

Case Reference: NAD/2018/000349

Sreemoyee Ghosh ..... Complainant

vs

Mediview Diagnostic Services Pvt. Ltd..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	25/06/2019	<p>This complaint would relate to an incorrect NCV report for which the petitioner suffered financial loss because of denial of the insurance claim from the Insurance Company. The fact would reveal, the petitioner had a Carpa Cannel Syndrome that was found to be positive in an examination held in 2015 from the respondent diagnostic centre. Considering the report, the neurosurgeon advised surgery that the petitioner could not do because of her personal problems. Since the sufferance continued she again took the advise of the surgeon in 2018 when she was asked to repeat the test. The repeat test was done by the same diagnostic centre. However, this time, the report came negative. The surgeon, however, was satisfied clinically as to the ailment and did the surgery without looking to the second report. Now the patient would apprise us, the problem is cured through surgical intervention. The patient has now come up as against the second report for which she was denied her insurance claim. The representative of the diagnostic centre is present.They are not in a position to give any plausible explanation. We have</p>





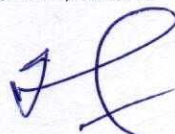
considered the statement of Dr. Tapas Banerjee who certified the report. According to Dr. Banerjee, he relied on the report of the technician and signed the report accordingly. Pertinent to note, the same technician and the same doctor who certified the report were responsible for the first report that found the ailment positive as appears from the said report. We are satisfied, the clinical establishment is guilty of negligence because of the faulty report. The Doctors present in the panel are unanimous of the view, the clinical establishment should be penalised for such faulty report. We are told, the petitioner had to pay Rs. 3600/- to the clinical establishment for such surgical intervention. The petitioner had also to bear the cost of the neurosurgeon. Considering such financial involvement of the petitioner, we impose a fine of Rs. 5000/- of the clinical establishment. Mr. Nabin Kr. Saha, the representative of the clinical establishment, on instruction received by him from the management, would assure us, the said sum would be paid within two weeks from date. The amount may be paid directly to the petitioner through account payee cheque to be sent to the recorded address. The complaint is disposed of .

Sd/-

The Hon'ble Chairperson

Sd/-

Dr. Sukumar Mukherjee, Member





Sd/-

Dr. Madhusudan Banerjee, Member

Sd/-

Dr. Maitrayee Banerjee, Member

*Authenticated*  
*[Signature]*

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