member
			Sd/- Dr. Maitrayee Banerjee – Member
			Sd/- Smt Madhabi Das – Member
			<i>Authenticated</i>  Secretary West Bengal Clinical Establishment Regulatory Commission