

Office of the West Bengal Clinical Establishment Regulatory Commission

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**Case Reference: INT/PUB/2022/024**

Mr. Arinmay Hazra ..... Complainant

VS

Kalyani Institute of Medical Science..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	09/02/2022	<p>The complaint would relate to medical negligence in a case of Gall Bladder surgery. The facts remain, the patient was seen by Dr. Swastik Nandy on December 26, 2021 when Dr. Nandy referred him to Dr. Balaram Ghosh who did the surgery at the CE. According to the complainant, Dr. Ghosh informed the patient party that the surgery was uneventful however, the patient did not regain his consciousness as such, he was sent to ICU and ultimately declared dead.</p> <p>The complainant filed criminal complaint for which the body was seized by the police and sent for autopsy. The Post Mortem report is awaiting.</p> <p>The complainant has come up as against the CE</p>





alleging denial to provide the medical records. The director of the CE, is present online. She would candidly admit, it was not given on the day of the incident however, they provided the record to the complainant after 2-3 days. The complainant was not happy as all records had not been given.

The complaint was filed before us on January 18, 2021. Soon after the receipt of the complaint a copy was sent to the CE by our office asking them to give their response and detailed report. CE sent a letter dated January 27, 2022 to the Commission without any medical record. Commission, by a further mail dated February 2, 2022, asked for the OT note that is also not provided by the CE. CE would now contend, police has seized the records however, they are silent as to why the photocopy of the records maintained by them are not shared with the Commission, despite request.

We direct the CE to share all medical records to the complainant, if not given earlier, and file a report of compliance with the Commission Office.





We impose a penalty of Rs. 10,000/- on the CE for concealment of the records that were intentionally not shared with the Commission as observed above.

With regard to medical negligence, the complainant is directed to approach appropriate forum against the treating team. In case he is successful he would be at liberty to approach us again for appropriate relief.

The complaint is disposed of.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Prof. (Dr.) Madhusudan Banerjee – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

*Authentic*

ARSHAD HASAN WARSI  
Secretary  
W. B. C. E. R. C. (Ex)