

Case Reference: INT/KOL/2022/131

Mr. Kaushal Mishra Complainant

vs

B M Birla Heart Research Centre Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	04/07/2022	<p>The complaint would relate to hospital negligence. The patient went for CT Angio on June 9, 2022 there has been improper cannulation resulting in extravasation of contrast material. The right hand was completely swollen as would appear from the picture shared by the patient, the complainant (himself). From the record, it further appears, soon after the incident the patient was taken to the Emergency. He was made to wait for one hour when a nurse came out with the prescription. According to the complainant, no doctor examined him. Dr. Avik Bhattacharjee, representing the CE, would however, contend, due care was taken at the time of CT Angio.</p> <p>The patient went back home and had tremendous</p>



pain. He made a complaint through E-mail at 5.35 PM . The mail was received by Ms. Sanchita Dhali on behalf of the CE who immediately forwarded it to Ms. Jayati Biswas at 6.22 PM by a forwarding mail. No step was taken by the CE on the basis of such mail on the said date.

The complainant was compelled to make a complaint to the Commission that the Commission received at 12.30 PM on the next day i.e, June 10, 2022. The complaint was endorsed to the CE as well. The Commission mailed the same to the CE asking for their response. The CE thereafter activated themselves and arranged an audio counselling. Fortunately, the problem could be resolved. At the hearing, the CE miserably has failed to explain their conduct from 6.22. PM on June 9, 2022, till 12.30 PM next day when the complainant lodged his complaint with the Commission.

The medical experts present at the panel are unanimous of the view, it is a known complication and could happen in course of treatment. However, the post



complication was not properly attended to.

We hold, the CE guilty of the negligence.

We impose a penalty of Rs. 10,000/- to be paid to the complainant on sharing of his bank details.

Ms. Mandobi Chowdhury, Learned Counsel, representing the CE would admit it was an unfortunate incident and CE is prepared tender apology for the same. She would pray for mercy and request the Commission not to penalise the CE. According to her, necessary steps were taken soon after the incident hence, the CE should not be held responsible.

While appreciating the gesture shown by Ms. Chowdhury tendering apology for the incident we cannot shut our eyes when we find no explanation at all for the period from 6.22 PM on June 9, 2022 till 12.30 PM on June 10, 2022 when the complainant had to make a complaint before the Commission with a copy endorsed to the CE.

We leave it to the wisdom of the CE whether they

would send any letter of regret or not. We direct payment of Rs. 10,000/- as observed above.

The complainant is directed to share his bank details so that money could be directly transferred to his account.

The complaint is disposed of.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

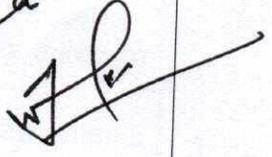
Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

Authenticated


Secretary
West Bengal Clinical Establishment
Regulatory Commission.