

Office of the West Bengal Clinical Establishment Regulatory Commission  
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**Case Reference: INT/KOL/2022/047**

Mr. Manojit Mondal ..... Complainant

vs

Medica Super Speciality Hospital..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	25/02/2022	<p>The complaint would relate to hospital negligence as well as medical negligence. The facts would reveal, the patient Manoranjan Mondal was admitted on December 1, 2020 at Medica with various co-morbidities. He was critically ill and had a prolong treatment at Medica. Despite treatment being given, he passes away on January 5, 2021.</p> <p>The complainant, son of the patient, has made this complaint before us on February 8, 2022 raising various issues that we would be discussing one after the other.</p> <p>Complainant had a doubt whether his father actually died on the day as informed to the patient party by the hospital. Pertinent to note, it was a covid peak period.</p>



		<p>The hospital was following covid protocol. Dead body cremation was being done by the municipal authority with the assistance of patient party. The dead body was covered strictly as per covid protocol as contended by the CE. The face was shown to the complainant. He identified the body thereafter, the dead body was handed over. This fact would be appearing in the long response dated February 23, 2022 that we have received from the CE.</p>
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At the time of hearing, we have made it clear to the complainant, medical issue would be completely outside our domain. Neither we are authorised to examine the same nor are we competent to do the same. The complainant would however insist, we should deal with it.

The doubt that has arisen in the mind of the complainant was due to the mistake that crept in one ABG report dated December 02, 2020 having different wrong ID number. Earlier ABG report dated December 1, 2020 taken just few hours before the second report would



have the correct number. Mr. Dashora on behalf of the CE would clarify, the software programming that there were having, would have one ID number. Subject ABG was done by the paramedical staff bedside and by mistake wrong ID was put manually. They already clarified the mistake to the complainant. He would also contend, there could not be any doubt as no patient by the same name was admitted at the CE during the period when the complainant's father had been undergoing treatment. Similarly, on January 5, 2021 the complainant father had died and there was no other death by the same name on the said date at the CE. The complainant initially approached other authority including Health department. The Department asked for clarification and clarification was made accordingly.

The complainant would also complain, he approached the police authority who declined to register the complaint. Hence, he has approached us.

We are satisfied with the answer given by the CE on this count. We however caution the CE, they must update



their staff so that this type of mistake would not recur in future.

The complainant would also doubt how so many tests could be done within a span out of 3-4 hours. Decision to go for any test, would be exclusively within the domain of the treating doctor and his decision would be final. We do not have the authority to question the same.

The complainant would raise the issue of counselling. According to him, at the time of admission he had given his phone number as primary one and a second number as additional one. The CE always used the second number. In our view, this would be a trifle issue. No contemporaneous complaint was ever made on that score. The complainant has expresses satisfaction on the counselling process that the CE was having. He has also thanked the CE for extending cooperation including arranging vehicle to carry the dead body.

We do not find any scope of interfere.



We grant liberty to the complainant to approach the appropriate authority questioning the treatment protocol that would be outside our domain.

In case he is successful he would be at liberty to approach us again for appropriate relief against the CE.

The complaint is disposed of.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Prof. (Dr.) Madhusudan Banerjee – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

*Authenticated*

*ARSHAD HASAN WARSI*  
Secretary  
W. B. C. E. R. C.