

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: KOL/2019/000596

Sakhi Biswas..... Complainant

vs

Fortis Hospital Limited..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	2.	19/09/2019	<p>There are some typographical errors in the order dated July 30, 2019. The same be corrected accordingly.</p> <p>Sd/-</p> <p>Hon'ble Chairperson</p> <p>Sd/-</p> <p>Dr. Sukumar Mukherjee, Member</p> <p>Sd/-</p> <p>Shri S.K. Thade, IAS, Member</p> <p>Sd/-</p> <p>Dr. Madhusudan Banerjee, Member</p> <p>Sd/-</p> <p>Dr. Maitreyi Banerjee, Member</p> <p><i>Authenticated</i></p> <p><b>ARSHAD HASAN WARSI</b> WBCS (Ex) Secretary West Bengal Clinical Establishment Regulatory Commission &amp; Joint Secretary Health &amp; F.W. Department</p>



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vs

Fortis Hospital Limited..... Respondent/ Respondents

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Office Note	Order No.	Date	Order
	1.	30/07/2019	<p>This complaint would relate to medical negligence as well as negligence on the part of the clinical establishment. Initially, we have expressed our desire to have this complaint heard after disposal of the pending proceeding before the West Bengal Medical Council. However, the petitioner would insist upon disposal of the complaint against the clinical establishment.</p> <p>The complainant would raise three issues as against the clinical establishment:-</p> <ol style="list-style-type: none"><li>There was no appropriate counselling before or after the cathlab procedure, that resulted in complications and led to the second admission. In the discharge summary issued by the clinical establishment during second admission, no follow up advice was given.</li><li>The clinical establishment did not mention about the complications in the discharge summary issued during first</li></ol>





admission that was a gross irregularity on their part.

- iii) There had been inordinate delay in conducting CT Angiogram done during second admission.

The treating doctor was to take conscious decision as to when the CT Angiogram would be done. The treating doctor advised for CT Angiogram on July 16, 2018 and the CT Angiogram was done on the next day. The doctors present in the panel, are of the view, the allegation of inordinate delay is possibly misplaced.

On the other two issues, the treating doctor would assert before us, proper counselling was done before and after the procedure. He is, however, candid enough to say, it was not recorded in the bed head ticket, but the complication was written in the cathlab note, however, it was not specifically mentioned in the first discharge summary. It was mentioned in the second discharge summary.

The clinical establishment is represented by their representative. At this juncture, Dr. Namita Mittel, Deputy Medical Superintendant present before us, on instruction would offer a token compensation of Rs.50, 000/- that would be paid within a period of fortnight. In view of such offer being made by the Medical Establishment, we do not wish to go into detail. The complaint is disposed of with the hope and trust clinical establishment would keep their assurance and file a report of compliance before us within a week thereafter.

This order would not preclude the petitioner to pursue her right





before the West Bengal Medical Council; however, she assures us, she would not be impleading the clinical establishment in any other proceeding.

The complaint is disposed of.

Sd/-  
Hon'ble Chairperson

Sd/-  
Dr. Sukumar Mukherjee, Member

Sd/-  
Dr. Makhanlal Saha, Member

Sd/-  
Dr. Madhusudan Banerjee, Member

Sd/-  
Dr. Maitreyi Banerjee, Member

Sd/-  
Shri S. K. Thade, IAS, Member

*Authenticated*

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