

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: HOW/2019/000612/000613

Pratap Mondal..... Complainant

vs

Narayana Superspeciality Hospital (A Unit of Meridian Medical Research& Hospital Limited)..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	2.	31/10/2019	<p>This complaint would pertain to a wrong report issued by the Clinical Establishment where the patient was diagnosed Hepatitis "B" positive that was subsequently negated by the other diagnostic centre by confirmatory test. The CMOH Howrah already made an enquiry and directed payment of Rs. 15,139/- being the cost of investigation and the doctors fees that the complainant declined to accept. According to the complainant, the harassment that the patient and the patient party suffered, must be suitably compensated.</p> <p>Mr. Debobrato Rakshit representative of the hospital would submit, the said sum of Rs. 15,139/- would include compensation on account of harassment.</p> <p>We have examined the report of the CMOH, Howrah. The relevant extract is quoted below:-</p> <p><i>" After going through the details of the complaint and the statement of the Hospital, the committee is of the considered opinion that the Hospital Authority should refund the fees collected for Pre Cath Test</i></p>



*Consultation fees and subsequent test charges paid at Drs. Tribedi & Roy. The total amount comes to Rs. 15,139/-. The amount should be refunded to the complainant without any further delay. The Hospital Authority must be more cautious to avoid such negligence in future. The medical personnel and the pathologist should be much more vigilant to avoid such negligence and also to avoid harassment of the patient party in the future."*

We have heard the parties at length. Even when the hospital was confronted with the report they would stick to their own report as we find from the mail dated November 2, 2017. The relevant extract is quoted below:-

*"The patient visited OPD of Narayana Superspeciality Hospital, Howrah, on 04/08/2017 and admitted under Dr. Partha Pratim Sen for Gallbladder operation. Dr. Sen asked to examine Pre-cath Profile. When the report was handed over to them, it was found that she was reactive to HBSAG (Hepatitis B Surface Antigen). Dr. Sen referred the patient to Dr. Somnath Mukherjee for further treatment of Hepatitis B and the operation was scheduled for 16/08/2017."*

We hold the Clinical Establishment guilty of furnishing of the wrong report. We direct reimbursement of the expenses of Rs. 15,139/- that the CMOH, Howrah already directed. In addition, we award compensation of Rs. 20,000/- payable by the Clinical Establishment to the complainant within a period of one month from date.

The complaint is disposed of.

			<p>Sd/- Hon'ble Chairperson</p> <p>Sd/- Dr. Sukumar Mukherjee, Member</p> <p>Sd/- Dr. Madhusudan Banerjee, Member</p> <p>Sd/- Dr. Gopal Krishna Dhali, Member</p> <p>Sd/- Dr. Makhan Lal Saha, Member</p> <p>Sd/- Dr. Maitreyi Banerjee, Member</p>
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*Authenticated*

*[Signature]*

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