

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: KOL/2019/000741

Amit Sen..... Complainant

vs

Apollo Gleneagles Hospital Limited..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	03/02/2020	<p>The complaint would relate to surgical complication in case of a planned cardiac surgery for replacement of Aortic valve at the age of 84 years.</p> <p>We have heard the parties at length. We have considered each and every allegation of the complainant and the explanation that is offered by the Clinical Establishment. We need not go into detail on it which may not have direct involvement in the process of surgery. The principal complaint, as we find from the records, would be, had the surgery being so high risk that too, at the age of 84 years, the complainant might not have gone for such surgery and leave it to the destiny in case of future complication, if any. He was not cautioned.</p> <p>Pertinent to note, according to the Clinical Establishment, the surgery was uneventful, however, there had been complication during</p>



the post-operative period that resulted unfortunate death of the patient.

Whether the complication was a result of any medical negligence or not, is a question to be dealt with by the appropriate authority and we are not competent to deal with the same. We leave it open to the complainant to approach the appropriate authority as against the treating surgeon and/ or anaesthetist, as the case may be, giving liberty to approach us again if occasion so arises in future.

With regard to the allegation and counter allegation as to the communication of the high risk at the appropriate stage to the patient and the patient party, we would observe, had there been appropriate record to the said effect their would not have been such compliant.

Dr. Joy Basu, Vice- President of the Clinical Establishment is present and he would assure us, they would go for video-graph of counselling process in the case high risk surgery at the cost of the patient party. In case the patient does not wish to have video-graph there must be contemporaneous recording to avoid unnecessary allegations and counter allegation in future.

Before parting with, we would also notice another complaint of the

complainant that is rather emotional. The complainant would submit, the patient was under treatment of the concerned surgeon at the Clinical Establishment. They have gone to the Clinical Establishment reposing trust and confidence, they have paid for the service rendered to them. Hence, they would expect, when the unfortunate death occurred the Clinical Establishment would send a line of condolence.

Dr. Joy Basu is candid enough to say, the management did not think of it, however, since it is pointed out they would do so in case of any unfortunate death that would occur at the Clinical Establishment in future. They would also express regret in the case of death of the concerned patient and would communicate such condolence in course of the day.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Madhusudan Banerjee – Member

*Authenticated*

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