

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: NPG/2017/000241

Mr. Prabir Kumar Bhowal..... Complainant

vs

Anandalok Hospitals..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1	14/08/2019	<p>This complaint would relate to deficiency in service in a case of unsuccessful ERCP followed by complication and ultimately resulting death of the patient. The clinical establishment was initially running four units. Now, it is having three units. The patient was admitted in one unit where ERCP was done on the day of admission. However, the patient party was informed, the procedure would be done on the next day. During ERCP the stone could not be extracted that resulted in complication. The patient was shifted to another unit that too, without any medical escort and without any transportation arranged by the hospital itself. The petitioner would contend, once the patient was admitted in the clinical establishment it was their duty to shift the patient to other unit if they so choose to do. However, the cost must be borne by them. The complainant would also allege that the patient became drowsy; however, she was not attended for a considerable time until Neurologist came in the evening on the next day. These are deficiencies for which the patient's condition deteriorated. Moreover, the doctor advised MRI that was done by the patient party as the hospital did not take any responsibility for the same. The petitioner would contend, despite all deficiency when the patient died they prayed for some respite with regard to the bill. Pertinent to note, Rs.1.2 lacs was billed out of which the patient party had</p>



already paid a sum of Rs.50, 000/- leaving a balance sum of Rs.70, 000/-

They prayed for discount that was not allowed. The clinical establishment would however contend, they offered discount of Rs.30, 000/- that the patient party declined to accept.

It is a case of unfortunate death due to ERCP complication. The petitioner did not approach the West Bengal Medical Council against the doctor for the medical negligence, if any. We are satisfied on the deficiency in service however, we are not definite as to whether such deficiency would relate to death although the petitioner would contend, because of continued shifting and transportation, the condition became worse. We feel, interest of justice would be subserved if we direct payment of compensation of Rs.2.1 lac to be paid within one month from date.

The patient left her surviving her two sons and one daughter namely Pritam Kumar Bhowal, Prabir Kumar Bhowal and Mala Paul.

The clinical establishment would send three Pay Orders of Rs.70, 000/- each to the children of the patient through speed post at the address to be provided by the complainant to the clinical establishment, within a month.

The clinical establishment is also directed to submit a report of compliance thereafter.

The complaint is disposed of accordingly.

Sd/-

Hon'ble Chairperson

Sd/-

Dr. Sukumar Mukherjee, Member

Sd/-

Prof.(Dr.) Abhijit Chowdhury, Member

Sd/-

Dr. Madhusudan Banerjee, Member

Authentic
WJ
ARSHAD HASAN WARSI
Secretary
West Bengal Clinical Establishment
Regulatory Commission
&
Joint Secretary
Health & F.W. Department