Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: MISC/NPG/2019/000012

Sudipta Baidya ..... Complainant

vs

Som Medical Centre..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	30/07/2019	This complaint would relate to medical negligence. The facts would depict, the complainant Sudipta Baidya was admitted in the clinical establishment for delivery of her baby. There was no complication in case of delivery, however, the new born died of aspiration Pneumonia on the third day of his birth. Initially, we heard the matter on June 12, 2019 when we requested the Head of the Department of Paediatric of SSKM Hospital, Prof. Supratim Dutta to consider the medical records and give his opinion on the issue. Accordingly, we have received the written opinion of Prof. Dutta who was of the view, "***The incidence of aspiration might commonly occur suddenly in a low birth baby without any premonitory symptoms and signs. Pneumonia and death following aspiration is also not uncommon***." We have circulated the report to the complainant as well as the clinical establishment. We have heard the parties at length including the Paediatrician. We feel, the principal allegation would be as against

			the paediatrician that would be within the complete domain of the West Bengal Medical council. We refer this issue to the West Bengal Medical Council for appropriate adjudication. With regard to the clinical establishment we would feel, once the clinical establishment did not have sufficient infrastructure to treat a low birth baby from IUGI they should have referred the baby to a higher set up, instead they kept the baby in an ordinary cot and that too with another new born that we find from the photograph shown to us by the complainant. The owner of the clinical establishment, Dr. Som who was also the Gynaecologist responsible for the delivery would contend, they are handicapped in view of the fact, the patient party snatched the medical records from the clinical establishment and that too, without making payment of the hospital bills. The patient party initially paid a sum of Rs.5, 000/- and defaulted in making payment of the balance sum. Such allegation is strenuously disputed by the husband of the complainant. According to him, they also paid a sum of Rs.11, 000/- for which the Hospital Authority did not issue any receipt. He is, however, having a screen shot of a receipt of Rs.5,000/- paid as advance. We feel, interest of the justice would be subserved, if we grant a token compensation to the complainant for the irregularity pointed out by the complainant. Dr. Som offers a sum of Rs.50, 000/- as token compensation. Since the complainant is not in a position to produce records in support his contention that there had been no payment of

			the balance amount of Rs.11, 000/-. We feel, interest of justice would be subserved if we ask Dr. Som to pay a sum of Rs. 40,000/-in full and final settlement. Dr. Som prays for two weeks time to pay the said sum. The complainant assures, she would send her bank details by tomorrow. Dr. Som would make payment of the said sum within two weeks and file a report of compliance to us within a week thereafter. The complaint is disposed of. Sd/- Hon'ble Chairperson Sd/- Dr. Sukumar Mukherjee, Member Sd/- Dr. Madhusudan Banerjee, Member Sd/- Dr. Maitreyi Banerjee, Member

Authenticated

Secretary
West Bengal Clinical Establishment
Regulatory Commission
&
Jt. Secy. Deptt. of Health & FW
Govt. of West Bengal