

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: INT/HGY/2022/152

Mr. Anup Ghosh..... Complainant

vs

Netaji Subash Chandra Bose Cancer Hospital Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	29/08/2022	<p>The complainant has approached the CE for a particular Radiation treatment of his wife who was suffering from Carcinoma.</p> <p>Records reveal, the concerned treating doctor advised for the therapy on June 2, 2022. At that time, her SPO2 level was 87 percent. According to the treating doctor, that was the comfortable status of the patient to take the isotopes therapy however, when the isotopes came from Mumbai on June 20, 2022 SPO2 level reached 81 percent that according to the doctor, was not the right status to administer such therapy hence, the therapy was not given. Unfortunately the patient ultimately breathed her last.</p>




Secretary
West Bengal Clinical Establishment
Regulatory Commission

			<p>The complainant, the husband of the deceased patient, asked for the refund of the sum of Rs. 40,370/- which was deposited in advance for the therapy. The CE agreed to refund Rs. 10,370/- being their part of the cost of the procedure. Since the price of the isotopes had been paid to the manufacturer the CE expressed their inability to refund the balance sum of Rs. 30,000/- hence, this complaint.</p>
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The complainant is present online. According to him, when the CE, through their doctor, advised for the therapy the patient was having saturation much below the normal level. He was not counselled about the advantage and disadvantage of the therapy and the eventuality that ultimately occurred. He is not sure whether such isotopes was used for any other patient for unlawful gain.

We have heard the representatives of the CE. They would contend, the particular isotopes was ordered considering the body mass index of the patient and it was made to order to be used only for a particular patient that could not be used for any other person. They are still

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			<p>having the isotopes in a radiation free zone and the same would be de-activated at an appropriate time as per the procedure. Since they have already paid the money to the manufacturer they are not in a position to refund the cost of the isotopes.</p>
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On the issue of counselling, the CE would contend, from time to time, they were in touch with the complainant that would have no corroboration from any evidence.

We have considering rival contentions. It is most unfortunate, the complainant has lost his wife and the money too. At the same time we cannot brush aside the contention of the CE that they would have no hand in the situation.

In such circumstances, to strike a balance, we direct refund of the sum of Rs. 20,000/- being approximately 50 percent of the total cost of the procedure.

Such direction is given considering the fact that there was deficiency in the counselling procedure.



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

With this direction the complaint is disposed of.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-

Smt Madhabi Das – Member

