

Office of the West Bengal Clinical Establishment Regulatory Commission

1<sup>st</sup> Floor, 32 B.B.D Bag, West Bengal, Kolkata – 700001.

Phone:- (033) 2262-8447 , Email: [wbcerc@wb.gov.in](mailto:wbcerc@wb.gov.in) Website: [www.wbcerc.gov.in](http://www.wbcerc.gov.in)

**Case Reference: ID-NPG/2018/000389**

**Present: Justice Ashim Kumar Banerjee (Retired), Chairman  
Dr. Sukumar Mukherjee,  
Dr. Gopal Krishna Dhali and  
Dr. Madhusudan Banerjee.**

**Dr. Jati Ranjan Banik.....Complainant  
- Versus-  
Fortis Hospital Limited .....Respondent**

**Heard on: September 12, 2018 and June 19, 2019.**

**Judgment on: *August 22*, 2019**

The complainant is a renowned surgeon. He is now 86 years old. He got himself admitted in the clinical establishment on May 29, 2017 with ailments. He was discharged on June 12, 2017. He was re-admitted on July 10, 2017 and discharged on July 13, 2017. He would complain of various deficiency in service.

He had his grievance against Dr. Ramesh Agarwala under whom he was treated. However, such complaint is not within our domain and we refrain

from dealing with the same. The deficiency in service as alleged by the complainant would be as follows: -

- I. The patient had obstructed inguinal hernia. According to the complainant, it was a case of “vascular emergency” with “attended risk of terminal complication”. Dr. Agarwala left for Bangalore three days after such critical surgery.
- II. There was blood loss to the extent of 2.5 liters. The hemoglobin percentage fell from 10 to 7 in a day. It was a “catastrophic blood loss”. The complainant’s wife was also a doctor who requested for blood transfusion. However, it was not done. Ultimately, the blood was arranged after three days. Serum Potassium was found to be 2.9 that could lead to cardiac arrest. It was taken care of after lapse of about 48 hours. Two units of packed RBC were transfused without any report of cross matching.
- III. The Resident Medical Officers were inefficient as they did not understand the significance of drop in hemoglobin by 7.
- IV. The nurse - patient ratio was 1:6.
- V. The hospital management and the medical team “extorted huge amount” giving tremendous mental agony and financial crunch to the complainant.

The complainant gave a demand of justice when the hospital called a meeting between the complainant and the treating doctor where the complainant pointed out deficiency as referred to above. However, he was not satisfied with the outcome.

The hospital authority denied each and every allegation by their response dated July 3, 2018. They gave a brief note of the treatment meted out to the patient. They denied the allegation that the bills were inflated.

Initially, on the first day of hearing, the commission directed exchange of pleadings. The matter came up for hearing after completion of pleadings.

We heard the parties at length on the final date. The complainant was personally present and argued his case. He was critical about Dr. Agarwala's absence immediately after surgery. He was also critical about the ambulance charges that he had to bear as the clinical establishment did not take care of the same. He was also critical about unnecessary pathological examination. The necessary examination of electrolytes was not done. BTC was not done at the proper time. Blood transfusion was inordinately delayed. At the time of discharge, the hospital authority inappropriately charged for the whole day although he was discharged at 9 O'clock in the morning.



The medical expert on the panel Dr. Dhali gave his opinion that is quoted below:-

**Opinion of Dr. G .K.Dhali**

*The complainant Dr. Jati Ranjan Banik is present in person, The clinical establishment is represented by the legal administrator, Mr. Rajat Agarwal and the treating doctor, Dr.Ramesh Agarwala.*

*Heard the complainant and the respondents at length.*

*The following observation are made after going through the complains of the complainant in the form of affidavit dated 19th November 2018 and the reply of the respondent in from of affidavit too dated 7th January 2018,the bed head tickets, discharge summary, medical bills of the clinical establishment and the interrogation with the service recipient and service providers:*

- 1) *That the service recipient, Dr. Jati Ranjan Banik was admitted at the Fortis hospital, Anandapur on 29th May,2017 at around 10 AM under the care of Dr. Ramesh Agawala with features of irreducible right Inguinal hernia wlthout anv features of strangulation (Annex-B, Page-13) and was operated for the same at 4.45 PM on the same day {page-3g)*
- 2) *The service recipient made slow recovery because of his age and some other illnesses that he was suffering from for a long time. In the process he had low serum potassium & haemoglobin which was corrected by the treating team. He was discharged on 10<sup>th</sup> July, 2017.*
- 3) *He was again admitted on 12th July, 2017 for secondary suture and discharged on 13th July, 2017.*
- 4) *Whatever grievances were there in the mind of the service recipient against the service provider, is seen to be clarified and cleared during their interrogation in presence of the Honourable chairman and the other members of the commission as Dr. Ramesh Agarwala was seen*

*to break down in tears and begging for apology if any of his behaviour has caused any kind of pain and agony to Dr. Jati Ranjan Banik who is such a senior doctor himself and has been a teacher of the teachers*  
*I*

- 5) *Therefore, no definite deficiency in services could be found on the part of the service provider."*

According to Dr. Dhali, the surgery was done at the appropriate time. Since the complainant was at his advance age, there might have been slow recovery. However, the low Serum Potassium and hemoglobin were duly corrected by the treating team before his discharge. Whatever grievance he had, was duly clarified at the hearing. In fact, Dr. Ramesh Agarwal, the treating doctor, in open forum prayed for apology to the complainant if any of his behavior had caused any pain or agony to the complainant. In fact, Dr. Agarwala touched his feet considering him as a father figure in the field of surgery.

We are of the view, the complaint was a result of sheer misunderstanding that was clarified during the hearing.



We do not find any scope to interfere. The complaint is disposed of accordingly.

Sd/-

***ASHIM KUMAR BANERJEE***

We agree,

Sd/-

**Dr. Sukumar Mukherjee,**

Sd/-

**Dr. Gopal Krishna Dhali,**

Sd/-

**Dr. Madhusudan Banerjee,**

*Authenticated*

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