

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

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

**Dr. Sukumar Mukherjee, Member.**

**Dr. Makhan Lal Saha, Member.**

**Dr. Madhusudan Banerjee, Member.**

**Dr. Maitrayee Banerjee, Member.**

**Dr. Pradip Kumar Mitra, Member.**

**COMPLAINT ID: BIR/2018/000331.**

**Mr. Ananda Pathak.....Complainant.**

**-versus-**

**Balaka Health Care Diagnostic Centre.....Respondents.**

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

This case was disposed of by a judgment and order passed on November 20, 2018, holding that the Clinical Establishment Balaka Health Care Diagnostic Centre was guilty for deficiency in patient care service, which resulted in the death of the service recipient and a sum of Rs.10lakh was awarded as compensation in favour of the complainant. In the said order, it was further directed ..... *"the compensation amount shall be kept deposited by the Clinical Establishment, in a fixed deposit account which is now to be opened by the complainant jointly with the baby, born*

*to the deceased Papia Pathak Roy with the State Bank of India (Bolpur Branch) and in no event that amount shall be withdrawn until the baby attains her majority. We also make it clear after she attains majority, she shall be the sole beneficiary of the above amount. However, the complainant shall have the liberty to utilise, the interest amount that would be accrued out of that fixed deposit amount for the benefit of the baby and for her upbringing."*

It is now noticed in the judgment, inadvertently no direction was issued against the Clinical Establishment as regards to the mode of payment and by which date such amount shall be paid.

We, therefore, in continuation of our above order direct as follows,

- a) The complainant jointly with his baby open a savings account with the State Bank of India, Santiniketan Branch and immediately after opening the bank account shall furnish the particulars of the account to the Clinical Establishment, Balaka Health Care Diagnostic Centre in writing.
- b) Upon receipt of the particulars of the bank account, the Clinical Establishment, Balaka Health Care Diagnostic Centre shall deposit the amount of compensation in the said account within 15 days from the receipt of the above intimation from the complainant.

c) It goes without saying that the bank account shall be operated in the manner as stated in Paragraph 10 of our judgment and order and reproduced hereinabove.

**Sd/-**  
**Justice Ashim Kumar Roy**  
**Chairperson.**


**Sd/-**  
**Dr. Sukumar Mukherjee, Member.**

**Sd/-**  
**Dr. Makhan Lal Saha, Member.**

**Sd/-**  
**Dr. Madhusudan Banerjee, Member.**

**Sd/-**  
**Dr. Maitrayee Banerjee, Member.**

**Sd/-**  
**Dr. Pradip Kumar Mitra, Member.**

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