

**THE WEST BENGAL CLINICAL ESTABLISHMENT  
REGULATORY COMMISSION.**

**Present: Justice Ashim Kumar Roy, Chairperson.**

**Dr. Sukumar Mukherjee, Member.**

**Dr. Madhusudan Banerjee, Member.**

**COMPLAINT ID: KOL/2018/000284**

**Ms. Sumana Mukherjee.....Complainant.**

**-versus-**

**Recovery Nursing Home & others.....Respondents.**

**Date of judgment: 7<sup>th</sup> August, 2018.**

**J U D G M E N T.**

The complainant, Ms. Sumana Mukherjee, is the daughter of the service recipient, Late Sasti Mukherjee, an elderly person aged about 75 years, who died at Recovery Nursing Home while undergoing treatment there. She initially filed a letter of complaint and then a detailed and substantive complaint in the form of affidavit. In her complaints, the allegations against the Clinical Establishment were of wrong treatment, deficiency in patient care service and overbilling.

On the other hand, the Clinical Establishment in its affidavit-in-reply controverted the case of the complainant and denied the charges leveled against it.

After going through the medical file of the service recipient, aged about 75 years, we find that he was admitted on 03.08.2017 at the said nursing home with a complaint of drowsiness for past two days. It was found that he was suffering from Type-II Respiratory failure, Pneumonitis and Type-II Diabetes Mellitus. Subsequently, he died on 15.08.2017 at the said nursing home. Although the Commission is statutorily prohibited to deal with a question of medical negligence by any medical professional and that part of adjudication is vested on the respective State Medical Council with whom such medical practitioner is enrolled, still it has to be noted that complainant has not been able to make any such case of medical negligence or



wrong treatment. At the same time, on careful perusal of the treatment progress report, it can hardly be said there was any deficiency in patient care service.

However, we find that there are certain discrepancies in billing. We find one day extra ICU charge was levied in addition to fees for RMOs. Dr. S.K. Agarwal, the Director of the Recovery Nursing Home was present at the time of hearing and submitted that out of total bill amount of Rs.80 thousand, the complainant has paid only Rs.20 thousand and balance Rs.60 thousand is still outstanding. Dr. Agarwal on his own offered to settle the bill at Rs.50 thousand. Such proposal has been openly accepted by the complainant, however, she prayed that a chance be given to her to liquidate the said outstanding in 10 equal monthly installments, due to her poor financial condition. She also offered to tender 10 post dated cheques in favour of the Clinical Establishment. In response, Dr. Agarwal showed his extreme compassion and conceded to the prayer of the complainant for payment of outstanding in ten installments by post dated cheques.

Having regards to above, we do not find any reason to proceed with the matter any further and dispose of this case with a direction that complainant shall pay, in full and final settlement of the claim of the Clinical Establishment, a sum of Rs.50 thousand in ten monthly equal installments. First of such installment shall be paid within a fortnight from the date of this order and thereafter, within first week of every month.

Sd/-

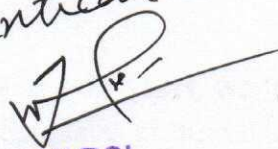
Justice Ashim Kumar Roy  
Chairperson.

Sd/-

Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Madhusudan Banerjee, Member.

*Authenticated*  
  
**ARSHAD HASAN WARSI**  
WBCS (Ex)  
Secretary  
W. B. C. E. R. C.