

Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: INT/SPG/2022/052

Ms. Asmuda Bibi..... Complainant

vs

Banganagar Nursing Home..... Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	21/04/2022	<p>The patient died of complication during surgery. The incident happened on October 15, 2017 whereas the complaint has been filed before us on February 9, 2022. Although the complaint is inordinately belated, considering the factual scenario we admitted the petition and placed the matter on February 25, 2022 for hearing online when the parties were absent. Today, we have fixed it for hearing when the nursing home and the complainant are duly represented.</p> <p>The complainant would contend, at the time of incident the nursing home authority agreed to pay Rs. 5.5 lakhs. Initially, they gave some money and the balance was paid by post dated cheques that were subsequently</p>



dishonoured for non payment. The complainant would now contend, since the nursing home defaulted in making payment of sum of Rs.4,00,000/- she would insist upon compensation of Rs. 1.5 crores.

We have heard the nursing home authority. It is a five bedded nursing home. Dr. Bijay Kumar Biswas conducted the surgery. The complainant did not make any grievance against the Doctor before the appropriate authority so far we are aware of. It is most unfortunate, the patient died at the time of surgery. We are told, he was the only bread winner of the family. We have full sympathy for the family. However, the present application for compensation of Rs. 1.5 crore is totally misconceived and as such is rejected.

At this stage, the complainant would contend, if the Commission is not satisfied with her prayer for compensation of Rs. 1.5 crore on humanitarian ground they should try to recover the balance amount of the dishonoured cheques. We have tried our best. We are prepared to give instalment of Rs. 20,000/- per month.

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The nursing home is adamant. They are not agreeable to accept that. In such case, we grant liberty to the complainant to approach the appropriate court of law against the dishonour of the cheques.

We request the State Legal Service Authority to assist the complainant in this regard.

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

Secretary
West Bengal Clinical Establishment
Regulatory Commission

Authenticated
W.B.