

Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: INT/KOL/2022/115

Mr. Dilip Kr. Majumder Complainant

vs

Ashirvad Nursing Home Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	01/06/2022	<p>This complaint would relate to exorbitant billing and refusal to give breakup.</p> <p>We have heard the parties at length. We have also audio recorded the entire proceedings.</p> <p>The complaint would reveal, the patient Smt. Bulu Majumder was admitted at the CE on May 8, 2021 after being covid positive. She was discharged on DAMA on May 14, 2021. According to the complainant, the husband of the patient, the Nursing Home charged Rs. 5.22 lakhs that the complainant paid partially by debit card and the balance by cash. The Nursing Home gave receipts for the entire sum of Rs. 5.22 lakhs. The complainant is a government employee and as such, he is</p>



entitled to reimbursement. He approached the Nursing Home for a break up bill that the Nursing Home refused. Hence, this complaint.

The entire scenario had a twist when the Nursing Home filed an affidavit denying payment of said 5.22 lakhs. The Nursing Home, through Mrs. Uma Kapoor, the proprietress, would admit, the patient was treated at the Nursing Home as a covid positive patient and the Nursing Home billed a sum of Rs. 1,47,940/- that they received from the patient. She would emphatically deny receipt of Rs. 5.22 lakhs.

Initially, the complainant did not disclose any document in support of his complaint. Subsequently, by a letter dated May 30, 2022 he disclosed the documents that would include receipts for Rs. 5.22 lakhs and a final bill for the same. According to the bill disclosed by the complaint, the Nursing Home billed a sum of Rs. 5,41,700/- and gave a discount of Rs. 19,700/- and admitted receipt of Rs. 5.22 lakhs in full and final



		<p>settlement, at the time of discharge.</p> <p>Mr. Soumava Mukherjee, Learned Advocate, representing the CE, would contend, the CE is not responsible for any cash payment purported have been made by the complainant. However, he has no plausible explanation as to the card payments amounting to Rs. 1.72 lakhs that would far exceed the said sum of Rs. 1.47 lakhs as claimed to have been received by the CE.</p> <p>In this regard, it would be pertinent to mention, similar type of complaint was disposed of by this Commission in the Case of Sekhar Ch Kundu vs Ashirvad Nursing Home (375 of 2021) where initially, the Nursing Home prayed for instalment to refund the excess sum paid by the complainant. We granted instalment as per the request of Dr. Nandini Kapoor , the daughter of the Mrs. Uma Kapoor the proprietress herein. By the Order dated August 4, 2021 we disposed of the said application.</p> <p>Subsequently, an application for review was filed by</p>
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		<p>the CE taking a different stand to the extent, they did not receive the amounts so claimed by the complainant and as such question of refund of the excess sum would not arise.</p> <p>We have referred the matter to the Kolkata Police and the investigation is pending before the appropriate authority.</p> <p>Today, at the hearing, Mrs. Kapoor emphatically says apart from Mr. Subodh Kr. Singh and Dr. Nandini Kapoor there was nobody to look after the Nursing Home at that time. Dr. Indranil Basak took charge of the Nursing Home at that time on the basis of verbal arrangement. The complainant might have paid to Dr. Basak or his associates for which Nursing Home should not be held responsible. Nursing Home was supposed to give support of logistics. Nursing Home also arranged oxygen support. Accordingly, they billed the patient and received the sum. The excess amount, if any, might have been received by someone who was not authorised by Nursing Home and Nursing Home is not obliged to take</p>
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responsibility of the same.

We refer the issue to the Deputy Commissioner, Detective Department, Kolkata Police who would be investigating into the complaint along with the case of Sekhar Chandra Kundu pending before him. Both these cases should be investigated upon and brought to a logical conclusion upon intimation to the Commission.

The office is directed to send all original records pertaining to this case as well as the case of Sekhar Chandra Kundu (if not already sent) so that Police Authority can proceed with the investigation. Parties are also directed to cooperate with the police authority.

The Nursing Home has already admitted, the patient was treated at the Nursing Home. The Nursing Home also admitted, they received payment for the same. We direct Ashirvad Nursing Home to give a detailed break up bill for the admitted sum of Rs. 1, 47,940/- as per the requirement of the complainant for claiming reimbursement under the CGHS Scheme.



Such breakup bill must be given within two weeks from date.

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

Authenticated

Secretary
West Bengal Clinical Establishment
Regulatory Commission