THE WEST BENGAL CLINICAL ESTABLISHMENT REGULATORY COMMISSION.

Present: Justice Ashim Kumar Roy, Chairperson.

Dr. Sukumar Mukherjee, Member.

Dr. Madhusudan Banerjee, Member.

COMPLAINT ID: KOL/2017/000121.

Mr. Vinod Kumar Chandra.....Complainant.

-versus-

Apollo Gleneagles Hospital.....Respondents.

Date of judgment: 11th December, 2018.

J U D G M E N T.

It is the case of the complainant an old man aged about 75 years, a retired Army Major, having loss of vision and blurring, had been to the Apollo Hospital, hereinafter referred to as the Clinical Establishment, for his treatment and the complainant got an appointment of Dr. Ashim Kumar Kandar on payment of Rs.600/-, his consultation fees. Dr. Kandar after examining him, diagnosed that both of his eyes have developed cataract and advised for IOL under TA and also advised for several medical tests. Thereafter, having done all the medical tests, the complainant reported to Apollo for undergoing eye surgery on a package of Rs.31000/-. It is claimed that he was given to understand that under the said package both of his eyes will be operated and that also include the cost of IOL. On 28.02.2017, the complainant underwent the cataract operation of his left eye and on the same day, he was discharged. The next date for cataract operation of his right eye was fixed on 21.03.2017. On that day, after

operation was over, to his dismay the hospital authority again claimed Rs.31000/- for the said operation and he was detained there. Finally, the hospital authority gave a discount of Rs.11000/- and he had to pay Rs.20000/- which is beyond the package amount. The complainant claimed that the amount of Rs.20000/- which was charged for the second operation, be refunded to him since that was charged dishonestly with the litigation cost.

It is added by the complainant that he was charged dishonestly for the second operation, would be evident from the fact that for the first operation while he was charged Rs.31000/- for the second operation which was same as that of the first one, he was charged Rs.20000/-.

2. The Clinical Establishment in their reply categorically denied the case of the complainant. It is their case that the package of Rs.31000/- for cataract operation of only one eye which was inclusive of OT charge, bed charge, surgeon fees, cost of lens, OT medicines and consumables. It is further contended that after first operation of the left eye of the complainant under the package of Rs.31000/- the Clinical Establishment very rightly raised a bill for next operation on a package of Rs.31000/-. It was added that after the second operation since the complainant was creating havoc at the hospital premises, they to manage the situation they gave a discount of Rs.11000/-. It is further claimed that at the hospital premises it is clearly displayed that the package of Rs.31000/- for cataract operation of each eye.

3. Heard the parties. Considered their respective submissions. Perused the records.

4. We find from the inpatient bill dated 28.02.2017 the package charge was Rs.31000/- with the following breakups; OT charge-7970, Bed charge-1200, Surgeon Fees-11000/-, Lens-8000/- and OT Medicine+ Consumables-2830/-. Therefore, it is evident from the said bill issued on 28.02.2017 that the same was charged for the operation of one eye of the complainant done on that particular day i.e. on 28.02.2017. By no stretch of imagination, it can be said that the aforesaid charges includes the OT charge, Bed charge, Surgeon fees, Cost of Lens, OT medicines and consumables for the next operation held on 21.03.2017. The argument of the complainant, in our opinion has no legs to stand. The discount of Rs.11000/- given to the complainant by the hospital authority was given at their own will without any obligations. We

also accept the contention of the hospital authority that to manage the situation they were compelled to give that discount, which they would not have otherwise given.

5. We do not find any merit in this case and accordingly this case stands dismissed and disposed of.

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.