

Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: BIR/2018/000331

Ananda Pathak Complainant

vs

Balaka Health Care & Diagnostic Centre..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	26/06 /2019	<p>This is an application for review. The review applicant, being the owner of the clinical establishment, is present. By the judgement of order dated November, 2018, the Commission imposed a compensation of Rs.10 lakhs on the clinical establishment. The review applicant submits a letter asking for mercy. According to him, he is in the financial distress, the nursing home is already closed. He has to pay the loan taken from the bank. He prays for reduction of the compensation amount. We have considered the issue. There is no scope for reduction. The Commission already came to finding, death was due to negligence of the clinical establishment and awarded compensation of Rs. 10 lakhs, being the minimum amount prescribed by The West Bengal Clinical Establishment (Registration, Regulation and Transparency) Act, 2017.</p> <p>The complainant is present. We have heard the complainant.</p> <p>Considering the prayer, we feel the interest of justice would be served, if the clinical establishment pays a sum of Rs. 5 lakhs by July 3, 2019 by</p>

transferring into the bank account of the petitioner, the details of the Bank account have already been given. In case the said sum is transferred to the account of the petitioner within the time aforesaid, we would permit the review applicant to pay the balance of Rs. 5 Lakhs in two equal instalments payable on September 3, 2019 and November 3, 2019.

In default of payment of any of the aforesaid sums the balance of remaining due would carry interest at the rate of 7% per annum until realisation. The review application is disposed of.

Sd/-
Hon'ble Chairperson

Sd/-
Dr. Sukumar Mukherjee, Member

Sd/-
Dr. Madhusudan Banerjee, Member

Authenticated
[Signature]

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