

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: KOL/2018/000421

Sanjoy Kr. Saha Complainant

vs

Kothari Medical Centre..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	25/06/2019	<p>This complaint would relate to the Gall stone surgery that was decided to be done through Lap Cholecystectomy. Despite the ultrasound report was suspicious of malignancy, surgeon decided to proceed with Lap Cholecystectomy. After laparoscopy the doctor found there was a mass at fundus of gall bladder. Inspite of that, surgeon proceeded with Lap Cholecystectomy and biopsy report came as Gall bladder cancer. Subsequently, the patient underwent re-surgery at TATA Medical Centre and received chemotherapy. We are told, the patient has died.</p> <p>The petitioner, the son of the patient, has alleged medical negligence of the clinical establishment as well as the treating doctor. According to him, he approached the medical centre who engaged Dr. Saha for surgery. Hence the clinical establishment and the treating doctor should be held responsible for the medical negligence. Whether his allegation as against the treating doctor is correct or not would be within the complete domain of the West Bengal Medical</p>

Council. We are neither competent to deal with the same nor are we authorised to do so. We permit the petitioner to approach the West Bengal Medical Council for the said purpose.

With regard to clinical establishment, we would feel, once the alleged medical negligence is adjudicated upon by the appropriate forum viz. the West Bengal Medical Council the petitioner would be free to approach us again as against the clinical establishment. We permit him to do so.

We, however, notice irregularity in the billing process that would be within our domain. The petitioner approached the clinical establishment for this surgery in a package amounting to Rs.45, 000/-. Hence the clinical establishment is not entitled to claim over and above the said sum. On examination of the bill we find, clinical establishment has charged a sum of Rs.14, 911/- in addition to the said sum of Rs.45, 000/-. Dr. Rajesh Chattopadhyay, Medical Superintendent of the Clinical Establishment would inform us, they would refund the said additional amount within a period of one week from date. Since the clinical establishment offers to refund the additional amount we do not wish to interfere on that score. The complaint is thus disposed of.

Sd/-

The Hon'ble Chairperson

Sd/-

Dr. Makhanlal Saha, Member




Sd/-

Dr. Madhusudan Banerjee, Member

Sd/-

Dr. Maytrei Banerjee, Member

Authenticated

ARSHAD HASAN WARSI
WBCS (Ex)
Secretary
West Bengal Clinical Establishment
Regulatory Commission
&
Joint Secretary
Health & F.W. Department